

No. Z-86-19

Subj: ZONE #85-0173
TEXT CHANGE TO ZONING ORDINANCE
(FLOATING HOMES)

USE 006 FOR 03

2130PM12/16/868 CO.COM \$0.00

RESOLUTION

WHEREAS, Article 66B of the Annotated Code of Maryland, as amended, empowers the Board of County Commissioners of St. Mary's County, Maryland, to enact a Zoning Ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, the Board of County Commissioners did, on May 28, 1974, adopt the St. Mary's County Zoning Ordinance for the purpose of promoting the health, safety and general welfare of the County; and

WHEREAS, Article 25, Section 234A of the Annotated Code of Maryland authorizes the Board of County Commissioners to regulate and restrict the mooring, docking, anchoring and installing of any floating home within the waters of St. Mary's County, effective July 1, 1985; and

WHEREAS, Article 66B, Section 9.04 of the Annotated Code of Maryland provides for a moratorium on the mooring, docking, anchoring or installing of floating homes within the waters of St. Mary's County for a period of one (1) year from its date of passage on May 21, 1985 or until the Board of County Commissioners adopted and made effective comprehensive zoning ordinances and plans concerning such floating homes, whichever date first occurs; and

WHEREAS, the St. Mary's County Planning Commission and the Board of County Commissioners conducted a joint public hearing concerning floating homes on March 11, 1985; and

WHEREAS, after a lengthy and careful study, the Board of County Commissioners make the following findings with respect to floating homes:

1. St. Mary's County faces a significant increase in the number of floating homes moored, docked, anchored or installed in its water.
2. Floating homes may pose navigational hazards to small craft travelling in marinas or other restricted areas.
3. Floating homes may avoid real property tax assessments and place an unreasonable burden on the County's fiscal resources.
4. Floating homes may pose a threat to marine plant and animal life by blocking valuable light and improper discharge of waste.
5. Fire and police protection may be more difficult to provide to floating homes due to restricted access within the pier areas.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, this 9th day of December, 1986, that the St. Mary's County Zoning Ordinance is hereby amended as follows:

Add to Article 2, Page 2-7, the following:

"20.05 PROHIBITED USES

Floating homes are prohibited within all zoning districts, subject to the following:

1. Any floating home whose construction had been completed and which was moored, docked, anchored or installed within the waters of St. Mary's County on or before May 21, 1985 and which has remained within the waters of St. Mary's County continuously since that date shall be exempt from this prohibition for a period of five (5) years, ending December 9th, 1991.

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1986 006 PAGE 02 (Page 2 of 2)

- "2. Any floating home subject to the five (5) year phase-out shall immediately forfeit such exemption if removed from the water or territory of St. Mary's County, for any purpose or reason whatsoever.
3. No floating home subject to the five (5) year phase-out may relocate to any mooring, dock, anchorage or installation other than the property at which such floating home was moored, docked, anchored or installed on May 21, 1985."

Add to DEFINITIONS, Page 8-7, the following:

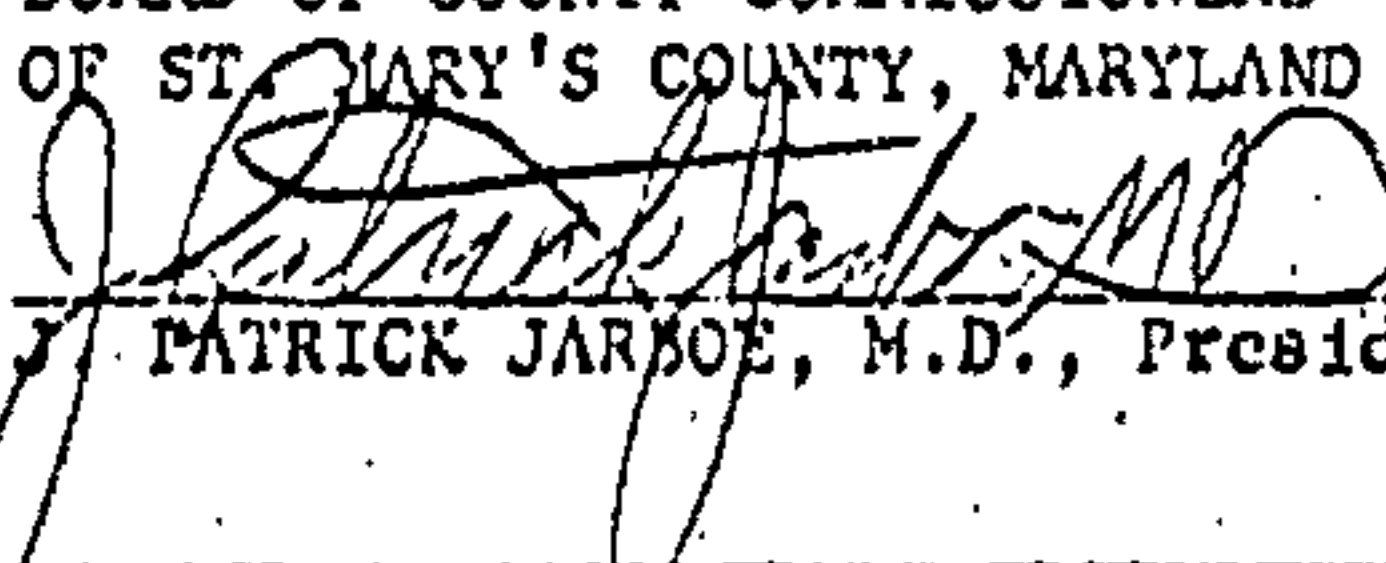
"FLOATING HOMES means any vessel, whether self-propelled or not, which

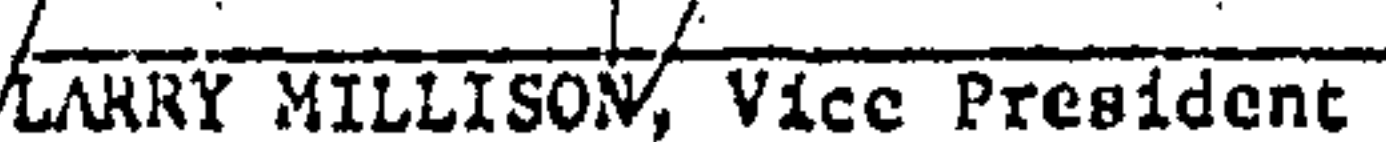
is:

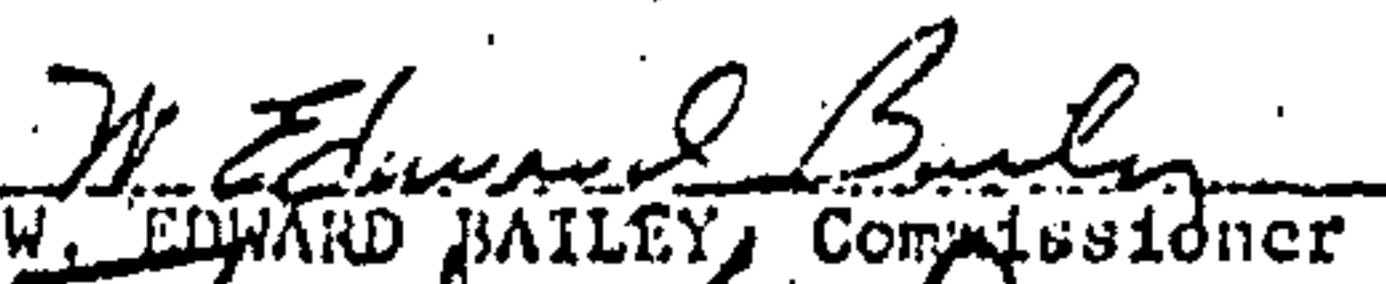
- a. Used, designated, or occupied as a permanent dwelling unit, place of business, or for any private or social club, including a structure constructed upon a barge primarily immobile and out of navigation or any structure which functions substantially as a land structure while the same is moored or docked within Maryland; and
- b. Which has a volume coefficient greater than 3,000 square feet based upon the ratio of the habitable space of a vessel measured in cubic feet and the draft of a vessel measured in feet of depth."

This Date: December 9, 1986

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND


PATRICK JARBOE, M.D., President


LARRY MILLISON, Vice President


W. EDWARD BAILEY, Commissioner


FORD L. DEAN, Commissioner


DAVID F. SAYRE, Commissioner

ATTEST:


EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:


JOSEPH R. DENSFORD
Assistant County Attorney

Ret'd to: Patricia R. Guy

DEC 16 1986

MARY R. BELL, CLERK

SUBJ: AMENDMENT TO RESOLUTION 86-29
PUBLIC FACILITIES REFUNDING
BONDS OF 1986

1986 006 03

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

Resolution No. 86-33

A RESOLUTION of the County Commissioners of St. Mary's County amending Resolution 86-29 to provide that interest on the bonds authorized and sold under Resolution 86-29 shall be payable on April 1, 1987 and each October 1 and April 1 thereafter while such bonds remain outstanding.

BE IT RESOLVED BY THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY:

Section 1. Resolution 86-29 is hereby amended and supplemented to provide that the interest on the bonds authorized by Resolution 86-29 shall be payable on April 1, 1987 (4 months' interest) and semi-annually on each October 1 and April 1 thereafter until the date of maturity or the date of prepayment of such 1986 Refunding Bonds, whichever is earlier.

Section 2. This Resolution shall become effective immediately upon its passage.

ADOPTED the 16th day of December, 1986.

COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY

[SEAL]

J. Patrick Jarboe
J. Patrick Jarboe, M.D.,
President

1:27PM 12/18/86 CD.COM 90.00

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

J. Laurence Millison
J. Laurence Millison,
Vice President

David F. Sayre
David F. Sayre, Commissioner

Ford L. Dean
Ford L. Dean, Commissioner

W. Edward Bailey
W. Edward Bailey, Commissioner

-1-

7504812/18/86
7686-23

Let's to Judy Landram DEC 18 1986

MARY R. BELL, CLERK

USER 006 PAGE 04

SUBJ: COUNTY COMMISSIONERS OF ST. MARY'S
COUNTY ECONOMIC DEVELOPMENT REVENUE
BONDS (ARKO AQUACULTURE LIMITED
PARTNERSHIP PROJECT)

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

RESOLUTION NO. 86-32

BY THE BOARD OF COUNTY COMMISSIONERS

A RESOLUTION

ENTITLED

1:27PM 12/18/86A CO.COM \$0.00

A RESOLUTION to authorize and provide for the issuance, sale and delivery by County Commissioners of St. Mary's County of its revenue bonds in an aggregate principal amount not to exceed \$5,000,000 to be designated "County Commissioners of St. Mary's County Economic Development Revenue Bonds (Arko Aquaculture Limited Partnership Project)" pursuant to the provisions of Sections 14-101 through 14-109, inclusive, of Article 41 of the Annotated Code of Maryland (1986 Replacement Volume), in order to lend the proceeds thereof to Arko Aquaculture Limited Partnership, solely for the purpose of financing the acquisition, construction, and equipping of an aquaculture production processing and marketing facility to be located at a site or sites within the boundaries of St. Mary's County, Maryland; to make certain legislative findings concerning, among other things, the public benefit and purpose of the revenue bonds; TO PROVIDE THAT THE REVENUE BONDS AND THE INTEREST ON THEM SHALL BE PAYABLE SOLELY FROM REVENUES RECEIVED IN CONNECTION WITH THE FINANCING OR REFINANCING OF THE FACILITY AND FROM ANY OTHER MONEYS MADE AVAILABLE TO COUNTY COMMISSIONERS OF ST. MARY'S COUNTY FOR SUCH PURPOSE AND THAT NEITHER THE REVENUE BONDS NOR THE INTEREST ON THEM SHALL EVER CONSTITUTE AN INDEBTEDNESS OR A CHARGE AGAINST THE GENERAL CREDIT OR TAXING POWERS OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY WITHIN THE MEANING OF ANY CONSTITUTIONAL PROVISION OR STATUTORY LIMITATION AND NEITHER SHALL EVER CONSTITUTE OR GIVE RISE TO ANY PECUNIARY LIABILITY OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY; to authorize the private (negotiated) sale of the revenue bonds; to authorize the President of the Board of County Commissioners of St. Mary's County, to specify, prescribe, determine, provide for and approve all matters, details, forms, documents or procedures necessary or appropriate to the authorization, sale, security, issuance, delivery or payment of or for the revenue bonds; and generally to provide for and determine various matters in connection with the authorization, issuance, sale and delivery of the revenue bonds.

RECITALS

Sections 14-101 through 14-109, inclusive, of Article 41 of the Annotated Code of Maryland (1986 Replacement Volume) (the "Act") empower all the counties and municipalities of the State of Maryland (the "State") to issue and sell limited obligation revenue bonds and to lend the proceeds of the sale of such bonds to one or more facility users (as defined in the Act) under a loan agreement to finance or refinance one or more facilities (as defined in the Act).

The Act declares it to be the legislative purpose to relieve conditions of unemployment in the State, to encourage the increase of industry and commerce and a balanced economy in the State, to assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State through, among other things, port development and the control, reduction or abatement of pollution of the environment and the utilization and disposal of wastes (where proceeds of the bonds are used for any of these purposes), to promote economic development, to protect natural resources and encourage resource recovery, and generally to promote the health, welfare and safety of the residents of each of the counties and municipalities of the State.

Arko Aquaculture Limited Partnership, a Maryland limited partnership, with Arko Development Systems Limited, a District of Columbia corporation, as its general partner, a facility applicant and a facility user within the meaning of the Act (the "Borrower"), requested County Commissioners of St. Mary's County,

a body politic and corporate and a political subdivision of the State of Maryland (the "Issuer"), to participate in the financing of a facility as defined in the Act (the "Facility") by authorizing, issuing and selling its revenue bonds in an aggregate principal amount not to exceed \$5,000,000 (the "Bonds") and lending the proceeds of the sale thereof (the "Loan") to the Borrower. At a regular meeting held on October 28, 1986, the Board of County Commissioners of the Issuer adopted an inducement resolution as evidence of its present intent to issue the Bonds (the "Inducement Resolution").

The Inducement Resolution was intended to constitute (i) the "some other similar official action" toward the issuance of revenue bonds for the Project pursuant to the Act within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Treasury Department, as applied to "small-issue" industrial development bonds pursuant to rulings of the Internal Revenue Service, (ii) an administrative resolution pursuant to Section 14-104(d) of the Act, and (iii) the public approval of the bonds required by Section 147(f) of the Internal Revenue Code of 1986 (Section 103(k) of the Internal Revenue Code of 1954), which approval follows a public hearing held before the Board of County Commissioners of the Issuer on October 28, 1986, notice of which was published in a newspaper of general circulation in the County on October 10 and 15, 1986.

The Inducement Resolution also authorized the Issuer to enter into an Inducement Agreement with the Borrower which Inducement Agreement constituted a "letter of

intent or similar agreement" with the Issuer as referred to in Section 14-104(d) of the Act.

The Facility, as described in the Inducement Resolution, will be located on all or a portion of the following sites in St. Mary's County: (1) Hewins Farm, located off Bull Road, approximately 1 mile east of Maryland Route 243, the access road to Society Hill Subdivision, otherwise known as Breton Bay in Leonardtown, Maryland; (2) Aquafood International, Inc. site at Piney Point, located off Maryland Route 249, approximately 1 mile south of Tall Timber Marina Road and approximately 100 yards north of the entrance to Steuart Petroleum, and bounded by Maryland Route 249 and St. George's Creek; (3) Medley Neck Farm at Posey's Bluff, located off Breton Beach Road (Maryland Route 244) approximately 5 miles south of Leonardtown immediately past the entrance to Maryland Rock Industries and bounded by the Potomac River and Breton Beach Road, and will consist generally of an aquaculture production, processing and marketing facility on approximately 50 acres of land, including a fish hatchery of approximately 20,000 square feet, approximately 40 fingerling and grow-out ponds and tanks, and a processing plant of approximately 10,000 square feet, together with related storage and distribution facilities.

It is anticipated that the Bonds will be purchased by TRUST E/B/O CERTAIN MEMBERS OF THE KADI FAMILY DTD 12/10/86 pursuant to the terms and conditions of a commitment letter acceptable to the Borrower.

It is intended that this Resolution shall constitute the administrative resolution contemplated by Section 14-104(e) of the Act authorizing the issuance and sale of the Bonds and the authorization of the Chief Executive Officer (as defined in the Act) of the County to specify, proscribe, determine, provide for or approve such matters, details, forms, documents, or procedures as may be appropriate to the authorization, sale, security, issuance, delivery, or payment of or for the bonds, including, without limitation, creation of security for the bonds and provision for the administration of bond issues such as trust or other agreements with banks or trust companies regarding any countersignature or delivery of bonds or security for bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY:

SECTION 1. It is hereby found and determined as follows:

(a) The Facility is a facility within the meaning of the Act and shall consist of land or interest in land, buildings, structures, machinery, equipment, furnishings or other real or personal property or interest in them (as more particularly described in the Inducement Resolution). The Borrower is a facility user within the meaning of the Act.

(b) The accomplishment of the transactions contemplated and authorized by this Resolution, including (without limitation) the acquisition, construction, reconstruction, equipping, expansion, extension, improvement, rehabilitation or remodeling (collectively, the "Acquisition") of the Facility by

the Borrower and the financing thereof as provided in this Resolution, will promote the declared legislative purposes of the Act by (i) sustaining jobs and employment opportunities, thereby relieving conditions of unemployment in the State and in St. Mary's County; (ii) encouraging the increase of industry and commerce and a balanced economy in the State and in St. Mary's County; (iii) assisting in the retention of existing industry and commerce in the State and in St. Mary's County; (iv) promoting economic development in the State and in the County of St. Mary's County; and (v) generally promoting the health and welfare of the residents of the State and of St. Mary's County.

(c) The issuance of the Bonds will facilitate and expedite the Acquisition of the Facility by the Borrower.

(d) The Act expressly authorizes, and it is hereby declared to be in the best interests of, the Issuer to finance the Acquisition of the Facility by lending the proceeds of the sale of the Bonds to the Borrower pursuant to a loan agreement between the Issuer and the Borrower. Accordingly, this Resolution and the other documents authorized hereby contain such provisions as the Issuer deems appropriate to finance the Acquisition of the Facility in this manner.

(e) NEITHER THE BONDS NOR THE INTEREST ON THEM SHALL EVER CONSTITUTE AN INDEBTEDNESS OR A CHARGE AGAINST THE GENERAL CREDIT OR TAXING POWERS OF THE ISSUER WITHIN THE MEANING OF ANY CONSTITUTIONAL PROVISION OR STATUTORY LIMITATION AND NEITHER SHALL EVER CONSTITUTE OR GIVE RISE TO ANY PECUNIARY LIABILITY OF THE ISSUER. THE BONDS SHALL NOT CONSTITUTE AN

INDEBTEDNESS TO WHICH THE FAITH AND CREDIT OF THE ISSUER IS PLEDGED. THE BONDS AND THE INTEREST ON THEM SHALL BE LIMITED OBLIGATIONS OF THE ISSUER, AND THE PRINCIPAL OF, PREMIUM IF ANY, AND INTEREST ON THE BONDS SHALL BE PAYABLE SOLELY FROM REVENUES RECEIVED IN CONNECTION WITH THE FINANCING OR REFINANCING OF THE FACILITY AND FROM ANY OTHER MONIES MADE AVAILABLE TO THE ISSUER FOR SUCH PURPOSE, INCLUDING (WITHOUT LIMITATION) ANY MONIES REALIZED AS A RESULT OF ANY SECURITY FOR THE LOAN.

(f) As security for the Bonds, the Issuer may enter into an agreement with the trustee for the benefit of the holders of the Bonds or with the holders of the Bonds if no trustee is appointed for the purpose of assigning or pledging revenues received in connection with the financing or refinancing of the Facility. Except for certain rights of the Issuer to indemnification and to payments with respect to its administrative expenses, the entire revenues derived from payments on the Loan shall be set apart and applied to the payment of the principal of, premium if any, and interest on the Bonds.

(g) The proceeds of the Loan will be paid directly to, and will be disbursed by, the trustee for the benefit of the holders of the Bonds or by the holders of the Bonds if no trustee is appointed. No moneys will be commingled with the issuer's funds or will be subject to the absolute control of the issuer, but only to such limited supervision and checks as are deemed necessary or desirable to insure that the proceeds of the sale of the Bonds are used to accomplish the public purposes of the Act and this Resolution. The transactions contemplated by

this Resolution do not constitute the acquisition of any physical public betterment or improvement of property for public use.

(h) The Issuer will acquire and retain no interest in the Facility, either on its own behalf or for the purpose of creating any security for the Bonds. Any such security interest in favor of the Issuer shall be assigned to the trustee for the benefit of the holders of the Bonds or to the holders of the Bonds if no trustee is appointed. The security for the Bonds shall be solely and exclusively the pledging and setting aside of the revenues received by the Issuer from the absolute, irrevocable and unconditional obligation of the Borrower to make the payments required by the loan agreement and any and all moneys realized as a result of any security for the Loan.

SECTION 2. (a) The Issuer is hereby authorized to issue, sell and deliver the Bonds, designated "County Commissioners of St. Mary's County Economic Development Revenue Bonds (Arko Aquaculture Limited Partnership Project)," at any time and from time to time in one or more series, in the aggregate principal amount not to exceed \$5,000,000, pursuant to the Act and this Resolution.

(b) This Resolution constitutes the election of the Issuer to issue the Bonds in an aggregate principal amount exceeding \$1,000,000 but not exceeding \$10,000,000 as provided in Section 144(a)(4) of the Internal Revenue Code of 1986 and Section 1.103-10(b)(2) of the Income Tax Regulations.

SECTION 3. It is hereby determined that the best interests of the Issuer and the Borrower will be served by

selling the Bonds at private (negotiated) sale, as permitted by the Act, to TRUST F/B/O CERTAIN MEMBERS OF THE KADI FAMILY DTD 12/10/86 or to such other person as may be satisfactory to the Issuer and the Borrower.

SECTION 4. The proceeds of the sale of the Bonds will be loaned by the Issuer to the Borrower and shall be used by the Borrower solely for the purpose of financing costs of the Acquisition of the Facility, including payment of the necessary expenses of preparing, printing, selling and issuing the Bonds, the funding of reserves, payment of interest prior to and during the period of Acquisition of the Facility and for a reasonable period thereafter and payment of any other costs permitted by the Act. The Borrower shall manage, or provide for the management of, the Facility so as to remain a facility user within the meaning of the Act for as long as the Bonds remain outstanding and unpaid.

SECTION 5. As permitted by the Act, the President of the Board of County Commissioners of the Issuer is hereby authorized and directed to specify, prescribe, determine, provide for and approve all matters, details, forms, documents or procedures necessary or appropriate to the authorization, sale, security, issuance, delivery or payment of or for the Bonds, including (without limitation) determining or approving the purchaser of and purchase price for the Bonds, the principal amount of Bonds to be issued, the date or dates on which the Bonds shall mature, the rate or rates of interest which the Bonds shall bear, the prepayment provisions relating to the Bonds, the trustee (if any)

for the benefit of the holders of the Bonds and all terms, provisions, form, content and substance of any loan agreement, bond agreement, bond purchase or funding agreement, collateral security agreement, escrow deposit agreement, guaranty agreement or other financing or security agreement (collectively, the "Documents") relating to the Bonds, provided that all such matters, details, forms, documents or procedures specified, prescribed, determined, provided for or approved by the President of the Board of County Commissioners of the Issuer shall be within the scope of the transactions authorized by, and consistent with the terms of, the Act and this Resolution. Any order issued pursuant to this Section 5 shall be deemed administrative in nature and shall be effective upon the date specified therein.

SECTION 6. (a) The President of the Board of County Commissioners of the Issuer, by his manual or facsimile signature, is hereby authorized and directed to execute the Bonds in the name and on behalf of the issuer and to deliver the Bonds to the purchaser thereof, and the President of the Board of County Commissioners of the Issuer shall direct that the corporate seal of the Issuer be impressed on the Bonds and attested by the manual or facsimile signature of the County Administrator of the Issuer.

(b) The President of the Board of County Commissioners of the Issuer is hereby authorized to execute, by his manual or facsimile signature, to deliver, in the name and on behalf of the issuer, and to cause the corporate seal of the Issuer, attested by the manual or facsimile signature of the

County Administrator of the Issuer, to be impressed upon the Documents. Upon due execution by the President of the Board of County Commissioners on behalf of the Issuer, the Bonds and the Documents shall become binding upon the Issuer in accordance with their respective terms, as authorized by the Act and this Resolution.

SECTION 7. If any officer or employee of the Issuer who shall have signed or sealed the Bonds or any of the Documents shall cease to be such officer or employee before the delivery of the Bonds or any of the Documents, the signature or countersignature shall nevertheless be valid and sufficient for all purposes, as if the officer or employee had remained in the office or position until delivery of the Bonds or Documents.

SECTION 8. The President of the Board of County Commissioners, and the County Administrator and all other officials of the Issuer are hereby authorized to do any and all things, execute, acknowledge, seal and deliver such other and further instruments, supporting documents and certificates, and otherwise take any and all action, necessary, proper or expedient to consummate the transactions contemplated by this Resolution in accordance with the Act and this Resolution.

SECTION 9. The Borrower shall pay directly all costs, fees and expenses incurred by or on behalf of the Issuer in connection with the authorization, issuance, sale and delivery of the Bonds, including, without limitation, costs of preparing, printing, selling and issuing the Bonds, all legal expenses (including the fees of counsel to the purchaser, counsel to the

trustee [if any] and Bond Counsel [hereinafter defined] to the Issuer) and compensation to any person performing services by or on behalf of the Issuer in connection therewith (other than compensation of full-time employees of the Issuer), insofar as such costs, fees and expenses are not paid from the proceeds of the Bonds.

SECTION 10. (a) The President and the County Administrator of the Issuer shall be the officers of the Issuer responsible for the issuance of the Bonds within the meaning of Section 1.103-13(a)(2)(ii)(C) of the Arbitrage Regulations (hereinafter defined) and shall also be the officers of the Issuer responsible for the execution and delivery (on the date of issuance of the Bonds) of a certificate of the Issuer (the "Section 148 Certificate") which, in the opinion of counsel whose opinions are generally accepted in the field of municipal finance ("Bond Counsel"), complies with the requirements of Section 148 of the Code ("Section 148") and the applicable regulations thereunder (the "Arbitrage Regulations"), and the President and County Administrator of the Issuer are hereby authorized and directed to execute the Section 148 Certificate and to deliver the same to Bond Counsel on the date of the issuance of the Bonds.

(b) The Issuer recognizes its obligation to set forth in the Section 148 Certificate its reasonable expectations as to relevant facts, estimates and circumstances based on the representations of the Borrower relating to the use of the proceeds of the sale of the Bonds, or of any moneys, securities or other obligations on deposit to the credit of any funds

created and established by the Documents which may be deemed to be proceeds of the sale of the Bonds pursuant to Section 148 or the Arbitrage Regulations (collectively, "Bond Proceeds"), in order that correct legal conclusions can be reached regarding the effect of such facts, estimates and circumstances. Accordingly, the Issuer covenants that (i) the facts, estimates and circumstances set forth in the Section 148 Certificate will be based on the Issuer's reasonable expectations on the date of issuance of the Bonds and will be, to the best of the certifying officers' knowledge, true and correct as of that date and (ii) the certifying officers will certify that they are not aware of any facts or circumstances that would cause them to question the accuracy of the representations made by the Borrower.

(c) The Issuer covenants that it will not make, or (to the extent it exercises control or direction) permit any other person to make, any use of the Bond Proceeds which, if such use had been reasonably expected on the date of issuance of the Bonds, would have caused the Bonds to be "arbitrage bonds" within the meaning of Section 148 and the Arbitrage Regulations. The Issuer further covenants that it will comply with those provisions of Section 148 and the Arbitrage Regulations which are applicable to the Bonds on the date of issuance of the Bonds and which may subsequently lawfully be made applicable to the Bonds.

SECTION 11. The Issuer may, from time to time and at any time, with the consent of a majority of the holders of the Bonds, adopt resolutions, as appropriate under the Act, supplemental to this Resolution for the purpose of modifying, altering,

amending, adding to or rescinding, in any particular, any of the terms or provisions contained in this Resolution or the Documents. Anything herein to the contrary notwithstanding, any such supplemental resolution which affects any obligations, rights, powers and authority of the Borrower or the trustee (if any) under the Documents or requires or permits a revision of the Documents shall not become effective unless and until the Borrower or the trustee (if any), as the case may be, shall have consented to such supplemental resolution.

SECTION 12. The Bonds shall never constitute or give rise to any pecuniary liability of the Issuer. No covenant or agreement contained in the this Resolution, the Bonds, the Documents or any other document, instrument or certificate executed, sealed or delivered in connection with the consummation of the transactions contemplated by this Resolution shall be deemed to be a covenant or agreement of any officer, agent or employee of the Issuer in his individual capacity; and neither the President nor the members of the Board of County Commissioners of the Issuer nor the County Administrator nor any official, agent or employee of the Issuer executing the Bonds or any of the afore-said documents, instruments or certificates shall be subject to any personal liability or accountability by reason of the authorization, issuance, execution, sealing, acknowledgment or delivery of the same.

SECTION 13. The provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held or determined to be illegal, invalid,

unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the intent of the Issuer that this Resolution would have been adopted if such illegal, invalid, unconstitutional or inapplicable provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom, provided however, notwithstanding anything contained in this Section, neither the full faith and credit nor the taxing power of the Issuer shall be deemed pledged hereby, and the Issuer shall not hereby incur any indebtedness or charge against the general credit or taxing powers of the Issuer, within the meaning of any constitutional provision or statutory limitation, and the transactions authorized hereby shall not give rise to any pecuniary liability of the Issuer.

SECTION 14. The President of the Board of County Commissioners and the County Administrator are hereby designated each to be an Authorized Representative of the Issuer for any and all purposes required or permitted by the Act, this Resolution or the Documents.

SECTION 15. This Resolution shall be effective from the date of its adoption.

ADOPTED this 16th day of December, 1986.

[SEAL]

ATTEST:

Edward V. Cox
Edward V. Cox,
County Administrator

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

J. Patrick Jarboe
J. Patrick Jarboe, President

J. Laurence Millison,
Vice President

David F. Sayre
David F. Sayre, Commissioner

Ford L. Dean
Ford L. Dean, Commissioner

APPROVED AS TO
LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
Assistant County Attorney

W. Edward Bailey
W. Edward Bailey, Commissioner

WIN142.txt
31:02:12/11/86
43003-000

Ret'd to: Judy Landram

DEC 18 1986

MARY R. BELL, CLERK

No. Z-86-20Subj: ZONE #86-0951
H. T. WARING

1:14PM12/22/868 CD.COM 40.00

R E S O L U T I O N

WHEREAS, H. T. WARING has made application to rezone approximately .5 acres of land located on the south side of Maryland Route 246 from R-2, Low Density Urban Residential, to C-2, Commercial. The property is located in the Eighth Election District of St. Mary's County, Maryland, on Tax Map 51, Block 3, part of Parcel 158. The matter is identified as ZONE #86-0951.

WHEREAS, following publication of notice and notification of all property owners within 200 feet of the subject property by certified mail, the St. Mary's County Planning Commission conducted a public hearing on the request on June 23, 1986.

WHEREAS, following deliberation, the Planning Commission, on July 14, 1986, by a unanimous vote, recommended to the Board of County Commissioners of St. Mary's County that designation of the subject property as C-2 be granted.

WHEREAS, a hearing examiner appointed by the Board of County Commissioners, after publication of notice and notification of all property owners within 200 feet of the subject property by certified mail, conducted a public hearing on the request on August 12, 1986.

WHEREAS, after deliberation, the County Commissioners, in accordance with the provisions of Section 4.05(a) of Article 66B of the Maryland Annotated Code and Section 70.05 of the St. Mary's County Zoning Ordinance, find as fact the following with regard to the request:

I. Change in the Character of the Neighborhood:

There has been a substantial change in the character of the neighborhood.

II. Population Change:

From 1980 to 1986 the Eighth Election District has grown in population from 20,562 to 24,128.

III. Adequacy of Public Facilities:

Water, sewer, schools, police, parks, and other government services would not be significantly affected by this change in zoning.

IV. Present and Future Transportation Patterns:

The site is now located on Maryland Route 246, a main thoroughfare, and is ideally situated for commercial use.

No. 7-85-20

Subj: ZONE #86-0951
H. T. WARING

(Page 2 of 2)

V. Relationship to Comprehensive Plan:

There is no comprehensive plan for this area, but the requested zoning is consistent with adjacent properties.

VI. Fiscal Impact on Government:

The change in zoning may increase property taxes.

VII. Suitability of Property for Uses Under Existing and Proposed Zoning Classifications:

Because of its small size and its location on Maryland Route 246, the property would be more suitable under the C-2 classification than R-2.

VIII. Compatibility with Existing and Proposed Development for the Area:

Because the use will be an expansion of the adjoining use, its compatibility is assured.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, this 16th day of December, 1986, that the above-mentioned rezoning request is GRANTED and the property is hereby reclassified from R-2 to C-2.

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

J. Patrick Jarboe
J. PATRICK JARBOE, M.D., President

LARRY MILLISON, Vice President

W. EDWARD BAILEY, Commissioner

John A. Dean
JOHN A. DEAN, Commissioner

David F. Sayre
DAVID F. SAYRE, Commissioner

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
Assistant County Attorney

Let'd Patricia Guy

DEC 22 1986

MARY R. BELL, CLERK

No. Z-86-21
Subj: ZONE #85-1480
KENNETH WATHEN

RESOLUTION

WHEREAS, KENNETH WATHEN has made application to rezone approximately 2 acres of land located at the intersection of Maryland Route 243 and Bull Road from R-1, Rural-Residential, to C-1, Commercial. The property is in the Third Election District of St. Mary's County, Maryland, on Tax Map 40. Block 2, part of Parcel 7. The matter is identified as ZONE #85-1480.

WHEREAS, following publication of notice and notification of all property owners within 200 feet of the subject property by certified mail, the St. Mary's County Planning Commission conducted a public hearing on the request on February 24, 1986.

WHEREAS, following deliberation, the Planning Commission, on March 24, 1986, by a unanimous vote, recommended to the Board of County Commissioners of St. Mary's County that rezoning of the subject property to C-1 be DENIED.

WHEREAS, the Board of County Commissioners, after publication of notice and notification of all property owners within 200 feet of the subject property by certified mail, conducted a public hearing on the request on September 2, 1986.

WHEREAS, after deliberation, the County Commissioners, in accordance with the provisions of Section 4.05(n) of Article 66B of the Maryland Annotated Code and Section 70.05 of the St. Mary's County Zoning Ordinance, find as fact the following with regard to the request:

- I. Change in the Character of the Neighborhood:
There has been no change in the character of the neighborhood since the adoption of the Comprehensive Plan.
- II. Mistake in Original Zoning:
There was no mistake in the original zoning of the property.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, this 16th day of December, 1986, that the above-mentioned rezoning request be, and it hereby is DENIED.

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND


J. PATRICK JARKE, M.D., President

LARRY MILLISON, Vice President

W. EDWARD BAILEY, Commissioner


FORD L. DEAN, Commissioner


DAVID F. SAYRE, Commissioner

ATTEST:


EDWARD V. COX
County Administrator

1:14PM 12/22/86 CD.COM \$0.00

APPROVED AS TO LEGAL SUFFICIENCY:


JOSEPH R. DENSFORD
Assistant County Attorney

Set'd: Patricia Guy

DEC 22 1986

MARY R. BELL, CLERK

R E S O L U T I O N

WHEREAS, JAMES B. LONG has made application to rezone approximately 9 acres of land located on the west side of Maryland Route 235, approximately 2 miles north of Maryland Route 245, from R-1, Rural-Residential, to C-1, Commercial. The property is located in the Sixth Election District of St. Mary's County, Maryland, on Tax Map 20, Block 14, part of Parcel 22. The matter is identified as ZONE #86-0650.

WHEREAS, following publication of notice and notification of all property owners within 200 feet of the subject property by certified mail, the St. Mary's County Planning Commission conducted a public hearing on the request on July 8, 1985.

WHEREAS, following deliberation, the Planning Commission, on December 9, 1985, by a unanimous vote, recommended to the Board of County Commissioners of St. Mary's County that designation of the subject property as C-1 be DENIED.

WHEREAS, the Board of County Commissioners, after publication of notice and notification of all property owners within 200 feet of the subject property by certified mail, conducted a public hearing on the request on March 11, 1986.

WHEREAS, after deliberation, the County Commissioners, in accordance with the provisions of Section 4.05(a) of Article 66B of the Maryland Annotated Code and Section 70.05 of the St. Mary's County Zoning Ordinance, find as fact the following with regard to the request:

I. Change in the Character of the Neighborhood;
There has been no change in the character of the neighborhood since the adoption of the Comprehensive Plan.

II. Mistake in Original Zoning;
There was no mistake in the original zoning of the property.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, this 16th day of December, 1986, that the above-mentioned rezoning request be, and it hereby is DENIED.

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

J. Patrick Jarboe, M.D.
J. PATRICK JARBOE, M.D., President

LARRY MILLISON, Vice President

W. EDWARD BAILEY, Commissioner

FORD L. DEAN, Commissioner

DAVID F. SAYRE, Commissioner

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

11:14PM 12/22/86 CC.COM \$0.00

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
Assistant County Attorney

Ret'd: Patricia Guy

DEC 22 1986

MARY R. BELL, CLERK

1986 0006 23-A

NO: 86-26

SUBJ: BOARD OF EDUCATION CAPITAL IMPROVEMENT PROGRAM FY-1988

RESOLUTION

WHEREAS, the Board of Education of St. Mary's County has prepared a Six Year Capital Improvement Program Request for FY-1988 through FY-1993 which requests State funding for various public school facilities projects in St. Mary's County; and

WHEREAS, The County Commissioners have reviewed the said Capital Improvement Program Request.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Mary's County, Maryland, that they are fully knowledgeable of the fact that in addition to the requested State funding, county funds may be required to design, construct, and equip the school facilities projects contained in the Capital Improvement Program Request and;

FURTHER, BE IT RESOLVED, that the County Commissioners of St. Mary's County, Maryland fully intend to provide such operational funds and services as are or may become necessary to adequately operate, maintain and staff those public school facilities constructed with the use of State funds provided by the State Public School Construction Program for FY-1988.

This Date:

November 25, 1986

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

J. Patrick Jarboe
J. Patrick Jarboe, M.D., President

Larry Millison
Larry Millison, Vice-President

Edward Bailey
Edward Bailey, Commissioner

Ford D. Dean
Ford D. Dean, Commissioner

David F. Sayre
David F. Sayre, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

12:34PM 12/24/86 05.COM 40.00

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
Assistant County Attorney

Let's: Judy Landram

DEC 24 1986

MARY R. BELL, CLERK

LIBER 006 PAGE 24

NO : 86-27

SUBJ: ST. MARY'S COUNTY
PUBLIC ETHICS ORDINANCE
(Revised) 1986

ORDINANCE

WHEREAS, The 1979 Session of the Maryland General Assembly passed the Maryland Public Ethics Law (Chapter 513 of the Acts of 1979) which has become Article 40A of the Annotated Code of Maryland; and

WHEREAS, Section 6 of Article 40A requires each County to enact provisions similar to those contained in the Maryland Public Ethics Law regarding conflicts of interests, financial disclosure, and regulation of lobbyists; and

WHEREAS, The Board of County Commissioners, adopted on June 29, 1982 as Ordinance No. 82-12 the St. Mary's County Public Ethics Ordinance and amended it on July 1, 1984 and December 17, 1985.

WHEREAS, The Board of County Commissioners now concludes it necessary to further amend the Public Ethics Ordinance having conducted a Public Hearing for this purpose on November 12, 1986.

NOW, THEREFORE, BE IT ORDAINED By the Board of County Commissioners that the St. Mary's County Public Ethics Ordinance as hereinafter set forth is hereby adopted and made effective the 25th day of November, 1986.

SECTION 1. - TITLE

This Chapter may be cited as the St. Mary's County Public Ethics Ordinance.

SECTION 2. - STATEMENT OF PURPOSE AND POLICY

A. St. Mary's County, recognizing that our system of representative government is dependent in large measure upon the people having trust and confidence in their public officials and employees, finds and declares that the people have a right to be assured that the impartiality and independent judgment of public officials and employees will be maintained.

B. This confidence and trust is eroded when the conduct of St. Mary's County business is subject to improper influence or even the appearance of improper influence.

C. For the purpose of guarding against improper influence, the Board of County Commissioners of St. Mary's County enacts this Public Ethics Ordinance.

SECTION 3. - DEFINITIONS

The words used in this Ordinance shall have their normal accepted meanings except as set forth below:

"Business entity" means any corporation, general or limited partnership, sole proprietorship, joint venture, unincorporated association or firm, institution, trust, foundation or other organization, whether or not operated for profit.

"Commission" means the St. Mary's County Ethics Commission established pursuant to Section 4(a) of this Ordinance.

"Compensation" means any money or thing of value regardless of form, received or to be received by any person subject to this Ordinance from a business entity for service rendered. If lobbying is only a portion of a person's employment, "compensation" means a prorated amount based on the time devoted to lobbying compared to the time devoted to other employment duties. For reporting purposes, a prorated amount shall be labeled as such.

"Doing business with" means:

- A. Having or negotiating a contract that involves the commitment (either in a single or combination of transactions within a calendar year) of \$2,500 or more;
- B. Being registered as a lobbyist in accordance with Section 8 of this Ordinance;
- C. Being regulated by the County or an agency thereof.

"Financial interest" means:

- A. Ownership of any interest as the result of which a person has received, within the past calendar year, or is presently receiving, or in the future is entitled to receive, compensation of more than \$1,000 per calendar year; or
- B. Ownership of or interest in more than five (5%) percent of a business entity.

"Gift" means the transfer of anything of economic value regardless of the form without adequate and lawful consideration. "Gift" does not include the solicitation, acceptance, receipt or regulation of political campaign contributions regulated in accordance with the provisions of Article 33, Section 26-1, et seq., Annotated Code of Maryland, or any other provision of state or local law regulating the conduct of elections or the receipt of political campaign contributions.

"Interest" means any legal or equitable monetary interest, whether or not subject to an encumbrance or a condition, which is owned or held, in whole or in part, jointly or severally, directly, or indirectly.

"Interest" does not include:

- A. An interest held in the capacity of a personal representative, executor, administrator, agent, representative, custodian, fiduciary, or trustee;
- B. An interest in a checking account or time or demand deposit in a financial institution;
- C. An interest in an insurance or endowment policy or annuity contract under which a company promises to pay a fixed number of dollars either in a lump sum or periodically for life or some other specified period; or
- D. A common trust fund or a trust which forms part of a pension or profit-sharing plan which has been determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code, as amended from time to time.

"Lobbying" means:

A. Communicating in the presence of a St. Mary's County official or employee with the intent to influence any official action of that official or employee; or

B. Engaging in activities having the express purpose of soliciting others to communicate with a St. Mary's County official or employee with the intent to influence any official action of that official or employee.

"Official and/or employee" means any person elected to, appointed to or employed by St. Mary's County or any St. Mary's County agency, board, commission, or similar entity, whether or not paid in whole or in part with St. Mary's County funds, and whether or not compensated.

"Person" includes an individual or business entity.

SECTION 4. - ADMINISTRATION

A. There shall be a St. Mary's County Ethics Commission which shall consist of five (5) members appointed by the Board of County Commissioners. The Commission members shall be appointed for staggered terms of three (3) years. The Commission shall select its chairman in January of each year by majority vote. A member shall serve until a successor has been appointed. The Commission, upon request, shall be assisted in carrying out its responsibilities by the County Attorney, or such other counsel as the County Commissioners may from time to time appoint.

B. The Commission shall be the advisory body responsible for interpreting this Ordinance and advising persons subject to it as to its application.

C. The Commission shall be responsible for hearing and deciding any complaint filed regarding an alleged violation of this Ordinance.

D. The Commission shall be the custodial of all statements, registrations, reports, and complaints submitted in accord with this Ordinance.

E. The Commission shall be responsible for conducting information and education programs regarding the purpose and implementation of this Ordinance.

F. Any person governed by this Ordinance may request the Commission for an advisory opinion concerning its application to them. The Commission shall respond within a reasonable time to the requests, providing interpretations based on the facts provided or reasonably available to it. The Commission may, in its discretion also respond to such requests from persons not specifically governed by this Ordinance. Copies of the responses shall be made available to the public in accord with and subject to any applicable state or county law regarding public records.

1988 006 27

G. Any person may file, under oath, a written signed complaint with the Commission alleging a violation of any of the provisions of this Ordinance and the commission on its own motion may issue a complaint alleging a violation of the ordinance. Complaints may be referred by the Commission to the County Attorney or other legal counsel, if appropriate, for investigation and report. If after receiving an investigative report, the Commission determines that there are insufficient facts upon which to base a determination of violation, it shall dismiss the complaint. If there is a reasonable basis for believing a violation has occurred, then the person who is the subject of the complaint shall be afforded an opportunity for a hearing. Any final determination resulting from the hearing shall include findings of fact, conclusions of law, and recommendations. Upon a finding of a violation, the Commission may take and/or recommend any enforcement action provided for in accordance with Section 9 of this Ordinance. All complaint proceedings, until a final determination is made by the Commission, shall be treated confidentially. Thereafter, the complaint proceedings shall be subject to public inspection pursuant to Section 7 of the Ordinance.

H. The Commission shall by majority vote have the authority to exempt from the definition of "Gift" a specific thing or class of things of economic value which the Commission, upon a finding in writing, determines not to be detrimental to the impartial conduct of the business of the County and that the gift is purely personal and private in nature.

I. The Commission may grant exemptions and modifications to the provisions of Sections 5 and 6 of this Ordinance if it determines that the application of those provisions would:

- (1) Constitute an unreasonable invasion of privacy;
- (2) Significantly reduce the availability of qualified persons for public service; and
- (3) Not be required to preserve the purpose of this Ordinance.

J. The Commissioners may adopt rules and regulations in order to carry out the provisions of the ordinance.

SECTION 5. - CONFLICTS OF INTEREST

A. St. Mary's County officials and employees:

(1) Shall not participate on behalf of St. Mary's County in any matter which would, to their knowledge, have a direct financial impact as distinguished from the public generally, on them, or their spouse or child, or a business entity in which they have a financial interest.

(2) Shall not represent any person, for a fee, before any County agency, board, committee, or commission.

(3) Shall not solicit any gift nor knowingly accept any gift directly or indirectly, from any person that he knows or has reason to know:

- (a) Is doing business with the Board of County Commissioners, as to members thereof, or as to other officials or employees, with their office, agency, board, or commission; or

(b) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of his official duty.

B. However, unless a gift of any of the following would tend to impair the impartiality and the independence of judgment of the official or employee receiving it or, if of significant value, would give the appearance of doing so, or, if of significant value, the recipient official or employee believes, or has the reason to believe, that it is designed to do so, an official or employee may accept:

- (1) Meals and beverages;
- (2) Ceremonial gifts or awards which have no significant monetary value;
- (3) Unsolicited gifts of nominal value or trivial items of informational value;
- (4) Reasonable expenses for food, travel, lodging and scheduled entertainment of the official or the employee for a meeting which is given in return for participation in a panel of speaking engagement at the meeting;
- (5) Gifts of tickets or free admission extended to an elected official or employee to attend a professional or intercollegiate sporting event or charitable, cultural, or political events, if the purpose of this gift or admission is a courtesy or ceremony extended to the office;
- (6) Gifts from a person related by blood or marriage, or a spouse, child, ward, financially dependent parent, or other relative who shares the official's or employee's legal residence, or a child, ward, parent, or other relative over whose financial affairs the person has legal or actual control; or
- (7) Honoraria.

C. St. Mary's County officials and employees:

(1) Shall not use the prestige of their office for their financial benefit or the financial benefit of any business entity in which they have a financial interest.

(2) Shall not hold any outside employment relationship that would impair their impartiality or independence of judgment.

(3) Shall not within one year following termination of county service act as a compensated representative of another in connection with any specific matter in which he participated substantially as a county official or employee.

(4) Shall not use confidential information acquired in their official County position for their own benefit or that of another.

D. (a) If a disqualification pursuant to this Section 5 leaves any St. Mary's County agency, board, commission or similar entity with less than a quorum capable of acting, or, if the disqualified official or employee is required by law to act, or, is the only person authorized to act, the disqualified person shall disclose the nature and circumstances of the conflict of interest and a satisfactory explanation of the necessity to participate and act in a letter directed to the Ethics Commission, which shall be a public record. The Ethics Commission in a public meeting, shall review the conflict of interest and vote on the appropriateness of the official's participation. In its deliberations the Ethics Commission will consider the degree and extent of conflict, the effect the official's participation would have on the spirit of the Ordinance, and whether the official's participation would or would not be in the best interest of St. Mary's County. The Ethics Commission's decision will be transmitted in writing to the involved official, and will be a matter of public record. If the Ethics Commission finds that participation would be inappropriate, the involved official will not participate.

(b) Subparagraph a) Above shall become effective as of January 1, 1987.

SECTION 6. - FINANCIAL DISCLOSURE

A. The officials listed in paragraph G of this section shall file annually by April 15 of each year a written financial disclosure statement with the Commission.

B. The annual financial disclosure statement shall be signed by the official and the statement shall be under oath.

C. The annual financial disclosure statement shall include all gifts received during the preceding calendar year from a business entity doing business with the County, or one of its agencies, boards, committees or commissions.

D. The annual financial disclosure statement shall also include a listing by acreage and location of all real estate in which the official has a legal interest.

E. The annual financial disclosure statement shall also include the name of all business entities in which the official has a financial interest.

F. The annual financial disclosure statement shall also include all outside employment interests.

G. Officials required to file:

- (1) County Commissioners
- (2) County Treasurer
- (3) Airport Commission Members
- (4) Economic Development Commission Members
- (5) Electrical Examiners Board
- (6) Housing Authority Members
- (7) Metropolitan Commission
- (8) Planning Commission
- (9) Plumbing Board Members
- (10) Recreation and Parks Board
- (11) Zoning Board of Appeals
- (12) County Administrator
- (13) County Attorney
- (14) Director, Budget & Data Services
- (15) Director of Finance
- (16) Director, Department of Public Works
- (17) Director, Economic & Community Development
- (18) Area Agency on Aging Director
- (19) Director, Civil Defense
- (20) Director, Planning & Zoning
- (21) Director, Purchasing & Logistics
- (22) Personnel Officer
- (23) Director, Recreation and Parks

- (24) Chief, Permits and Inspections
- (25) Plumbing Inspector
- (26) Chief Deputy of Sheriff's Department
- (27) Director, Office of Community Services
- (28) St. Mary's County Ethics Commission.

H. In addition to the above, a candidate for County Commissioner or County Treasurer shall by August 15 of each election year in which the person is a candidate file with the Commission a written statement under oath listing those items required in Sections 6(c), (d) and (e) of this Ordinance.

I. When April 15 or August 15 falls on a Saturday, Sunday or legal holiday the filing date shall be extended to the next working day thereafter.

SECTION 7. - PUBLIC INSPECTION

All statements, registrations and reports filed pursuant to this Ordinance shall be maintained by the Commission and shall be made available during normal office hours for examination and copying by the public, subject, however, to such reasonable fees and administrative procedures as the Commission may establish from time to time. These documents shall be retained for four (4) years from the date of receipt.

Any person examining and/or copying a financial disclosure statement shall be required to record his name, telephone number, home address, and the name of the person whose financial disclosure statement was examined and/or copied. This record shall be forwarded upon request to the person whose financial disclosure statement is so examined or copied.

SECTION 8. - LOBBYING DISCLOSURE

A. Any person who lobbys a St. Marys County official or employee and who, in connection with such lobbying, expends or reasonably expects to expend in a given calendar year in excess of \$500 on meals, tickets, admission passes, awards or honoraria for county officials and/or employees shall file a registration statement with the Commission not later than seven (7) days of the first of the two above alternatives to occur.

B. The registration statement shall include identification of the registrant by name, occupation, mailing address and telephone number and similar information about the person on whose behalf the registrant is acting. It shall also identify the subject matter about which the registrant is lobbying.

C. Registrants under this section shall file a written report by April 15 following any calendar year during which they were registered disclosing the value, date, and nature of any meals, tickets or admission passes, awards or honoraria provided to County officials and/or employees during the preceding calendar year. The official or employee shall be identified by name and official title.

SECTION 9. - ENFORCEMENT

A. The Commission may issue a cease and desist order against any person found to be in violation of this Ordinance and may seek enforcement of such order in the Circuit Court for St. Mary's County. The Court may issue a cease and desist order and may also impose a civil fine penalty of up to \$500 for any violation of the provisions of this Ordinance.

B. On recommendation of the Commission, a county official or employee found to have violated this Ordinance may be subject to disciplinary or other appropriate personnel action.

C. The Commission may issue letters of reprimand.

SECTION 10. - EFFECT OF ADOPTION

The above and preceding is adopted to have the full force and effect of law in St. Mary's County.

THIS DATE:
November 25, 1986

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

J. Patrick Jarboe, M.D.
J. Patrick Jarboe, M.D. President

Larry Millison, Vice-President

W. Edward Bailey
W. Edward Bailey, Commissioner

Ford L. Dean
Ford L. Dean, Commissioner

David F. Sayre
David F. Sayre, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph Densford
Assistant County Attorney

Delivered to Court.

DEC 24 1986

MARY R. BELL, CLERK

NO: 86 - 34

SUBJ: PUBLIC ACCOMMODATIONS TAX

ORDINANCE

WHEREAS, on June 10, 1986 the then Board of County Commissioners adopted Ordinance No. 86-14, Public Accommodations Tax, and made it effective January 1, 1987; and

WHEREAS, the current Board of County Commissioners conducted a public hearing on December 17, 1986 to consider postponing indefinitely the effective date of January 1, 1987 for Ordinance No. 86-14; and

WHEREAS, the Board of County Commissioners is carefully reviewing the background material and justification for the adoption of the accommodations tax;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners that the effective date of January 1, 1987 for Ordinance No. 86-14 is hereby postponed indefinitely.

This Date:

December 30, 1986

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Joseph P. O'Dell
Joseph P. O'Dell, President

W. Edward Bailey
W. Edward Bailey, Commissioner

Robert Jarboe
Robert Jarboe, Commissioner

John S. Lancaster
John S. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

10148AM01/16/87A CD.COM \$0.00

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
Assistant County Attorney

Delivered: Co. Comm.

JAN 16 1987

MARY R. BELL, CLERK

NO: 87 - 01

SUBJ: ST. MARY'S COUNTY SONG

LIBER 006 PAGE 33
RESOLUTION

WHEREAS, song adds meaning and expression to mere words in order to convey a depth of spirit and emotion man needs to more fully live; and

WHEREAS, St. Mary's County, the Mother County of Maryland, rightfully deserves an official County Song to lift our hearts and to express our pride in our land of rich heritage, and remarkable beauty; and

WHEREAS, in the 1930's Mr. Grif Alexander composed a St. Mary's County Song for the schools, which was also used in commemoration of Maryland's three hundredth anniversary in 1934; and

WHEREAS, many countians still recall the words and melody of Mr. Alexander's composition and have encouraged its official adoption;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that the following is hereby adopted as the official St. Mary's County Song:

"Between two mighty rivers,
That go rushing to the sea,
Sweet St. Mary's County
Lies as snug as snug can be.
The Patuxent and Potomac
Set our loyal hearts aglow,
Sunshine lingers longer,
Where the lovely rivers flow.

(Chorus) In St. Mary's County,
Where the sunshine follows rain,
In St. Mary's County
We've tobacco, fruit and grain
We have oysters, game and fish
All the heart of man can wish.
Nature's bounty
In St. Mary's County.

Life's a long, long journey
And to speed it up we'll try,
We're about to shift our gears
and move on into high.
But no matter where we travel
Or whatever sights we see,
We are very certain
We shall always long to be

(Chorus)

10:43AM01/30/87A CD.COM \$0.00

This Date: January 20, 1987

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

Joseph V. O'Dell
Joseph V. O'Dell, President

W. Edward Bailey
W. Edward Bailey, Vice President

Robert Jarboe
Robert Jarboe, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

APPROVED AS TO LEGAL SUFFICIENCY:

Theodore P. Weiner
Theodore P. Weiner
County Attorney

Ret: Judy Landrum 1-30-87

MARY R. BELL, CLERK

NO: 87 - 02

SUBJ: PROCUREMENT- LOCAL VENDORS

RESOLUTION

WHEREAS, St. Mary's County is fortunate to have a progressive and competitive business community providing a wide range of merchandise and services; and

WHEREAS, the St. Mary's County business community provides many opportunities for gainful employment for our citizens which is their source of livelihood and well-being; and

WHEREAS, county government in its procurement policy and procedures must be mindful of the economic impact of its obtainment of goods and services;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that procurement by county government should be with local vendors as long as quality is not sacrificed and the price is equal to or less than outside county boundaries.

THIS DATE:

FEBRUARY 3, 1987

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Joseph P. O'Dell
Joseph P. O'Dell, President

W. Edward Bailey
W. Edward Bailey, Vice-President

Robert Jarboe
Robert Jarboe, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

9:24AM02/10/87A CO.COM \$0.00

APPROVED AS TO LEGAL SUFFICIENCY:

Theodore P. Weiner
Theodore P. Weiner
County Attorney

Ret! Judy Handman 2-10-87

MARY R. BELL, CLERK

No. Z 87-03

Subj: #87-0108
TEXT CHANGES TO ZONING ORDINANCE
(FLOOD INSURANCE RATE MAPS)

006 3

3:15PM03/04/87A CO.COM \$0.00

RESOLUTION

WHEREAS, Article 66B of the Annotated Code of Maryland, as amended, empowers the Board of County Commissioners of St. Mary's County, Maryland, to enact a Zoning Ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, the Board of County Commissioners did, on May 28, 1974, adopt the St. Mary's County Zoning Ordinance for the purpose of promoting the health, safety, and general welfare of the County; and

and
WHEREAS, the Zoning Ordinance has been amended from time to time;

WHEREAS, the Zoning Ordinance was significantly updated on the 7th day of June, 1978; and

WHEREAS, the Board of County Commissioners recognizes that, from time to time, situations arise which require clarification and amendment to certain portions of the Zoning Ordinance; and

WHEREAS, after due notice, a public hearing was held by the Planning Commission on February 9, 1987 concerning the adoption of Flood Insurance Rate Maps dated February, 1987, and the flood elevation information shown thereon; and

WHEREAS, following consideration and discussion, the Planning Commission recommended to the Board of County Commissioners the adoption of said Flood Insurance Rate Maps, with emphasis on height elevation rather than the actual detail of the maps; and

WHEREAS, after due notice, a public hearing was held by the Board of County Commissioners on the adoption of said maps; and

WHEREAS, after deliberation, the Board of County Commissioners find as fact that it will be in the best interests of the citizens of St. Mary's County that the Flood Insurance Rate Maps be adopted as recommended by the St. Mary's County Planning Commission;

NOW, THEREFORE, BE IT HEREBY RESOLVED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, this 24th day of February, 1987, that the Flood Insurance Rate Maps dated February 1987 be adopted with emphasis on height elevation rather than the actual detail of the maps; and that the St. Mary's County Zoning Ordinance be, and it hereby is amended as follows:

- (1) Section 38.03.1 - INTENT OF REGULATIONS FOR FLOOD PLAINS,
REGULATORY FLOODS AND FLOOD HAZARD AREAS

"... Title 24, Department of Housing and Urban Development, National Flood Insurance Program, Part II, Part 1909, General Provisions, effective December 1, 1976."

Change to read:

"... National Flood Insurance Program Requirements 44 FR May 31, 1979, as amended."

- (2) Section 38.03.4.c, lines 3 and 4, and Section 38.03.4.d, line 3, change "lowest floor (including basements)" to read:

"base floor elevation".

No. Z 87-02

Subj: #87-0108
TEXT CHANGES TO ZONING ORDINANCE
(FLOOD INSURANCE RATE MAPS)

1389 006 20 (Page 2 of 2)

(3) Section 80.02 - DEFINITIONS, add:

"BASE FLOOR ELEVATION is the flood elevation of the lowest habitable floor of any building. A floor used only for storage purposes is not a habitable floor, nor is an unfinished area or enclosure usable solely for parking of vehicles or building access considered habitable."

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Joseph V. O'Dell
JOSEPH V. O'DELL, President

W. Edward Bailey
W. EDWARD BAILEY, Vice President

Robert Jarboe
ROBERT JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Rodney Thompson
RODNEY THOMPSON, Commissioner

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY
AND FORM:

Joseph R. Densford
JOSEPH R. DENSFORD
Assistant County Attorney

Delivered: Patricia Guy

MAR 4 1987

MARY R. BELL, CLERK

No. Z 87-01

Subj: #87-0108
TEXT CHANGES TO ZONING ORDINANCE
(FLOOD INSURANCE RATE MAPS)

LIBRARY 006 PAGE 37

LIBRARY 006 PAGE 31

3:15PM03/04/87A CD.COM \$0.00

RESOLUTION

WHEREAS, Article 66B of the Annotated Code of Maryland, as amended, empowers the Board of County Commissioners of St. Mary's County, Maryland, to enact a Zoning Ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, the Board of County Commissioners did, on May 28, 1974, adopt the St. Mary's County Zoning Ordinance for the purpose of promoting the health, safety, and general welfare of the County; and

WHEREAS, the Zoning Ordinance has been amended from time to time; and

WHEREAS, the Zoning Ordinance was significantly updated on the 7th day of June, 1978; and

WHEREAS, the Board of County Commissioners recognizes that, from time to time, situations arise which require clarification and amendment to certain portions of the Zoning Ordinance; and

WHEREAS, after due notice, a public hearing was held by the Planning Commission on February 9, 1987 concerning the adoption of Flood Insurance Rate Maps dated February, 1987, and the flood elevation information shown thereon; and

WHEREAS, following consideration and discussion, the Planning Commission recommended to the Board of County Commissioners the adoption of said Flood Insurance Rate Maps, with emphasis on height elevation rather than the actual detail of the maps; and

WHEREAS, after due notice, a public hearing was held by the Board of County Commissioners on the adoption of said maps; and

WHEREAS, after deliberation, the Board of County Commissioners find as fact that it will be in the best interests of the citizens of St. Mary's County that the Flood Insurance Rate Maps be adopted as recommended by the St. Mary's County Planning Commission;

NOW, THEREFORE, BE IT HEREBY RESOLVED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, this 24th day of February, 1987, that the Flood Insurance Rate Maps dated February 1987 be adopted with emphasis on height elevation rather than the actual detail of the maps; and that the St. Mary's County Zoning Ordinance be, and it hereby is amended as follows:

(1) Section 38.03.1 - INTENT OF REGULATIONS FOR FLOOD PLAINS, REGULATORY FLOODS AND FLOOD HAZARD AREAS

"... Title 24, Department of Housing and Urban Development, National Flood Insurance Program, Part II, Part 1909, General Provisions, effective December 1, 1976."

Change to read:

"... National Flood Insurance Program Requirements 44 FR May 31, 1979, as amended."

(2) Section 38.03.4.c, lines 3 and 4, and Section 38.03.4.d, line 3, change "lowest floor (including basements)" to read:

"base floor elevation".

RE-RECORDED
3:20PM03/11/87A CD.COM \$0.00

No. Z 87-0

Subj: #87-0108

TEXT CHANGES TO ZONING ORDINANCE

1987 006 30 (FLOOD INSURANCE RATE MAPS)

(Page 2 of 2)

1987 006 30

(3) Section 80.02 - DEFINITIONS, add:

"BASE FLOOR ELEVATION is the flood elevation of the lowest habitable floor of any building. A floor used only for storage purposes is not a habitable floor, nor is an unfinished area or enclosure usable solely for parking of vehicles or building access considered habitable."

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Joseph V. O'Dell
JOSEPH V. O'DELL, President

W. Edward Bailey
W. EDWARD BAILEY, Vice President

Robert Jarboe
ROBERT JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Rodney Thompson
RODNEY THOMPSON, Commissioner

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY
AND FORM:

Joseph R. Densford
JOSEPH R. DENSFORD
Assistant County Attorney

Rtd: Patricia Gray

MAR 4 1987

MARY R. BELL, CLERK

NO: 87-03

SUBJECT: Duke Drive Special Taxing
District Ordinance

2:43PM03/23/87B CC.COM \$0.00

ORDINANCE

WHEREAS, the County Commissioners of St. Mary's County, Maryland, are empowered under the provisions of Section 151 of the Code of Public Local Laws of St. Mary's County, to construct and improve private roads after the approval of a petition of a majority of the property owners whose property benefits from said improvements; and

WHEREAS, the County Commissioners of St. Mary's County, Maryland, have been petitioned by a majority of the residents in the Prospect Hill Subdivision and adjacent property owners, requesting the County to reconstruct and improve the street in Prospect Hill Subdivision, which is located in the Third Election District of St. Mary's County, Maryland, and recorded among the Plat Records of St. Mary's County, Maryland, in Plat Book 3, Folio 115. The following street, as shown on the aforementioned plat of said subdivision, shall be improved to the approximate limits indicated herein:

Duke Drive - from Knight Road to end of Duke Drive at cul-de-sac.

WHEREAS, the County Commissioners of St. Mary's County, Maryland, held a public hearing on March 3, 1987 in order to consider said petition; and

WHEREAS, the County Commissioners of St. Mary's County, Maryland, have determined to approve said petition in accordance with the provisions and reservations herein set forth.

NOW, THEREFORE, BE IT ORDAINED by the County Commissioners of St. Mary's County, Maryland, this 17th day of March, 1987, that the petition of the residents of Prospect Hill, for the reconstruction and improvement of the street in said subdivision, be approved; and

IT IS FURTHER ORDAINED that the County Commissioners of St. Mary's County, Maryland, shall construct and improve said street in accordance with specifications approved by the Department of Public Works and authorized by the County Commissioners.

IT IS FURTHER ORDAINED that upon completion of said construction and improvement, the County Commissioners of St. Mary's County, Maryland, shall accept said street into the County System of Roads; and

IT IS FURTHER ORDAINED that the costs of said improvements and reconstruction shall be borne by the County and the property owners in accordance with the following:

1. The property owners are responsible for \$17,400.00 of the construction costs. This sum represents the property owners' estimated share of the cost required by the approved set of plans, said share being equivalent to the cost of improving the roads to a condition which would have been acceptable for inclusion within the County Road System at the time the subdivision was recorded in November of 1959.
2. The lot owners are responsible for all design costs for work performed by consultant engineers retained by the County for this project, with the exception of costs incurred for inspection of construction work.
3. The County is responsible for all in-house design and engineering costs.
4. The lot owners are responsible for all utility relocation costs.
5. The balance of construction costs shall be borne by the County.

6. The County shall be responsible for all costs associated with improving the roads to standards in excess of those required by the County at the time the subdivision was created, in particular, the costs of a bituminous concrete surface.

7. The inspection costs associated with the construction contract shall be borne by the County.

IT IS FURTHER ORDAINED that the cost of said construction and improvements attributable to those properties hereinafter named shall be paid over a fifteen-year period by an annual benefit assessment levied against said properties; and

IT IS FURTHER ORDAINED that should the State Legislature approve a longer amortization period, the annual benefit assessment levied against the properties shall be recomputed, using the longer payback period.

IT IS FURTHER ORDAINED that said annual benefit assessment shall be computed as follows:

1. The "total benefit assessment" shall represent total costs of reconstruction and improvements as described above, to be borne by the ten existing lot owners, or a greater number if a subdivision of any lot occurs on any of said lots in the future.

2. The "total benefit assessment" shall be divided by 15 to determine the "annual benefit assessment" to be levied against all of the lot owners for 15 years.

3. Should a longer payback period be authorized by the Legislature, the "total benefit assessment" shall be divided by the longer time period to determine the "annual benefit assessment".

4. The "annual benefit assessment" shall be divided by the number of lot owners in existence in the subdivision on the first of May of each assessment year to determine the annual cost to each lot.

IT IS FURTHER ORDAINED that the County Commissioners of St. Mary's County, Maryland, shall certify the amount of each assessment to the Treasurer of St. Mary's County, Maryland, on or before May 1 of the year following completion of the construction; and

IT IS FURTHER ORDAINED that the Treasurer of St. Mary's County, Maryland, shall place said annual benefit assessment on the State and County real estate tax bills for said "lots" for the next 15 succeeding fiscal years, or longer if allowed by the Legislature, and that said annual benefit assessments shall be subject to such discount allowances and interest penalties and charges as may be provided by law; and

IT IS FURTHER ORDAINED that said annual benefit assessment shall constitute a first lien on said property against which the year assessed, until paid, subject only to prior State and County taxes; and

IT IS FURTHER ORDAINED that said annual benefit assessment may be collected in the manner provided in Chapter 367, Laws of Maryland, 1978, of the Code of Public Local Laws of St. Mary's County, Maryland, or in any other manner provided by law; and

IT IS FURTHER ORDAINED that upon approval of this Ordinance by the County Commissioners, the County shall immediately assume responsibility for maintaining the roads in said subdivision; and

IT IS FURTHER ORDAINED that the properties affected by this Ordinance are as follows:

Parcel 117
Parcel 50 - Lots 1-6
Parcel 165
Parcel 48
Parcel 162

IT IS FURTHER ORDAINED that this Ordinance shall only be effective as aforesaid.

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND

Joseph P. Dell
Joseph P. Dell, President

W. Edward Bulley
W. Edward Bulley, Commissioner

Robert J. Jarboe
Robert Jarboe, Commissioner

John S. Lancaster
John S. Lancaster, Commissioner

Thomas J. ...
Thomas J. ..., Commissioner

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:

Joseph H. Denaford
Joseph H. Denaford
Assistant County Attorney

Delivered: Co. Comm. MAR 23 1987 MARY R. BELL, CLERK

Delivered: Co. Comm Mar. 23, 1987 MARY R. BELL, CLERK

No. Z-87-02

Subject: ZONE # 86-1499
SUPER 8 MOTEL

9:01AM 04/03/87B CO.COM \$0.00

RESOLUTION

WHEREAS, Super 8 Builders, Inc. has made application to rezone 1.54 acres located on the west side of Route 235 in California, Maryland, from R-2, Low Density Urban Residential, to C-2, Commercial. The property is in the Eighth Election District of St. Mary's County, Maryland, and is shown on Tax Map 42 as parcel 19. The case is indexed as ZONE # 86-1499; and

WHEREAS, following publication of a Notice of Public Hearing and notification of all property owners within 200 ft. of said property by certified mail, the St. Mary's County Planning Commission and the St. Mary's County Board of County Commissioners held a joint public hearing on March 23, 1987; and

WHEREAS, after deliberation, the Planning Commission, on March 27, 1987, recommended to the Board of County Commissioners that the property be rezoned to C-2, as requested; and

WHEREAS, after deliberation, the Board of County Commissioners, in accordance with Section 4.05 (a) of Article 66B of the Annotated Code of Maryland and Section 70.05 of the St. Mary's County Zoning Ordinance, find as fact the following with regard to said request:

I. Change in the Character of the Neighborhood

There has been a substantial change in the character of the neighborhood due to numerous changes of zoning categories and construction of commercial facilities.

II. Population Change

From 1980 to 1987 there has been an increase in the population of the Eighth Election District from 20,562 to an estimated 25,054.

III. Adequacy of Public Facilities

Recent approval of a site plan for the construction of the motel is evidence that adequate public facilities are available to accommodate this project.

IV. Present and Future Transportation Patterns

The site is located on Maryland Route 235, a main thoroughfare, and is ideally suited for commercial use.

V. Relationship to the Comprehensive Plan

There is no comprehensive plan for this area, however, the requested zoning is consistent with adjacent uses.

VI. Fiscal Impact on Government

Development of the project will increase real estate taxes.

No. 1-87-02

Subject: ZONE # 86-1499
SUPER 8 MOTEL

Page 2 of 2

VII. Suitability of Property for Uses Under Existing
And Proposed Zoning Classifications

Because of its location between commercial sites and its small size, the property is not desirable as a homestead. For the same reasons, it is suitable for commercial use.

VIII. Compatibility with Existing and Proposed Development

The site is part of an existing commercial strip and will be compatible with the development existing there.

NOW, THEREFORE, BE IT THEREFORE RESOLVED AND ORDAINED by the Board of County Commissioners of St. Mary's County, Maryland, this 31st day of March, 1987, that the herein referenced property is rezoned from R-2 to C-2.

BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND


Joseph P. O'Dell, President


W. Edward Bailey, Vice-President

Robert Jarboe, Commissioner



John G. Lancaster, Commissioner


Rodney Thompson, Commissioner

ATTEST:


Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:


Joseph R. Densford
Assistant County Attorney

Delivered: Patricia Guy Apr 3, 1987

MARY R. BELL, CLERK

No. 787-03 (Amendment to 784-19)

Subj: #84-0115
WILLIAM E. WINTERS, JR.

BOOK 006 PAGE 44

RESOLUTION

WHEREAS, by Resolution No. Z 84-19 passed on July 31, 1984, the Board of County Commissioners rezoned certain property owned by William E. Winters, Jr. in the Second Election District of St. Mary's County, Maryland from AR, Agricultural - Residential, to C-2, Commercial.

WHEREAS, said Resolution described the subject property as being shown on Tax Map No. 50, Block 13, Parcels 53, 54, and 232, containing 5.5 acres of land.

WHEREAS, following the passage of said Resolution the applicant submitted a survey of the subject property to the St. Mary's County Office of Planning and Zoning, which indicated that the subject property included only Parcels 53 and 54, containing a total of 5.52 acres of land.

WHEREAS, it is the intent of this Resolution to correct the erroneous description of the subject property contained in the previous Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, this 7th day of April, 1987 that Resolution No. Z 84-19 is hereby amended to identify the property rezoned therein as Tax Map No. 50, Parcels 53 and 54, containing a total of 5.52 acres of land as further described on a survey prepared by Mcrone, Inc., April 9, 1984.

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

JOSEPH P. O'DELL, President

W. Edward Bailey
W. EDWARD BAILEY, Vice President

Robert Jarboe
ROBERT JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Rodney Thompson
RODNEY THOMPSON, Commissioner

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

9130AMD/10/87A CD.COM 60.00

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
Assistant County Attorney

Delivered: Patricia Guy

APR 10 1987

MARY R. BELL, CLERK

RESOLUTION

Resolution of the County Commissioners of St. Mary's County, approving the passage and the adoption of a Resolution adopted on December 10, 1986, by the St. Mary's County Metropolitan Commission, which Resolution authorized and provided for the acceptance of a loan from the State of Maryland in the amount of Two Hundred Twenty Five Thousand Dollars (\$225,000), "St. Mary's County Commission Bonds (Sixth Issue)"; approving and concurring in the form of the bonds; authorizing the County to execute the form of endorsement which evidences the guarantee of the bonds; pledging the full faith and credit of the County to the payment of the principal of and interest on such bonds, when due; and generally relating to the issuance of such bonds and the form thereof.

RECITALS

On December 10, 1986, St. Mary's County Metropolitan Commission (the "Commission") adopted a resolution (the "Commission Resolution") set forth as follows:

1:02PM05/08/87A CD.COM \$0.00

RESOLUTION

WHEREAS, the Piney Point Sanitary District No.5 Facility, Plan Amendment No.1, recommends the construction of a new wastewater pumping station, forcemain and sewerage system to service the Piney Point area; and

WHEREAS, after considering the comments presented at the Public Hearing held on November 18, 1986, in accordance with Chapter 113, Section 5, Subsection A of the Public Local Laws of Maryland; and

WHEREAS, it is estimated that the Commission's share of the cost of said construction including engineering, facility planning, etc., after receipt of State and Federal Grants will be approximately \$225,000; and

WHEREAS, funding is available from the State of Maryland in the form of a loan through the Water Quality Loan Act of 1974 at an interest rate of 6.68% for 30 years; and

WHEREAS, the Commission has applied for a loan in the amount of \$225,000 from the Water Quality Loan Act of 1974.

BE IT RESOLVED, that the St. Mary's County Metropolitan Commission does hereby authorize Mr. Francis E. Taylor, Chairman, to accept the loan on the Commission's behalf and to execute any and all loan agreement documents, etc., which may be required by the State.

APPROVED at Leonardtown, Maryland, December 10, 1986.

The Board of County Commissioners of St. Mary's County, Maryland has considered the Commission Resolution and has determined that this Board approves and concurs in the passage of the Commission Resolution.

The Board of County Commissioners desires to authorize its officers to execute the form of endorsement which evidences the guarantee of

County Commissioners of St. Mary's County to pay the principal of and interest on the bonds.

NOW THEREFORE, BE IT RESOLVED BY COUNTY COMMISSIONERS OF ST. MARY'S COUNTY:

Section 1: Acting pursuant to Section 113-6 of the Code of Public Local Laws of St. Mary's County (1978 Edition, as amended, being Article 19 of the Code of Public Local Laws of Maryland), County Commissioners of St. Mary's County, a body politic and corporate and a political subdivision of the State of Maryland (the "County"), hereby concurs in the judgement of the Commission as set forth by the terms of the Commission Resolution.

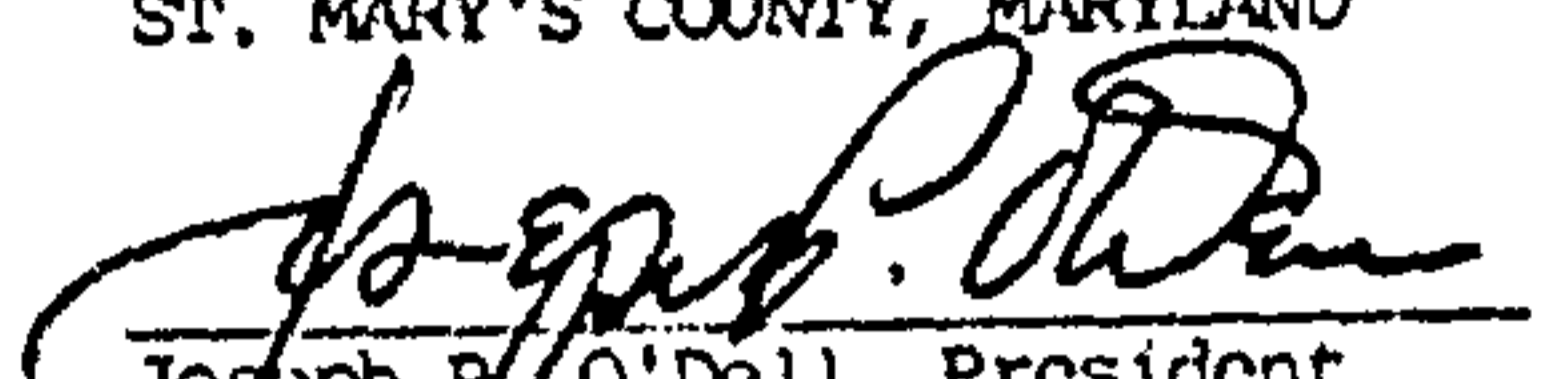
The County accordingly approves the acceptance of a loan from the State of Maryland designated St. Mary's County Metropolitan Commission Bonds (Sixth Issue) in an aggregate principal amount of \$225,000 upon the terms and conditions set forth in the Commission Resolution, all of which terms, conditions, covenants and undertakings are hereby approved by the County and are adopted by the County as and for its own.


Section 2: The full faith and credit and unlimited taxing power of the County are hereby irrevocably pledged to the levy and collection of ad valorem taxes upon all the assessable property within the corporate limits of the County in rate and amount sufficient to provide for the payment of the principal of and interest on the St. Mary's County Metropolitan Commission Bonds (Sixth Issue) issued in the aggregate principal amount of \$225,000 as and when such taxes may become necessary in order to provide sufficient funds to meet the debt service requirements on the said bonds. If the ad valorem taxes prescribed in Section 113-7 of the Code of Public Local Laws of St. Mary's County described in the Commission Resolution are insufficient to pay the principal of and interest on the bonds, when due, the County hereby covenants and agrees with each of the owners or holders, from time to time, of the bonds, in each and every fiscal year in which any such bonds are outstanding, to levy and collect ad valorem taxes upon all the assessable property within the corporate limits of the County in rate and amount sufficient to provide for the payment of such principal and interest, when due, together with accrued interest to the date of payment.


Section 5: This Resolution shall take effect on the date of its adoption.


Adopted: APRIL 28, 1987


BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND


Joseph P. O'Dell, President

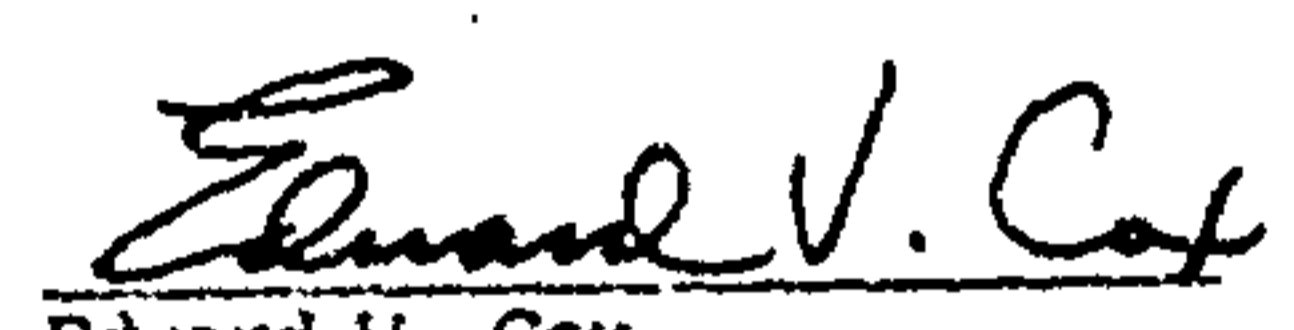

W. Edward Bailey, Vice-President


Robert Jarboe, Commissioner

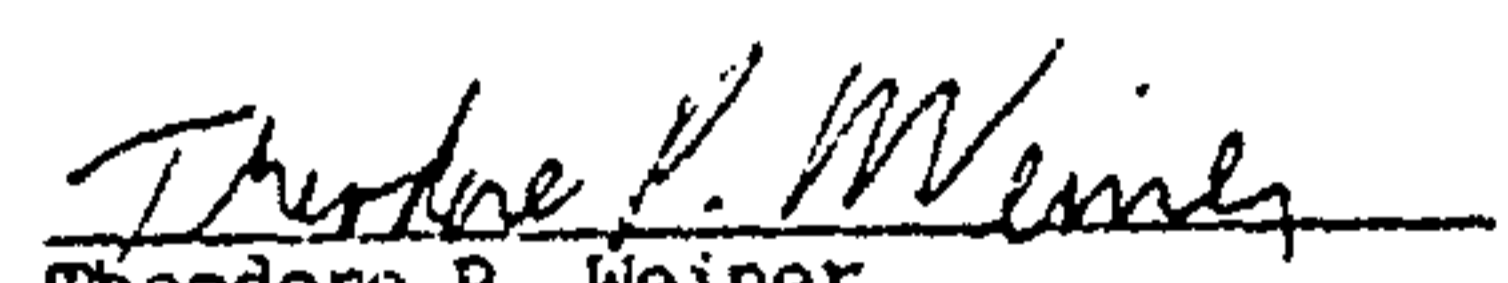

John G. Lancaster, Commissioner


Rodney Thompson, Commissioner

ATTEST:


Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:


Theodore P. Weiner
County Attorney

Delivered. Co. Adminstr

MAY 8 1987

MARY R. BELL, CLERK

No. Z-87-04

Subj: TEXT CHANGES TO ZON. ORDINANCE
(FLOOD INSURANCE RATE MAPS)

R E S O L U T I O N

10:49AM05/13/87D CO.COM \$0.00

WHEREAS, Article 66B of the Annotated Code of Maryland, as amended, empowers the Board of County Commissioners of St. Mary's County, Maryland, to enact a Zoning Ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, the Board of County Commissioners did, on May 28, 1974, adopt the St. Mary's County Zoning Ordinance for the purpose of promoting the health, safety, and general welfare of the County; and

WHEREAS, the Zoning Ordinance has been amended from time to time; and

WHEREAS, the Zoning Ordinance was significantly updated on the 7th day of June, 1978; and

WHEREAS, the Board of County Commissioners recognizes that, from time to time, situations arise which require clarification and amendment to certain portions of the Zoning Ordinance; and

WHEREAS, after due notice, a public hearing was held by the Planning Commission on February 13, 1987, concerning the adoption of Flood Insurance Rate Maps and amendments to the Zoning Ordinance consisting of Regulations for Floodplains, Regulatory Floods and Flood Hazard Areas, dated February 19, 1987, and the flood elevation information shown thereon; and

WHEREAS, following consideration and discussion, the Planning Commission recommended to the Board of County Commissioners the adoption of said Flood Insurance Rate Maps and amendments to the Zoning Ordinance consisting of Regulations for Floodplains, Regulatory Floods and Flood Hazard Areas, with emphasis on height elevation rather than the actual detail of the maps; and

WHEREAS, after due notice, a public hearing was held on April 21, 1987, by the Board of County Commissioners on the adoption of said maps and amendments to the Zoning Ordinance consisting of Regulations for Floodplains, Regulatory Floods and Flood Hazard Areas; and

WHEREAS, after deliberation, the Board of County Commissioners find as fact that it will be in the best interests of the citizens of St. Mary's County that the Flood Insurance Rate Maps and amendments to the Zoning Ordinance consisting of Regulations for Floodplains, Regulatory Floods and Flood Hazard Areas be adopted as recommended by the St. Mary's County Planning Commission;

NOW, THEREFORE, BE IT HEREBY RESOLVED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, this 12 day of May, 1987, that the Flood Insurance Rate Maps dated February 19, 1987, and amendments to the Zoning Ordinance

No. 7-87-04

Subj: TEXT CHANGES TO ZON. ORDINANCE
(FLOOD INSURANCE RATE MAPS)

Page 2 of 2

consisting of Regulations for Floodplains, Regulatory Floods and Flood Hazard Areas be adopted with emphasis on height elevation rather than the actual detail of the maps; and that the St. Mary's County Zoning Ordinance be, and it hereby is amended as follows in the attached amendments.

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND


JOSEPH P. O'DELL, President



W. EDWARD BAILEY, Vice-President


ROBERT JARBOE, Commissioner


JOHN G. LANCASTER, Commissioner


RODNEY THOMPSON, Commissioner

ATTEST:


EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY
AND FORM:


JOSEPH R. DENSFORD
Assistant County Attorney

Proposed Amendment to the St. Mary's County Zoning Ordinance
Article 3, Section 37B - Special Districts, Subsection 38.03 -
REGULATIONS FOR FLOODPLAINS, REGULATORY FLOODS
AND FLOOD HAZARD AREAS

1. INTENT

2. ESTABLISHMENT OF FLOODPLAIN DISTRICT

- (a) A Floodplain District is established to include all areas subject to inundation by the waters of the One Hundred (100) Year Flood. The source of this delineation shall be the Flood Insurance Study for St. Mary's County, Maryland, issued on February 17, 1987, the "Flood Insurance Rate Maps", and "Flood Boundary and Floodway Maps." The Floodplain District shall be deemed an overlay on any existing, and hereafter established zones or districts within St. Mary's County. The Floodplain District is established with emphasis on One Hundred Year Flood height elevations rather than the actual detail of the official floodplain maps.
- (b) The Floodplain District is comprised of the following sub-districts:
1. Floodway - that portion of the Floodplain District required to carry and discharge the waters of the One Hundred (100) Year Flood without increasing the water surface elevation at any point more than one foot above existing conditions. The Floodway appears on the "Flood Boundary and Floodway Maps", specifically panels 18, 27, 35, 36, 38, 44, 45.
 2. Floodway Fringe - those portions of land within the Floodplain District subject to inundation by the One Hundred (100) Year Flood, lying beyond the Floodway in areas where detailed study data and profiles are made available. The Floodway Fringe appears on the "Flood Boundary and Floodway Maps", specifically panels 18, 27, 35, 36, 38, 4, 45.
 3. Approximated Floodplain - those portions of land within the Floodplain District subject to inundation by the One Hundred (100) Flood, where a detailed study has not been performed but where a One Hundred (100) Year Floodplain Boundary has been approximated. The Approximated Floodplain appears on both the "Flood Insurance Rate Map" and the "Flood Boundary and Floodway Map" and may appear on all panels as Zone A.
 4. Coastal Floodplains - those portions of the Floodplain District subject to Coastal or Tidal Flooding by a One Hundred (100) Year Flood, where detailed study data and flood elevations are available.
 5. Coastal High Hazard Area - those portions of land within the Coastal Floodplain District, subject to inundation by high velocity waters and wave action. The Coastal High Hazard Area appears on the "Flood Insurance Rate Maps" as Zones

VI - V30.

6. Wetland Floodplain - those portions of land within the Floodplain District subject to inundation by the One Hundred (100) Year Flood, and determined to support "wetlands" as defined in this Ordinance.

(c) The "Official Floodplain Map" shall be the "Flood Insurance Rate Maps", the "Flood Boundary and Floodway Maps" as prepared by the Federal Emergency Management Agency, issued on February 19, 1987 and any subsequent amendments. The Official Floodplain Map shall be maintained in force as part of this Ordinance and reflects the boundaries of the Floodplain District and its sub-districts.

(d) The delineation of the Floodplain District may be revised, amended and modified by the Board of County Commissioners in compliance with the National Flood Insurance Program and the Maryland Department of Natural Resources when:

1. there are changes through natural or other causes to flood elevations and boundaries;
2. changes are indicated by future detailed hydrologic and hydraulic information and studies; and/or,
3. when social and economic factors favor a realignment.

As soon as practicable, but not later than six months after the date such information becomes available, the Zoning Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Part 65, 44 Code of Federal Regulations. All such changes shall be subject to the review and approval of the Federal Insurance Administrator and the Secretary of the Maryland Department of Natural Resources.

(e) Should a dispute concerning any district boundary arise, an initial determination shall be made by the Zoning Administrator. Any party aggrieved by this decision may appeal to the Board of County Commissioners. The burden of proof is on the appellant.

3. APPLICATION AND INTERPRETATION

4. DEVELOPMENT STANDARDS

(a) In the Floodway the following regulations shall apply:

1. No use, building, structure, manufactured building, fill, or other development shall be permitted.
2. No substantial improvement of existing nonconforming structures, uses, and/or activities shall be permitted unless the effect of such development and/or improvement is fully offset by accompanying stream modifications and the modification is approved by the Federal Insurance Administrator and the

Secretary of the Maryland Department of Natural Resources.

- a. The modification, alteration, repair, reconstruction, or improvement of any kind of a nonconforming structure and/or activity to an extent or amount of less than fifty (50%) percent of its market value, should be elevated and/or floodproofed to the greatest extent possible and shall not cause any increase in the 100 Year Flood Elevation.
 - b. Substantial improvement of a nonconforming structure and/or activity, regardless of location, shall be undertaken only in full compliance with the elevation and anchoring provisions of this and any other applicable ordinance.
 - c. Reconstruction and/or modification of any residential, commercial, or industrial structure within the 100 Year Floodplain and below the level of the 100 Year frequency flood event shall not be permitted, except for maintenance and alteration and repair and modifications less than substantial improvements to existing structures for floodproofing purposes. These modifications shall include elevating the lowest floor of the structure to or above the level of one (1) foot above the elevation of the 100 Year Flood Frequency Event, or for nonresidential structures only, completely dry or essentially dry type floodproofing as specified by the U.S. Army Corps of Engineers.
 - d. All additions shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow and height of the flood water.
 - e. No fences, except two-wire fences shall be permitted.
 - f. No other matters which may impede, retard or change the direction of the flow of water, or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream or flood waters would carry the same downstream to the damage or detriment of either public or private property adjacent to the floodplain.
- (b) In the Floodway Fringe and the Coastal Floodplain the following regulations shall apply:
1. No new use, building, structure, manufactured building, fill or any other development shall be permitted.
 2. No new use, building, structure, manufactured building, fill, land clearing, or any other construction or development shall be permitted within all land twenty-five feet from the One Hundred Year Floodplain, except for piers, boardwalks, erosion control structures, and accessory structures which do not exceed a total of one hundred and forty-four square feet.

3. The reconstruction, modification, and/or substantial improvement of any existing structure shall be in conformance with requirements of the permit programs of the Maryland Department of Natural Resources and the U.S. Army Corps of Engineers; and consistent with the flood control and watershed management plans for the area in which the existing structure is located.
4. The elevation of the lowest floor of all substantially improved structures shall be at least one foot above the elevation of the 100 Year Frequency Flood Event.
5. Any variances allowed under the provisions of this ordinance shall meet the requirements specified in Article 6, 66.02 of this ordinance.
6. All development shall be undertaken in a manner which minimizes adverse impacts on aquatic or terrestrial habitat and their related flora and fauna.
7. Design, Anchoring and Materials
All substantial improvements shall be:
 - a. designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure;
 - b. constructed and placed on the lot so as to offer the minimum obstruction to the flow and height of the flood water;
 - c. constructed with materials and utility equipment resistant to flood damage, and
 - d. constructed by methods and practices that minimize flood damage.
8. Landscape Design
 - a. Adequate ground cover shall be provided for soil stabilization within the Floodplain District.
 - b. Design of land contours and choice of plant materials shall direct surface runoff away from structures and shall not increase surface runoff onto neighboring properties.
9. Electric Systems
 - a. All electric water heaters, electric furnaces and other permanent electrical installations shall be permitted only at or above one foot above the level of the One Hundred (100) Year Flood.
 - b. No electrical distribution panels shall be permitted at

an elevation less than three feet above the level of the One Hundred (100) Year Flood.

10. Plumbing

- a. Water heaters, furnaces and other permanent mechanical installations shall be permitted only at or above one foot above the level of the One Hundred (100) Year Flood.

11. Storage

- a. No materials that are buoyant, flammable, explosive or in times of flooding, could be injurious to human, animal or plant life shall be stored below one foot above the level of the One Hundred (100) Year Flood.

12. Where allowed by variance only, (Refer to Article 6, Section 66.02,B.) fill material shall meet the following additional requirements:

- a. Fill shall consist of soil or rock materials only. Sanitary soil fills shall not be permitted.
- b. Fill material shall be compacted to provide the necessary stability and resistance to erosion, scouring or settling.
- c. Fill slopes shall be no steeper than one (1) vertical to two (2) horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the Zoning Administrator.
- d. Fill shall be used only to the extent to which it does not adversely affect adjacent properties.

13. Manufactured Homes/Buildings

- a. Substantial improvements of or involving manufactured homes/buildings are strictly prohibited.
- b. The placement of or substantial improvement of a manufactured home/building shall be ineligible for a variance and any request for such variance shall not be heard by the Board of Appeals.

(c) In the Approximated Floodplain the following regulations shall apply:

1. The Zoning Administrator shall obtain, review and reasonably utilize any One Hundred (100) Year Flood elevation or floodway data available from a Federal, State or other source in the enforcement of the Ordinance within the Approximated Floodplain.
2. When the One Hundred (100) Year Flood elevation is not

known, the Office of the Zoning Administrator in consultation with Water Resources Administration shall evaluate each site and establish the 100 year flood elevation.

3. The Development Standards of Section 38.03(b) of this Ordinance shall be applied within the Approximate Floodplain.
 - (d) In the Coastal High Hazard Area, the following regulations shall apply in addition to the regulations cited in Section 38.03(b) (1-3 and 5-13) of this ordinance:
 1. No new use, building, structure manufactured building, fill, or any other development shall be permitted.
 2. Substantial improvements to existing conforming structures is permitted if such improvement:
 - (a) is located landward of the reach of the mean high tide;
 - (b) is elevated on adequately anchored piles or columns to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components, and the bottom of the lowest horizontal structural members of the lowest floor (excluding the piles or columns) is elevated to at least one (1) foot above the One Hundred (100) Year Tidal Flood level;
 - (c) has been certified by a registered professional engineer or architect that it is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash, and will meet the requirements of the preceding Subsection 2(b).
 - (d) has no basement and has the space below the lowest floor free of obstructions or is constructed with "breakaway walls", intended to collapse under stress without jeopardizing the structural support of the structure, so that the impact on the structure by abnormally high tides or wind driven water is minimized. Such temporarily enclosed space shall not be used for human habitation;
 - (e) does not utilize fill for structural support of buildings or structures.
 3. Existing nonconforming uses and/or structures located on land below the level of the One Hundred (100) Year Tidal Flood shall not be expanded or substantially improved.
 4. The alteration of sand dunes which would increase potential flood damage is prohibited.
 - (e) In the Wetland Floodplain the following regulations shall apply:
 1. The St. Mary's County Office of Planning and Zoning shall

obtain, review, and reasonably utilize any wetland classification data available from a Federal, State, or other source in the enforcement of the Ordinance within the Wetland Floodplain.

2. When the Wetland Boundary is unknown, obscure, or undefined, the Office of Planning and Zoning, in cooperation with or with assistance from the Maryland Department of Natural Resources, shall evaluate each site. All land below three feet (mean sea level/NGVD) shall be considered Wetland Floodplain.
 3. Except where specifically allowed by the Office of Planning and Zoning and the Department of Natural Resources, the following shall be prohibited:
 - (a) Filling, dumping, or excavation of any kind;
 - (b) Drainage or alteration to the natural drainage and circulation of surface or ground waters.
 4. All buildings and structures shall be prohibited with the exception of catwalks, piers, boathouses, boat shelters, fences, duck blinds, wildlife management shelters, foot-bridges, observation decks and shelters, and other similar water-related structures which are constructed on pilings to permit the unobstructed flow of waters and preserve the natural contour of the wetland area.
 5. To the maximum extent possible, activities in the Wetland Floodplain will be limited to those which:
 - (a) Require access to water or wetlands, or are water-dependent;
 - (b) Have no prudent or feasible alternative site which does not involve wetland areas; and
 - (c) Will result in minimum feasible alteration or impairment of the natural contour, natural vegetation, fish and wildlife resources, or the natural aquatic circulation of the wetland area.
- (f) In the entire Floodplain District, the design, placement and construction of all public and private utilities and facilities shall meet the following requirements:
1. New or replacement water supply systems and/or sanitary sewage systems shall be designated and floodproofed to eliminate or minimize infiltration of flood waters into the systems and discharges from the systems into flood waters, to avoid impairment during flooding and minimize flood damage.
 - (a) Cesspools and seepage pits are prohibited.

- (b) Septic tanks are permitted provided they are securely anchored to resist buoyant forces during inundation.
- (c) All pipes connected to sewage systems shall be sealed to prevent leakage.
- 2. All gas, electrical and other facility and utility systems shall be located, constructed, and floodproofed to eliminate or minimize flood damage.
- 3. All new storm drainage facilities within and leading to or from the Floodplain District shall be adequately designed, floodproofed, and installed to eliminate or minimize property damage resulting from the flood waters of the One Hundred (100) Year Flood and to minimize adverse environmental impacts of their installation and use.
- 4. The elevation of the finished surface at the crown of any new street shall not be less than the water surface elevation of the One Hundred (100) Year Flood.

5. DATA REQUIREMENTS

A Special District Zoning permit is required for all development (including, but not limited to, subdivision of land, construction of buildings and structures, placement of manufactured buildings, fill, excavation, or any combination of these) in the Floodplain District or of parcels or sites which contain land designated as Floodplain District. Special District Zoning permits are granted only after the necessary permits from the Maryland Department of Natural Resources, specifically the Water Resources Administration; U.S. Army Corps of Engineers; and all other applicable state, federal, and/or regional agencies have been obtained.

- (a) The application for a Special District Zoning Permit shall contain information including, but not limited to the following:
 - 1. Name and address of applicant. The applicant must be the owner or an authorized agent of the owner.
 - 2. Name and address of owner of land on which construction is proposed.
 - 3. Name and address of contractor.
 - 4. Site location.
 - 5. A plan of the site showing the size and location of the proposed construction as well as any existing buildings or structures.
 - 6. Plans drawn to scale, showing the location, dimensions and elevation of the site in relation to the stream channel, shoreline, and/or Floodplain District.

7. For substantial improvement to existing structures, an appraisal performed by a professional real estate appraiser of the market value of existing structure (less land value) to which the substantial improvement is connected.
8. Summary description of proposed work and estimated cost.
9. Depending on the type of structure and/or construction involved, the following information shall also be included in the Application:
 - (a) for existing structures to be substantially improved and elevated above the One Hundred (100) Year Flood Elevation, the plans shall show:
 - (i) the size of the existing structures, size and type of proposed substantial improvement and its relation to the lot where it is to be constructed.
 - (ii) the elevations of the proposed final grading and lowest floor and/or floodproofing level (if applicable), and the existing ground and One Hundred (100) Year Flood Elevation as certified by a Registered Professional Engineer, Surveyor or Architect.
 - (iii) the method of elevating/floodproofing the existing structure, and substantial improvement, including details of proposed fills, pile structures, retaining walls, foundation, erosion protection measures, etc. These plans shall be prepared by a Registered Professional Engineer or Architect and certified by him as being watertight and having structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - (b) All proposals for the subdivision of land and/or new development of parcels containing land designated as Floodplain District shall include a plan drawing showing the location of all existing and proposed public and private utilities, facilities and drainage structures. If the One Hundred (100) Year Flood Elevation has been determined by the Flood Insurance Study or other reliable source approved by the Water Resources Administration, such Flood Elevation shall be delineated on the proposed plan. If the proposal is greater than fifty (50) lots or greater than five (5) acres and the One Hundred (100) Year Flood Elevation has not been determined for the land area, the developer shall determine the One Hundred (100) Year Flood Elevation and delineate such Flood Elevation and floodway data, if available, on the proposed plan. All plans shall be certified by a Registered Professional Engineer and shall be reviewed by Zoning Administrator to assure that:

1. All such proposals are consistent with the need to minimize flood damage.
 2. All necessary permits have been received from the State of Maryland, Water Resources Administration and appropriate Federal agencies.
 3. All public and private utilities and facilities (including sewer, water, telephone, electric, gas, etc.) are located, constructed, and floodproofed to minimize or eliminate flood damage.
 4. Adequate drainage is provided to reduce exposure to flood hazard.
 5. Adequate measures have been taken to minimize the adverse environmental impacts of the proposed development.
- (c) Special District Zoning permits shall be granted only after it has been determined that the proposed work will be in conformance with the requirements of this and all other applicable codes and ordinances.
- (d) When the proposed development includes the relocation or alteration of a watercourse, evidence shall be presented as part of the permit application that all adjacent communities and the Water Resources Administration, State Coordinating Office have been notified of the proposed alteration or relocation by certified mail. Copies of these notifications shall then be forwarded to the Federal Emergency Management Agency, Federal Insurance Administration. In addition, the developer shall assure the municipality or county, in writing, that the flood carrying capacity within the altered or relocated portion of the watercourse in question will be maintained.
- (e) After the issuance of a Special District Zoning permit by the Zoning Administrator no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Administrator.
- (f) Work on the proposed construction shall begin within 180 days after the date of issuance of the Special District Zoning permit or the permit shall expire, unless a time extension is granted, in writing, by the Zoning Administrator.
- (g) During the construction period the Zoning Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the permit and with all applicable laws and ordinances. The premises shall also be subject to

inspection by the State of Maryland, Water Resources Administration. In the event that the Zoning Administrator determines that the work is not in compliance with the permit or any applicable laws and ordinance, or that there has been a false statement or misrepresentation by the applicant, the Zoning Administrator shall revoke the building permit and report such fact to the Board of County Commissioners and the Maryland Water Resources Administration for whatever action it considers necessary.

- (h) Work on the proposed construction shall progress steadily through project completion. Any work which resumes after a stop in work for 180 days or more shall require the issuance of a new building/Special District Zoning permit.
- (i) A Certificate of Occupancy shall be required for all construction and substantial improvements in the Floodplain District and shall not be issued until the Zoning Administrator has been provided with a completed Elevation Certificate prepared by a registered Land Surveyor or Professional Engineer. The datum used on Elevation Certificates shall be Mean Sea Level as established by the National Geodetic Vertical Datum of 1929.

Amendment to Article 7, Section 71.04 PENALTIES
of the St. Mary's County Zoning Ordinance

- 4. The Federal Insurance Administrator and the Maryland Water Resources Administration shall be notified of any structure or property in violation of Section 38.03 of this ordinance. New or renewal National Flood Insurance shall be denied for any structure remaining in violation or situated on property in violation of Section 38.03.

Amendments to Article 6, Section 66.02 VARIANCES
of the St. Mary's County Zoning Ordinance

- 8. Variance from Regulations for Flood Plains, Regulatory Floods, and Flood Hazard Areas.
 - (a) Variances may be granted by the Board of Appeals for:
 - 1. the placement of fill in the Floodway Fringe, Coastal/Tidal Floodplain, and Approximate Floodplain;
 - 2. new construction of or substantial improvements to non-residential structures which will be floodproofed in a watertight fashion, or;
 - 3. other new construction or substantial improvements to structures or buildings below the elevation of the One

Hundred (100) Year Flood which shall be limited to new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the elevation of the One Hundred (100) Year Flood.

(b) Variances shall not be granted by the Board of Appeals for:

1. The placement of fill in the Floodway or the Coastal High Hazard Area.
2. New construction of or substantial improvements to any structure located in the Floodway or the Coastal High Hazard Area.
3. Manufactured buildings.
4. Any development within the Floodway.

(c) The granting of variances shall be subject to the following conditions:

1. A demonstration of good and sufficient cause;
2. For new construction or substantial improvements falling in category (a) 2 above, a determination that failure to grant the variance would result in exceptional hardship to the applicant; economic hardship shall not be considered exceptional.
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
4. The stipulation that all residential structures will have the lowest floor elevated to the greatest extent possible with respect to the One Hundred (100) Year Flood Elevation.
5. Obtainment of a variance from the Water Resources Administration, favorable comments from the State Coordinating Office of the Water Resources Administration, and compliance with Conditions (b) and (d) of this section.

(d) Variances shall only be granted upon a determination that the variances are the minimum necessary, considering the flood hazard, to afford relief and that no public funds shall be spent now or in the future to mitigate the results of such variance.

- (e) The applicant shall be notified by the Zoning Administrator of the increased premium rates for flood insurance and that such construction below the level of the One Hundred (100) Year Flood increases risk to life and property.
- (f) The applicant/owner of storage structures, garage structures, and/or accessory structures for which a variance is granted shall sign an agreement that such structures shall never be converted to habitable space.
- (g) A record of all variance actions, including justifications for their issuance, shall be maintained by the Zoning Administrator and all such information shall be included in the Annual Report submitted to the Federal Insurance Administrator and available upon request by the Federal Emergency Management Agency or its authorized agent during periodic assessments of the County's participation in the National Flood Insurance Program.
- (h) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic places, without regard to the procedures set forth herein.

DEFINITIONS

Sec. 80.02

ACCESSORY STRUCTURE: A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to the main or principal building (e.g. sheds, detached garages, attached garages). Areas such as utility rooms, bathrooms, etc. which are located within such structures shall be elevated to at least the one-hundred-year flood elevation.

BASEMENT: Any area of the building having its floor subgrade on all sides.

BREAKAWAY WALL: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system. For the purposes of this definition a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. The lowest floor of such enclosed space shall be no lower than grade as defined herein and shall be useable solely for parking of vehicles, building access, or storage. If a separate storage area is provided at grade such area shall not exceed 300 square feet. Breakaway Walls which will exceed the above stated safe loading resistance may be permitted only if a registered Engineer or Architect certifies that the wall shall collapse under a force less than that exerted by a 100-year storm in this region without jeopardizing the structural integrity of the supporting foundation. When the design safe loading resistance exceeds 20 pounds per square foot, but is certified to collapse under a force less than that exerted by the 100-year storm, the designed resistance must be stated clearly and certified independently on the building plans.

DEVELOPMENT: Any construction, reconstruction, modification, extension or expansion of buildings or structures, placement of fill dumping, storage of materials, land excavation, land clearing, land improvement, or any combination thereof.

FLOOD: A temporary inundation of normally dry land areas.

FLOOD MAPS or FLOOD INSURANCE RATE MAPS: The maps of St. Mary's County, Maryland, dated February 19, 1986, which were provided as part of the FLOOD INSURANCE STUDY prepared by the FEDERAL EMERGENCY MANAGEMENT AGENCY, and any subsequent revisions thereof as approved FEMA.

PLAIN: 1) A relatively flat or low land area adjoining a river, stream, or water course which is subject to partial or complete inundation; 2) An area subject to the unusual and rapid accumulation or runoff of surface water from source.

FLOODPROOFING: Any combination of structural and nonstructural additions, changes or adjustments of properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings.

FLOOD-RELATED EROSION: The collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

FLOOD-RELATED EROSION AREA OR FLOOD-RELATED EROSION PRONE AREA: A land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

FLOODWAY (F1): That portion of the Flood Plain District required to carry and discharge the waters of the One Hundred (100) Year Flood without increasing the water surface elevation at any point more than one (1) foot above existing conditions.

LAND DEVELOPMENT: (1) The improvement of one lot, or two or more contiguous lots, tracts or parcels of land for any purpose involving (a) a group of two or more buildings, or (b) the division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features; 2) a subdivision of land.

LOWEST FLOOR: The lowest floor of the lowest enclosed area including basements.

MANUFACTURED HOME: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION: A NEW CONSTRUCTION: Structures for which the "Start of Construction" as herein defined commenced on or after the effective date of this Ordinance. This term does not apply to any work on a structure existing before the effective date of this Ordinance.

ONE HUNDRED (100) YEAR FLOOD: A flood that has one chance in one hundred or a one percent chance of being equalled or exceeded in

any given year.

PRINCIPALLY ABOVE GROUND: Where at least 51 percent of the actual cash value of a structure, less land value, is above ground.

START OF CONSTRUCTION: (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STRUCTURE: A walled and roofed building including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

SUBDIVISION: The division or redivision of a lot, tracts, or parcels of land by any means into two or more lots, tracts, parcels, or other divisions of land, including a change in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building, or other development.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either: 1) before the improvement or repair is started; or 2) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

WETLAND: Any land which is: 1) considered "private wetland" or "State wetland" pursuant to Title 9, Wetlands and Riparian Rights of Natural Resources Article, Annotated Code of Maryland; or 2)

defined as "Wetland" by U.S. Fish and Wildlife Service
identification and classification procedures.

Delivered: Patricia Guy

MAY 13 1987

MARY R. BELL, CLERK

NO: 87-05

SUBJ: ECONOMIC DEVELOPMENT
REVENUE BONDS -
SSI PROPERTIES

INDUCEMENT RESOLUTION

2113PN05/28/870 CO.COM 40.00

PREAMBLE

A Resolution authorizing the execution of an agreement with SSI Properties, a general partnership created in the State of Maryland pertaining to the financing of the relocation and expansion of an existing county business to a new site and facilities at St. Mary's Industrial Park in Hollywood, within the boundaries of St. Mary's County, Maryland.

RECITALS

WHEREAS, St. Mary's County, Maryland, a political subdivision of the State of Maryland, Issuer by virtue of the laws of the State of Maryland, particularly the Maryland Economic Development Revenue Bond Act, Sections 266-A through 266-I, inclusive, of Article 41 of the Annotated Code of Maryland, as amended (the "Act"), and the authorities therein mentioned, wishes to take the necessary actions for the issuance of economic development revenue bonds of the Issuer, in order to assist SSI Properties in financing the construction of an 22,500 sq. ft. steel building with office, manufacturing and warehouse space on a 5.14 acre site in St. Mary's Industrial Park, Hollywood, Maryland, ("Project"), more particularly described in the form of agreement attached hereto as Exhibit 1, which Project will be located within the boundaries of the Issuer;

NOW, THEREFORE, be it resolved by the Board of County Commissioners of St. Mary's County, Maryland:

SECTION I. The Board of County Commissioners does hereby find and determine that:

- (a) The Project constitutes a "facility" within the meaning of that term as defined in Section 266-A of the Act; and
- (b) The Project is consistent with the legislative purpose of Section 266-B, i.e., to relieve conditions of unemployment, to encourage the increase of industry and commerce and a balanced economy, to assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State of Maryland, to promote economic development and to generally promote the health, welfare, and safety of the residents of St. Mary's County and the State of Maryland.

SECTION II. In order to assist in financing of the Project, the Board of County Commissioners hereby agrees to authorize and issue revenue bonds of the Issuer, in an aggregate amount now estimated not to exceed \$640,000, pursuant to the Act, upon the terms provided in the form of agreement attached hereto as Exhibit 1, to bind and inure to the benefit of the Issuer and SSI Properties, which form of agreement is hereby in all respects approved. Any three (3) Commissioners are hereby authorized and directed to execute such agreement substantially in such form, with such changes as are not adverse to the Issuer as such Commissioners may approve, such execution being conclusive evidence of approval of any such changes.

NO: 87-05

SUBJ: ECONOMIC DEVELOPMENT
REVENUE BONDS -
SSI Properties

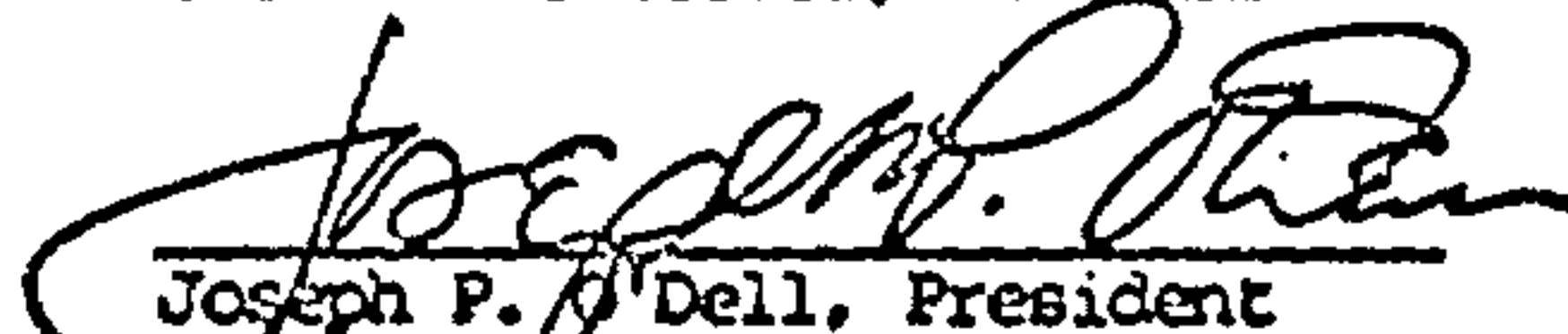
Page 2

SECTION III. It is found and determined that all formal actions of the Board of County Commissioners concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Board, and that all deliberations of the Board and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements of the State of Maryland and the Act.

SECTION IV. This Resolution shall be in full force and take effect immediately upon its adoption.

WITNESS, the Hand and Seal of the Board of County Commissioners of St. Mary's County, Maryland, this 19th day of May, 1987.

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND


Joseph P. Dell, President

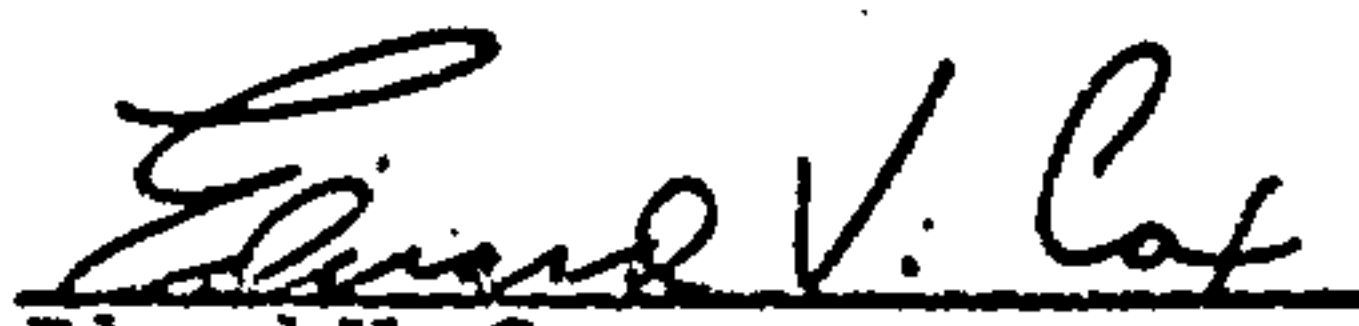

W. Edward Bailey, Vice President


Robert Jarboe, Commissioner



John G. Lancaster, Commissioner


Rodney Thompson, Commissioner

ATTEST:


Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:


Joseph R. Densford
Assistant County Attorney

RESOLUTION NO: 87-05

EXHIBIT NO: 1

Page 1 of 3

AGREEMENT TO ISSUE BONDS

This Agreement entered into this 19th day of May, 1987, by and between the Board of County Commissioners of St. Mary's County, Maryland, hereinafter referred to as "Issuer," a political subdivision duly organized and validly existing under the Constitution and Laws of the State of Maryland and SSI Properties, a general partnership created in the State of Maryland hereinafter referred to as "Project Owner," to relieve conditions of unemployment, to encourage the increase of industry and commerce and a balanced economy, to assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State of Maryland, to promote economic development and to generally promote the health, welfare, and safety of the residents of St. Mary's County and the State of Maryland under the following circumstances:

- A. The Project Owner desires to finance costs of a facility (the "Project") which will include the construction of an 22,500 sq. ft. steel building with office, manufacturing and warehouse space on a 5.14 acre site in St. Mary's Industrial Park at Hollywood, Maryland, within the boundaries of the Issuer, which Project will be owned by the Project Owner.
- B. The Project Owner has requested that the Issuer issue economic development revenue bonds pursuant to the Maryland Economic Development Revenue Bond Act, Section 266-A through 266-I, inclusive, of Article 41 of the Annotated Code of Maryland, as amended (the "Act"), in an aggregate principal amount now estimated not to exceed \$640,000 (the "Bonds"), to assist in the financing of the Project, and is agreeable to making payments to the Issuer sufficient to pay all the principal and premium, if any, and interest on the Bonds.
- C. The Issuer is willing to issue the Bonds and desires to obtain the economic benefits from the Project. As an inducement to and in consideration of the Project Owner's plan with respect to the Project, the Issuer and the Project Owner agree as follows:
 1. The Project Owner shall commence and continue to cause to be commenced and continued, the construction and equipping of the Project as soon as feasible and the Project Owner will provide, or cause to be provided, at its own expense, the necessary interim financing to permit acquisition, construction and equipping of the Project to commence and continue. Upon the issuance of the Bonds, the Issuer and the Project Owner will enter into one or more agreements (the "Financing Agreement") with respect to the Project and the financing thereof. The Financing Agreement shall be in the form of a loan agreement, a conditional or installment sale agreement, or a lease with the option to purchase and may contain such terms and conditions as provided or permitted under the Act.

RESOLUTION NO: 87-05

EXHIBIT NO: 1

Page 2 of 3

Provided, however, that the Financing Agreement shall require payment sufficient to pay the principal of and premium, if any, and interest of such Bonds as may be issued with respect to the Project, or a portion thereof, which is subject to such Financing Agreement. In order to secure the payment of the principal of and premium, if any, and interest on the Bonds, the Issuer may also enter into a trust agreement or mortgage with the Project Owner which shall have such terms and conditions as may be provided or permitted under the Act. The Issuer shall not have any financial responsibility with respect to the Bonds or the Project except from income and revenue actually derived by the Issuer with respect to the Bonds and the Project.

2. Upon receipt of a request from the Project Owner, the Issuer will promptly issue the Bonds in one or more series, maturing in such amounts and times, bearing interest at such rate or rates, payable on such dates and containing such optional and mandatory redemption features and prices as are requested by the Project Owner and will deliver the Bonds to the purchaser or purchasers thereof and cooperate to its fullest extent in consummating the transaction.
3. In order to induce the Issuer to execute and deliver this Agreement, and ultimately to issue the Bonds, the Project Owner hereby represents and agrees:
 - a. The assistance to be provided under this Agreement and the commitments thereto made by the Issuer have induced the Project Owner to locate the Project within the boundaries of the Issuer and will create additional jobs and employment opportunities therein.
 - b. The Project Owner will defend, indemnify and hold the Issuer and any and all officials thereof harmless against any and all losses, costs, expenses, claims, or actions arising out of or connected with the execution of the Agreement, and the preparation of, proceedings for, and the issuance, sale or delivery of the Bonds.
4. This Agreement will be binding upon the Project Owner, its successors and assigns.


RESOLUTION NO: 87-05

EXHIBIT NO: 1

Page 3 of 3

IN WITNESS, WHEREOF, the Issuer, pursuant to the Resolution duly adopted on May 19, 1987 by the Board of County Commissioners, has caused this Agreement to be executed by at least three (3) County Commissioners and the Project Owner has caused it to be executed, all as of the date and year first above written.

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND


Joseph P. O'Dell, President


W. Edward Bailey, Vice President


Robert Jarboe, Commissioner



John G. Lancaster, Commissioner


Rodney Thompson, Commissioner

ATTEST:


Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:


Joseph R. Densford
Assistant County Attorney

ATTEST:

SSI PROPERTIES

Gregg H. Parks
Managing Partner

Delivered: Co. Admin

MAY 28 1987

MARY R. BELL, CLERK

LIBER 006 PAGE 72 NO: 87-06

SUBJ: 1987-1988 Operating and Capital Budgets, Fire and Rescue Capital Revolving Fund, Special Assessments Fund, Recreation and Parks Enterprise Fund, and the County's Property Tax Rate

RESOLUTION

2:18PM05/28/87D CO.COM \$0.00

WHEREAS, Chapter 27, Section 6 of the Code of Public Local Laws of St. Mary's County authorizes and empowers the Board of County Commissioners to adopt the Annual Budget and Appropriation Act by June 1 of each year and impose a property tax rate for the ensuing fiscal year.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Mary's County, Maryland that the County's Operating Budget is approved in the amount of \$41,976,755; the Capital Budget in the amount of \$5,410,338; Fire and Rescue Capital Revolving Fund in the amount of \$690,000; the Recreation and Parks Enterprise Fund in the amount of \$466,021; the Special Assessment Fund in the amount of \$513,104; and the County's Property Tax Rate is hereby assessed at \$2.28 per \$100.00 of assessed valuation.

This Date:
May 26, 1987

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND


Joseph P. O'Dell, President

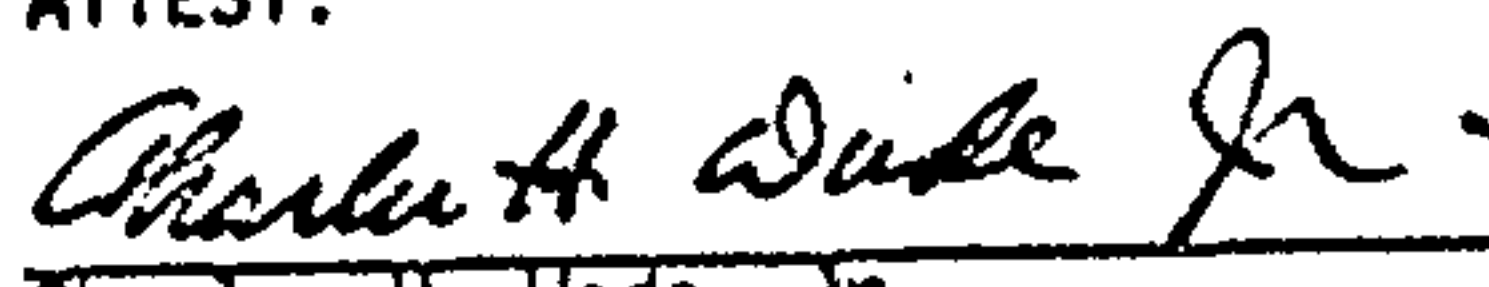
W. Edward Bailey, Vice-President

Robert Jarboe, Commissioner


John G. Lancaster, Commissioner


Rodney Thompson, Commissioner

ATTEST:


Charles H. Wade, Jr.
Director of Finance

APPROVED AS TO LEGAL SUFFICIENCY:


Theodore P. Weiner
County Attorney

Delivered: Co. Admin

RESOLUTION

2118PH05/28/870 CD.COM 80.00

WHEREAS, Chapter 49 of the Code of Public Local Laws of St. Mary's County, Maryland authorizes and directs the Board of County Commissioners of St. Mary's County, Maryland to levy a fire tax of not more than fourteen cents (14¢) on every \$100.00 of assessed valuation of all real personal property in the Election Districts wherein the question of levying said Fire Tax has been submitted to and approved by a referendum of the legally qualified voters; and

WHEREAS, In Election Districts 1, 2, 3, 4, 5, 6, 8 and 9, the Fire Tax has been voted upon and approved by the legally qualified voters;

Election District 1	.09
Election District 4	.11
Election District 5	.11
Election District 6	.11
Election District 8	.11

THIS DATE:
May 26, 1987

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Joseph P. O'Dell
Joseph P. O'Dell, President

W. Edward Bailey
W. Edward Bailey, Vice-President

Robert Jarboe
Robert Jarboe, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

ATTEST:

Theodore P. Weiner
Theodore P. Weiner
County Attorney

NO: 87-05

SUBJ: ECONOMIC DEVELOPMENT
REVENUE BONDS -
SSI PROPERTIES

INDUCEMENT RESOLUTION

2:13PM05/28/87D CD.COM \$0.00

PREAMBLE

RE-RECORDED

3:07PM06/18/87D CD.COM \$0.00

A Resolution authorizing the execution of an agreement with SSI Properties, a general partnership created in the State of Maryland pertaining to the financing of the relocation and expansion of an existing county business to a new site and facilities at St. Mary's Industrial Park in Hollywood, within the boundaries of St. Mary's County, Maryland.

RECITALS

WHEREAS, St. Mary's County, Maryland, a political subdivision of the State of Maryland, Issuer by virtue of the laws of the State of Maryland, particularly the Maryland Economic Development Revenue Bond Act, Sections 266-A through 266-I, inclusive, of Article 41 of the Annotated Code of Maryland, as amended (the "Act"), and the authorities therein mentioned, wishes to take the necessary actions for the issuance of economic development revenue bonds of the Issuer, in order to assist SSI Properties in financing the construction of an 22,500 sq. ft. steel building with office, manufacturing and warehouse space on a 5.14 acre site in St. Mary's Industrial Park, Hollywood, Maryland, ("Project"), more particularly described in the form of agreement attached hereto as Exhibit 1, which Project will be located within the boundaries of the Issuer;

NOW, THEREFORE, be it resolved by the Board of County Commissioners of St. Mary's County, Maryland:

SECTION I. The Board of County Commissioners does hereby find and determine that:

- (a) The Project constitutes a "facility" within the meaning of that term as defined in Section 266-A of the Act; and
- (b) The Project is consistent with the legislative purpose of Section 266-B, i.e., to relieve conditions of unemployment, to encourage the increase of industry and commerce and a balanced economy, to assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State of Maryland, to promote economic development and to generally promote the health, welfare, and safety of the residents of St. Mary's County and the State of Maryland.

SECTION II. In order to assist in financing of the Project, the Board of County Commissioners hereby agrees to authorize and issue revenue bonds of the Issuer, in an aggregate amount now estimated not to exceed \$640,000, pursuant to the Act, upon the terms provided in the form of agreement attached hereto as Exhibit 1, to bind and inure to the benefit of the Issuer and SSI Properties, which form of agreement is hereby in all respects approved. Any three (3) Commissioners are hereby authorized and directed to execute such agreement substantially in such form, with such changes as are not adverse to the Issuer as such Commissioners may approve, such execution being conclusive evidence of approval of any such changes.

NO: 87-05

SUBJ: ECONOMIC DEVELOPMENT
REVENUE BONDS -
SSI Properties

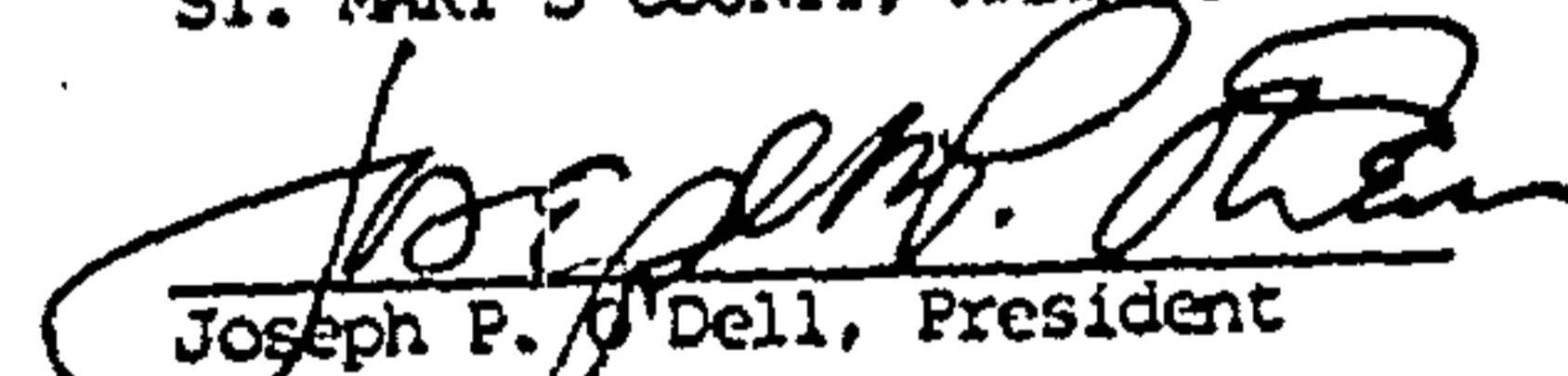
Page 2

SECTION III. It is found and determined that all formal actions of the Board of County Commissioners concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Board, and that all deliberations of the Board and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements of the State of Maryland and the Act.

SECTION IV. This Resolution shall be in full force and take effect immediately upon its adoption.

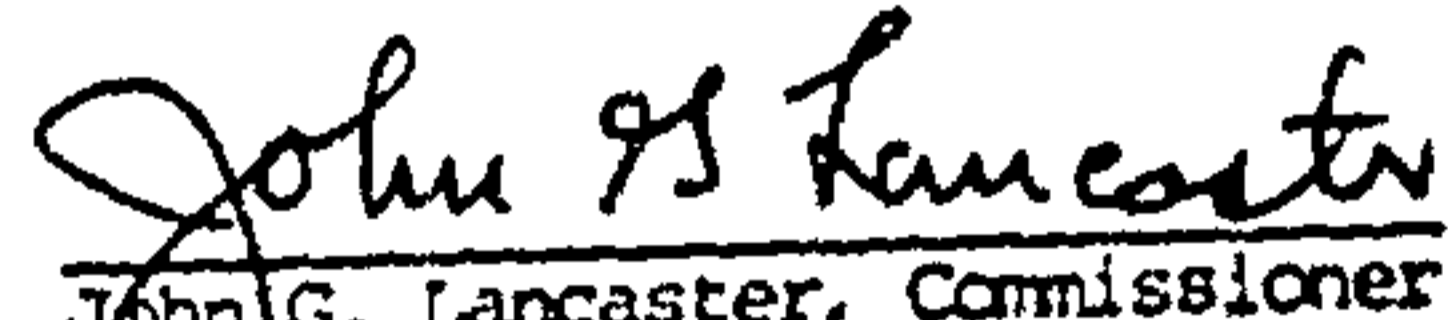
WITNESS, the Hand and Seal of the Board of County Commissioners of St. Mary's County, Maryland, this 19th day of May, 1987.


BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND


Joseph P. O'Dell, President

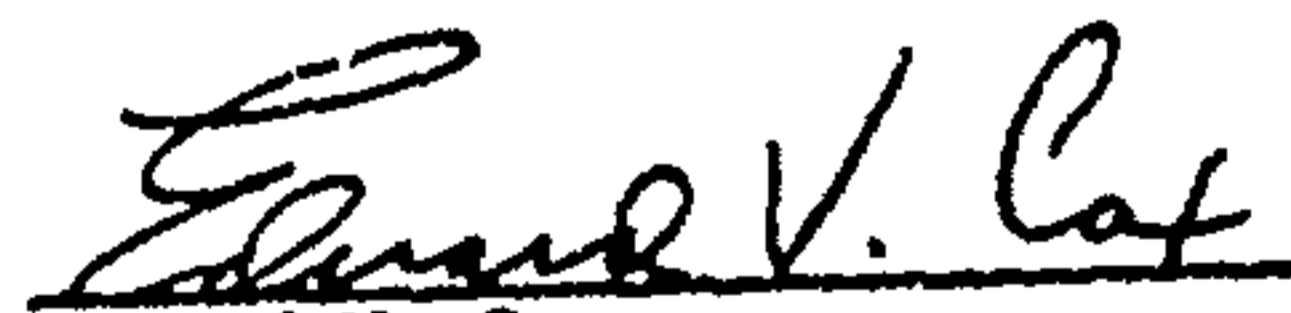

W. Edward Bailey, Vice President


Robert Jarboe, Commissioner



John G. Lancaster, Commissioner


Rodney Thompson, Commissioner

ATTEST:


Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:


Joseph R. Jersford
Assistant County Attorney

RESOLUTION NO: 87-05

EXHIBIT NO: 1

Page 1 of 3

AGREEMENT TO ISSUE BONDS

This Agreement entered into this 19th day of May, 1987, by and between the Board of County Commissioners of St. Mary's County, Maryland, hereinafter referred to as "Issuer," a political subdivision duly organized and validly existing under the Constitution and Laws of the State of Maryland and SSI Properties, a general partnership created in the State of Maryland hereinafter referred to as "Project Owner," to relieve conditions of unemployment, to encourage the increase of industry and commerce and a balanced economy, to assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State of Maryland, to promote economic development and to generally promote the health, welfare, and safety of the residents of St. Mary's County and the State of Maryland under the following circumstances:

- A. The Project Owner desires to finance costs of a facility (the "Project") which will include the construction of an 22,500 sq. ft. steel building with office, manufacturing and warehouse space on a 5.14 acre site in St. Mary's Industrial Park at Hollywood, Maryland, within the boundaries of the Issuer, which Project will be owned by the Project Owner.
- B. The Project Owner has requested that the Issuer issue economic development revenue bonds pursuant to the Maryland Economic Development Revenue Bond Act, Section 266-A through 266-I, inclusive, of Article 41 of the Annotated Code of Maryland, as amended (the "Act"), in an aggregate principal amount now estimated not to exceed \$640,000 (the "Bonds"), to assist in the financing of the Project, and is agreeable to making payments to the Issuer sufficient to pay all the principal and premium, if any, and interest on the Bonds.
- C. The Issuer is willing to issue the Bonds and desires to obtain the economic benefits from the Project. As an inducement to and in consideration of the Project Owner's plan with respect to the Project, the Issuer and the Project Owner agree as follows:
 1. The Project Owner shall commence and continue to cause to be commenced and continued, the construction and equipping of the Project as soon as feasible and the Project Owner will provide, or cause to be provided, at its own expense, the necessary interim financing to permit acquisition, construction and equipping of the Project to commence and continue. Upon the issuance of the Bonds, the Issuer and the Project Owner will enter into one or more agreements (the "Financing Agreement") with respect to the Project and the financing thereof. The Financing Agreement shall be in the form of a loan agreement, a conditional or installment sale agreement, or a lease with the option to purchase and may contain such terms and conditions as provided or permitted under the Act.

RESOLUTION NO: 87-05

EXHIBIT NO: 1

Page 2 of 3

Provided, however, that the Financing Agreement shall require payment sufficient to pay the principal of and premium, if any, and interest of such Bonds as may be issued with respect to the Project, or a portion thereof, which is subject to such Financing Agreement. In order to secure the payment of the principal of and premium, if any, and interest on the Bonds, the Issuer may also enter into a trust agreement or mortgage with the Project Owner which shall have such terms and conditions as may be provided or permitted under the Act. The Issuer shall not have any financial responsibility with respect to the Bonds or the Project except from income and revenue actually derived by the Issuer with respect to the Bonds and the Project.

2. Upon receipt of a request from the Project Owner, the Issuer will promptly issue the Bonds in one or more series, maturing in such amounts and times, bearing interest at such rate or rates, payable on such dates and containing such optional and mandatory redemption features and prices as are requested by the Project Owner and will deliver the Bonds to the purchaser or purchasers thereof and cooperate to its fullest extent in consummating the transaction.
3. In order to induce the Issuer to execute and deliver this Agreement, and ultimately to issue the Bonds, the Project Owner hereby represents and agrees:
 - a. The assistance to be provided under this Agreement and the commitments thereto made by the Issuer have induced the Project Owner to locate the Project within the boundaries of the Issuer and will create additional jobs and employment opportunities therein.
 - b. The Project Owner will defend, indemnify and hold the Issuer and any and all officials thereof harmless against any and all losses, costs, expenses, claims, or actions arising out of or connected with the execution of the Agreement, and the preparation of, proceedings for, and the issuance, sale or delivery of the Bonds.
4. This Agreement will be binding upon the Project Owner, its successors and assigns.

RESOLUTION NO: 87-05

EXHIBIT NO: 1


Page 3 of 3

IN WITNESS, WHEREOF, the Issuer, pursuant to the Resolution duly adopted on May 19, 1987 by the Board of County Commissioners, has caused this Agreement to be executed by at least three (3) County Commissioners and the Project Owner has caused it to be executed, all as of the date and year first above written.

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND


Joseph P. O'Dell, President



W. Edward Bailey, Vice President


Robert Jarboe, Commissioner



John G. Lancaster, Commissioner


Rodney Thompson, Commissioner

ATTEST:


Edward V. Cox
County Administrator


APPROVED AS TO LEGAL SUFFICIENCY:


Joseph R. Densford
Assistant County Attorney

ATTEST:

SSI PROPERTIES




Greig H. Parks
Managing Partner

Returned Co. Admistr

JUN 18 1987

MARY R. BELL, CLERK

No. Z-87-05

Subj: ZPUD #86-0893
MAYJACK, INC.

INCR 006 PAGE 79

RESOLUTION

2:36PM07/02/87A CO.COM \$0.00

WHEREAS, MAYJACK, INC. has made application to rezone approximately 128 acres of land off Barefoot Drive extended, which is currently zoned R-2 (Low Density Urban Residential) to PD-IP (25.2 acres) and PDR 5.0 (105.3 acres). The property is located in the Eighth Election District of St. Mary's County, Maryland, and is shown on Tax Map 42, Block 6, as part of Parcel 51 and Parcels 71, 154, and 165. The matter is identified as ZPUD #86-0893.

WHEREAS, following publication of notice and notification of all property owners within 200 feet of the subject property by certified mail, the St. Mary's County Planning Commission conducted a public hearing on the request on June 23, 1986.

WHEREAS, following deliberation, the Planning Commission, on September 8, 1986, by a unanimous vote, recommended to the Board of County Commissioners of St. Mary's County that designation of the subject property as PD-IP and PDR be granted, subject to certain conditions.

WHEREAS, the Board of County Commissioners, after publication of notice and notification of all property owners within 200 feet of the subject property by certified mail, conducted a public hearing on the request on January 6, 1987.

WHEREAS, both the PD-IP and the PDR zoning classifications are "floating zones", and, therefore, not subject to the "change or mistake" rule set forth in Article 66B of the Annotated Code of Maryland and the St. Mary's County Zoning Ordinance.

WHEREAS, the Board of County Commissioners defined the neighborhood of the subject property as that area encompassed on the north by Maryland Route 235, on the west by Hewitt Road, on the south by Norris Road, and on the east by Rolling Road.

WHEREAS, the neighborhood of the subject property contains a mix of commercial and residential uses.

WHEREAS, the Board of County Commissioners finds the uses proposed by the applicant for the subject property and permitted in the PD-IP and PDR zoning classifications are compatible with existing uses and development in the neighborhood.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, this 30th day of JUNE, 1987, that the subject property is hereby designated as PD-IP (as to 25.2 acres), and PDR 5.0 (as to 105.3 acres), in accordance with the Development Plan, but subject to the following modifications:

1. No residential units shall be constructed on the subject property designated as PDR until Chancellor's Run Road is expanded to four (4) lanes from the southwest corner of the property bordering Chancellor's Run Road to Maryland Route 235.

2. Development of the subject property designated as PD-IP shall be limited to the designated uses; namely, commercial offices and research and development, warehousing and commercial retail uses which will generate no more than 2,100 vehicle trips per day until Chancellor's Run Road is expanded to four (4) lanes from the southwest corner of the property bordering Chancellor's Run Road to Maryland Route 235. For the purposes of determining the number of vehicle trips per day, the following table shall apply:

Commercial offices @ 14 trips per 1,000 square feet and
retail at 60 trips per 1,000 square feet; Research and
Development @ 14 trips per 1,000 square feet; Warehousing
at .6 trips per 1,000 square feet.

No. Z-87-05

Subj: ZPUD #86-0893
MAYJACK, INC.


(Page 2 of 2)

168R 006 PAGE 80

3. No construction shall be permitted or performed on either right-of-way extension shown on the Development Plan for Barefoot Drive until the Board of County Commissioners determines which extension will be approved.

4. Without prejudice to Applicant's rights to fair compensation, site plan approval shall require that land normally necessary for the widening of Chancellor's Run Road to four (4) lanes in accordance with the State Highway Administration road plans not be improved with structures so as to interfere with those plans.

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND


JOSEPH P. O'DELL, President


W. EDWARD BAILEY, Vice-President

ROBERT JARBOE, Commissioner


JOHN G. LANCASTER, Commissioner


RODNEY THOMPSON, Commissioner


ATTEST:


EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY
AND FORM:


JOSEPH R. DENSFORD
Assistant County Attorney

MAYJACK, INC.

By: 
JOHN T. DAUGHERTY

Mel: Patricia Guy 7-2-87

MARY R. BELL, CLERK

WHEREAS, Joseph H. Coddard has made application to rezone approximately 5.4 acres of land on the northwest corner of the intersection of Route 5 and Route 244 from R-1, Rural Residential, to C-2, Commercial. The property is located in the Third Election District of St. Mary's County, Maryland, on Tax Map 41, Block 13, Parcel 52. The matter is docketed as Case No. 86-0298.

WHEREAS, following publication of notice and notification of all property owners within 200 feet of the subject property by certified mail, the St. Mary's County Planning Commission conducted a public hearing on the request on December 8, 1986.

WHEREAS, following deliberation, the Planning Commission on February 9, 1987, by a vote of three (3) to two (2), recommended to the Board of County Commissioners of St. Mary's County that designation of the subject property as C-2 be denied.

WHEREAS, the Board of County Commissioners, after publication of notice and notification of all property owners within 200 feet of the subject property by certified mail, conducted a public hearing on the request on March 17, 1987.

WHEREAS, after deliberation, the County Commissioners, in accordance with the provisions of Section 4.05(a) of Article 66B of the Maryland Annotated Code and Section 70.05 of the St. Mary's County Zoning Ordinance, find as fact the following with regard to the request:

I. Change in character of neighborhood:

The neighborhood for this property is defined as a radius of approximately $\frac{1}{2}$ mile surrounding the subject property. There have been numerous land use changes in the neighborhood, including the following:

A. The rezoning of two parcels associated with the Green Acres Drive In. One parcel was rezoned based on a mistake in the original zoning, since the drive-in existed at the time of zoning in 1974. The other case was the zoning to Commercial of a parcel adjacent to the drive-in and was rezoned by the County Commissioners based on a finding that there had been a change in the character of the neighborhood. (The request was recommended for denial by the Planning Commission, which found there had not been a change.)

B. The construction of the Leonardtown High School. The high school was opened in 1978. The middle school opened in 1975 and the technical center opened in 1968.

C. The extension of the public sewer line to the schools complex and past this property.

D. A 32% increase in population of the Third Election District between 1970 and 1980 compared to a County growth rate at that time of 26%.

II. Population change:

A. The population of the Third Election District increased 32% between 1970 and 1980. The growth rate of 3.2% annually is in line with the Comprehensive Plan's projection of 3% growth per year.

III. Adequacy of public facilities:

B. 1. Water and Sewer
Unused sewer capacity which could be used to serve this project exists in the Leonardtown plant.

2. Roads
Highway oriented commercial property, if developed to its maximum, generates between 100 and 300 vehicles per day per acre. This site could generate from 500 to 1500 vehicle trips per day at full development. In 1982 a traffic count for Rte. 5 just north of the property totaled 8,000 for a day, while just south the count was 5,900 per day. Rte. 5 is designed to carry 20,000 cars per day.

3. Schools

USER 006 PAGE 82

Since C-2 zones allow residential uses of up to 30 units per acre, in theory, the project could include 150 dwelling units. However, of greater concern are the types of uses which could be located on the site which is so close to a school complex as noted in correspondence from the Board of Education. The Board of Education says that "the present zoning provides the type of surrounding environment most compatible for school use."

4. Police, Parks, Fire and Rescue, Government Services
No significant impact.

IV. Present and future transportation patterns:

C. If traffic is limited to access from Rte. 244, staff sees no disruption to existing patterns.

V. Relation to Comprehensive Plan:

E. Though 5 acres is not a huge site, it can support quite a bit of commercial activity. If developed, this site could impose a different character on its immediate neighborhood and be the beginning of a commercial concentration.

VI. Fiscal impact on government:

F. Commercial zoning has the potential to increase tax revenues to the County.

VII. Suitability of property for uses under existing and proposed zoning classifications:

G. The suitability of the property for its existing zoning and use has been demonstrated by its successful operation as an apartment building for 15 years. It should be suitable for commercial uses because of the adjoining commercial use, and at the intersection of Maryland Route 5 and Route 244.

VIII. Compatibility with existing and proposed development for the area.

D. The site adjoins two residential properties and one commercial use, and would not cause a problem for the automobile sales lot.

IX. Mistake in original zoning:

No mistake in the original zoning for the subject property has been established which would support rezoning to C-2.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND this 30th day of June, 1987 that the above-mentioned rezoning request is granted and the property is hereby reclassified from R-1 to C-2.

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

JOSEPH P. O'DELL, President

W. EDWARD BAILEY, Vice President

ROBERT JARBOE, Commissioner

JOHN G. LANCASTER, Commissioner

RODNEY THOMPSON, Commissioner

ATTEST:

EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY
AND FORM:

JOSEPH R. DENSFORD
Assistant County Attorney

Del: Patricia Grey 7-2-87

JUL 15 1987
MARY R. BELL, CLERK

RESOLUTION

WHEREAS, Local Governments in the State of Maryland desire to pool together to provide insurance protection and benefits to themselves and their employees either through the purchase of insurance or by self-insuring for insurable risks; and

WHEREAS, Chapter 638, 1986 Acts of Maryland authorizes public entities, including Local Governments, in Maryland to pool together for the purpose of purchasing Casualty Insurance or self-insuring Casualty risks; and

WHEREAS, Certain Local Governments wish to pool together to provide insurance protection for Casualty risks to obtain excess coverage for the Pool, if possible, and to provide risk management and loss control services for Pool Participants, all for the purpose of minimizing the cost of comprehensive general liability, business automobile liability and physical damage, law enforcement liability, and public officials legal liability insurance claims and administration; and

WHEREAS, Funds will be paid initially by certain Participants and continue to be paid from time to time by Participants to a Board of Trustees which funds will constitute a trust fund to be held for the exclusive benefit of the Participants, including payment of certain expenses on behalf of the Participants; and

WHEREAS, Certain Participants wish to enter into this Trust Agreement as of July 1, 1987 with a promise to pay Premium at a later date agreed upon the Trustees and the other Participants; and

WHEREAS, The Participants desire the Trustees to collect, receive, hold, invest, reinvest, manage, dispose of, distribute and otherwise to administer the funds, and the Trustees have indicated their willingness to do so, all pursuant to terms of this Agreement; and

WHEREAS, The Trustees and the Participants desire to establish the terms and conditions under which the Pool will be operated.

NOW, THEREFORE, BE IT RESOLVED, By the Board of County Commissioners that St. Mary's County become a party to the Local Government Insurance Trust dated as of July 1, 1987, among the Local Governments and Trustees which are parties thereto.

THIS DATE:

June 30, 1987

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Joseph P. O'Dell
Joseph P. O'Dell, President

W. Edward Bailey
W. Edward Bailey, Vice-President

Robert Jarboe
Robert Jarboe, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox, County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:
Theodore P. Weiner
Theodore P. Weiner, County Attorney

EXECUTION

IN WITNESS THEREOF, the undersigned, the President of the Board of County Commissioners, St. Mary's County, Maryland, has caused this signature page to be executed this 30th day of June 1987, and hereby becomes a party to the Local Government Insurance Trust Agreement, dated as of July 1, 1987, among the Local Governments and Trustees which are parties hereto.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Edward V. Cox

(SEAL)

By *Joseph P. O'Dell*
Joseph P. O'Dell, President

Certificate of Authority

I, Edward V. Cox, the County Administrator of St. Mary's County, Maryland, certify that the above signature has been fully authorized by the Board of County Commissioners, St. Mary's County, Maryland.

Date: 6/30/87

Signed: *Edward V. Cox*

Rel: Margaret Nelson 7-6-87

MARY R. BELL, CLERK

R E S O L U T I O N

2:56PM07/15/87A CD.COM \$0.00

WHEREAS, Section 8-1101 through Section 8-1108 under Title 8, Subtitle 11, Sediment Control of the Natural Resources Volume of the Annotated Code of Maryland, as amended, empowers the Board of County Commissioners to adopt a Sedimentation Control Ordinance and to provide for its administration, enforcement and amendment; and,

WHEREAS, the Board of County Commissioners did on the 1st day of July, 1971, adopt the St. Mary's County Sedimentation Control Ordinance and,

WHEREAS, the Sedimentation Control Ordinance has been amended from time to time, and,

WHEREAS, after due notice, a public hearing was held by the Board of County Commissioners on June 9, 1987, concerning proposed text changes to the Sedimentation Control Ordinance.

NOW, THEREFORE, BE IT RESOLVED and Ordained that, in an open meeting held on June 9, 1987, after due consideration and deliberation, the Board of County Commissioners declare the following changes be made in the text of the St. Mary's County Sedimentation Control Ordinance:

(1) Article 17.03 Violations - Add the following subsection:

"(d) Pursuant to Article 25, Section 10J of the Annotated Code of Maryland, the Board of County Commissioners may provide for civil penalties for any violation of this Ordinance, by the passage of a resolution establishing a schedule of fines.

The Director of Public Works or his duly authorized representative may deliver a citation to a person believed to be committing a violation thereof. A copy of the citation shall be retained by the Director and shall bear a certification attesting to the truth of the matters set forth. The citation shall contain:

1. The name and address of the person charged;
2. The nature of the violation;
3. The place and time of the violation;
4. The amount of the fine assessed;
5. The manner, location, and time in which the fine may be paid;
6. The person's right to elect to stand trial in the District Court of St. Mary's County for the violation.

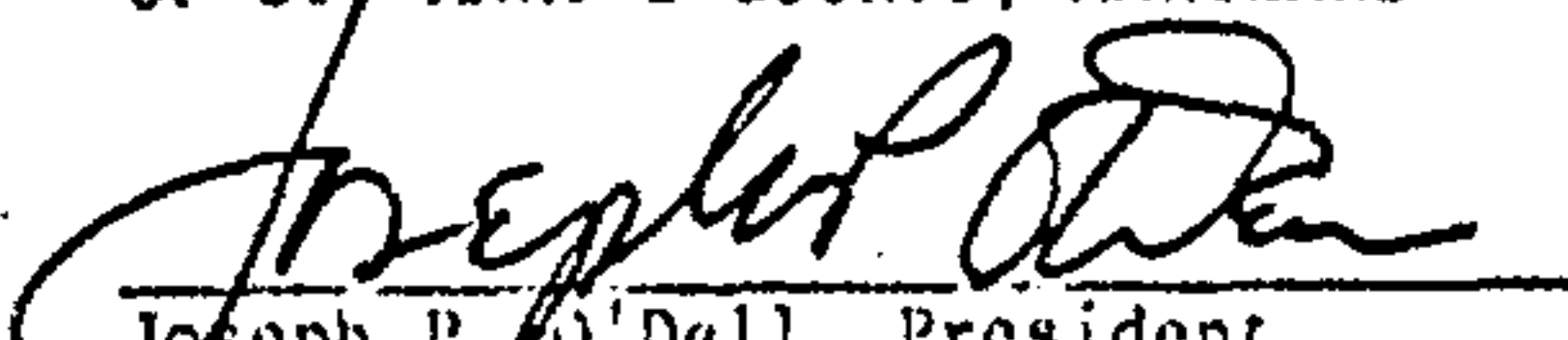
A preset fine not to exceed \$500 may be imposed for each violation. The County Commissioners may establish a schedule of fines for each violation and may adopt procedures for collection of these fines.

A person who receives a citation may elect to stand trial in the District Court of St. Mary's County, for the offense, by filing with the Director of Public Works, a Notice of Intent to Stand Trial. The Notice shall be given at least five (5) days before the date of


payment as set forth in the citation. On receipt of the Notice of Intention to Stand Trial, the Director shall forward to the District Court having venue, a copy of the citation and the Notice of Intention to Stand Trial. On receipt of the citation, the District Court shall schedule the case for trial and notify the defendant of the trial date. All fines, penalties, or forfeitures collected by the District Court for violations shall be remitted to St. Mary's County."

The terms of this Ordinance shall become effective on the 7th day of July, 1987.

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND


Joseph P. O'Dell, President


W. Edward Bailey, Vice President


Robert Jarboe, Commissioner



John G. Lancaster, Commissioner


Rodney Thompson, Commissioner

ATTEST:



APPROVED AS TO LEGAL SUFFICIENCY:


Joseph R. Densford
Assistant County Attorney

mj

Mel: Judy Landrum

7-15-87

MARY R. BELL, CLERK

NO: 87-10

SUBJECT: Longview Beach Special Taxing
District Ordinance

LIBER 006 PAGE 87
ORDINANCE

2:18PM07/27/87B CD.COM \$0.00

WHEREAS, the County Commissioners of St. Mary's County, Maryland, are empowered under the provisions of Section 151, of the Code of Public Local Laws of St. Mary's County to construct and improve private roads after the approval of a petition of a majority of the property owners whose property benefits from said improvements; and

WHEREAS, the County Commissioners of St. Mary's County, Maryland, have been petitioned by a majority of the property owners in the Longview Beach Subdivision requesting the County to reconstruct and improve several of the streets in Longview Beach Subdivision which is located in the Seventh Election District of St. Mary's County, Maryland, and recorded among the Land Records of St. Mary's County, Maryland, in Liber C.B.G. 35, Folio 440. The following streets are shown on the aforementioned plat of said subdivision and shall be improved to the approximate limits indicated herein:

- Longview Boulevard - from Maryland State Route 238 to Mill Creek Drive.
- Pleasant Lane - from Longview Boulevard to Wicomico Drive.
- Meadow Road - from Longview Boulevard to Upland Drive.
- Upland Drive - from Longview Boulevard to Meadow Road.
- Fairview Drive - from Longview Boulevard to Upland Drive.
- Upland Drive - from Fairview Drive to Wilson Drive.
- Wicomico Drive - from Pleasant Lane to Harbor Drive.
- Harbor Drive - from Wicomico Drive to Mill Creek Drive.

WHEREAS, the County Commissioners of St. Mary's County, Maryland, held a public hearing on July 7, 1987 in order to consider said petition; and

WHEREAS, the County Commissioners of St. Mary's County, Maryland, have determined to approve said petition in accordance with the provisions and reservations herein set forth.

NOW, THEREFORE, BE IT ORDAINED by the County Commissioners of St. Mary's County, Maryland, this 21ST day of JULY, 1987, that the petition of the majority of property owners of Longview Beach for the reconstruction and improvement of the streets in said subdivision be approved; and

IT IS FURTHER ORDAINED that the County Commissioners of St. Mary's County, Maryland, shall construct and improve said streets in accord with specifications approved by the Department of Public Works and authorized by the County Commissioners.

IT IS FURTHER ORDAINED that upon completion of said construction and improvements, the County Commissioners of St. Mary's County, Maryland, shall accept said streets into the County System of Roads; and

IT IS FURTHER ORDAINED that the costs of said improvements and reconstruction shall be borne by the County and the property owners in accordance with the following:

1. The property owners are responsible for \$453,700 of the construction costs. This sum represents the property owners' estimated share of the cost required by the approved set of plans. Said share being equivalent to the cost of improving the roads to a condition that would have been acceptable for inclusion within the County Road System at the time the subdivision was recorded in March of 1952.

2. The lot owners are responsible for all design costs for work performed by consultant engineers retained by the County for this project, with the exception of costs incurred for inspection of construction work.

3. The County is responsible for all in-house design and engineering costs.

4. The lot owners are responsible for all utility relocation costs.

5. The balance of construction costs shall be borne by the County.

6. The County shall be responsible for all costs associated with improving the roads to standards in excess of those required by the County at the time the subdivision was created, in particular, the costs of a bituminous concrete surface.

7. The inspection costs associated with the construction contract shall be borne by the County.

8. The property owners are responsible for the interest, whatever that rate shall be, based on the County's participation in "Consolidated Transportation Bond Issue" under authority of Transportation Article No. 3-301, Annotated Code of Maryland, or other method of bond issuances.

IT IS FURTHER ORDAINED that the cost of said construction and improvements attributable to those properties hereinafter named shall be paid over a twenty-year period by an annual benefit assessment levied against said properties; and

IT IS FURTHER ORDAINED that said annual benefit assessment shall be computed as follows:

1. The "total benefit assessment" shall represent total costs of reconstruction and improvements as described above, to be borne by the 466 existing lots in the taxing district, comprised of all improved lots and all lots fronting on one of the roads to be reconstructed. If improvements are constructed on lots that are not currently included in the taxing district, or if a subdivision of any lots included in the taxing district in the future, such lots shall, in the assessment year following such construction or subdivision, be included in the taxing district at the appropriate rate.

2. The benefit assessment to be paid by those lots in the taxing district which front on one of the roads to be reconstructed and are not improved with a house, shall be \$50.00 per year for each year the taxing district is in effect. This shall represent the "annual benefit assessment for unimproved lots".

3. The "total benefit assessment for unimproved lots" shall be \$50.00 times the number of unimproved lots fronting the roads to be reconstructed (247 lots at the time of passage of this ordinance) times twenty years.

4. The "total benefit assessment for improved lots" shall be the "total benefit assessment" minus the "total benefit assessment for unimproved lots".

5. The "annual benefit assessment for improved lots" shall be the "total benefit assessment for improved lots" divided by the number of improved lots in the subdivision (219 lots at the time of passage of this ordinance) divided by twenty years.

6. The benefit assessment described above shall be divided by the number of appropriate lots in existence in the subdivision on the first of May of each assessment year to determine the annual cost to each lot.

IT IS FURTHER ORDAINED that the County Commissioners of St. Mary's County, Maryland, shall certify the amount of each assessment to the Treasurer of St. Mary's County, Maryland, on or before May 1 of the year following completion of the construction; and

IT IS FURTHER ORDAINED that the Treasurer of St. Mary's County, Maryland, shall place said annual benefit assessment on the State and County real estate tax bills for said "lots" for the next twenty succeeding fiscal years, and that said annual benefit assessments shall be subject to such discount allowances and interest penalties and charges as may be provided by law; and

IT IS FURTHER ORDAINED that said annual benefit assessment shall constitute a first lien on said property, until paid, subject only to prior State and County taxes; and

IT IS FURTHER ORDAINED that said annual benefit assessment may be collected in the manner provided in Chapter 367, Laws of Maryland, 1978, of the Code of Public Local Laws of St. Mary's County, Maryland, or in any other manner provided by law; and

IT IS FURTHER ORDAINED that upon approval of this Ordinance by the County Commissioners, the County shall immediately assume responsibility for maintaining the roads in said subdivision; and

IT IS FURTHER ORDAINED that the properties affected by this Ordinance are as follows:

- Block 1 Lots: 2(I); 3; 4; 5; 6; 7; 8; 9; 10; 11(I); 12(I) & 13; 14(I); 15; 16; 17; 18; 19 & 20(I); 21(I); 22(I) & 23; 24(I); 25 & 26; 27(I); 28; 29; 30; 31(I) & 32; 33; 34; 35; 36; 37; 38; 39; 40(I) & $\frac{1}{2}$ of 41; 42(I) & $\frac{1}{2}$ of 41; 43; 44(I); 45; 46; 47, 48 & 49(I); 50(I); 51(I) & 52; 53; 54(I); 55; 56; 57 & 58; 59; 60; 61; 62(I); 63; 64; 65; 66; 67; 68, 69 & 70; 71; 72; 73; 74 & 75; 76; 77; 78.
- Block 1-A Lots: 1(I); 10(I) & 11; 17, 18 & 19(I).
- Block 2 Lots: 1(I) & 2; 3; 4; 5; 6; 7(I); 8(I); 9; 10; 11(I); 13(I); Rest of Block 2.
- Block 3 Lots: 1; 2(I); 3; 4(I); 5; 6(I); 7; 8; 9; 14(I).
- Block 4 Lots: 1; 2(I); 3(I); 12.
- Block 5 Lots: 1; 6(I) & 7; 10; 11; 14 & 15(I); 18(I); 22 & 23(I).
- Block 6 Lots: 1 & 2(I); 3(I) & $\frac{1}{2}$ of 4; 5(I) & 17 & $\frac{1}{2}$ of 4; 8(I); 12 & 13(I) & 24; 14; 21(I).
- Block 7 Lots: 1; 3(I); 11(I) & 12; 14; 15; 16; 17(I); 22(I); 26(I); 29(I); 31.
- Block 8 Lots: 1; 4(I); 15(I); 16; 17(I); 22(I); 23(I) & 24; 28 & 29(I); 30.
- Block 9 Lots: 1; 15(I); 16 & 17; 21 ; 29(I); 30(I).
- Block 10 Lots: 1 & 15(I) & 16; 14; 17(I); 24(I); 25(I); 28 & 29(I).
- Block 11 Lots: 1; 2 & 3(I); 10(I) & 24 & 25 & 26; 14 & 28; 15; 16(I); 27(I).
- Block 12 Lots: 1; 2 & 15 & 16; 8(I); 12(I) & $\frac{1}{2}$ of 13; 14(I) & $\frac{1}{2}$ of 13; 20(I); 26(I); 28.
- Block 13 Lots: 1(I) & 2; 9(I) & 10; 12; 13(I) & 14; 24(I) & 25.
- Block 14 Lots: 1(I); 8(I); 9(I); 10 & 11; 12(I) & 13; 15 & 16(I); 17(I); 18 & 19(I); 20(I).
- Block 14-A Lots: 1(I); 2; 7; 8(I) & 9; 13.
- Block 15 Lots: 1; 6; 7(I); 8; 9(I); 10 & 11; 15(I); 15.
- Block 16 Lots: 1; 2 & 3 & 8 & 9; 4; 5; 6(I).
- Block 17 Lots: 2 & 3(I); 7 & 8 & 9(I) & 10 & 11.
- Block 18 Lots: 10(I) & 11; 15(I); 16(I).
- Block 19 Lots: 8(I) & 9; 13(I) & 14.
- Block 20 Lots: 2(I); 6(I) & 7 & 8 & 16 & 17 & 18; 11 & 12(I) & Block 20-A; 13.
- Block 21 Lots: 1 & 1 of Block 24.

Block 22 Lots: 11(I).
Block 23 Lots: 1; 2 & 3; 4 & 5 & 6.
Block 23-A Lots: 5 & 6(I) & 7.
Block 24 Lots: 2; 3.
Block 25 Lots: 1; 2; 3.
Block 26 Lots: 1; 2; 3; 4; 5; 6.
Block 28 Lots: 1; 2; 3; 5(I) & 6; 7 & 8; 9; 10; 11; 12(I) & 13 & 14.
Block 29 Lots: 1 & 2 & 3 & 4 & 16; 5(I); 6; 7; 8; 9(I); 10; 11(I); 14(I); 15(I); 22(I) & 23.
Block 30 Lots: 1; 2; 3(I); 4 & 5; Rest of Block 30.
Block 31 Lots: 1(I); 2 & 3(I) & 4 & 5; 6; 7; 8; 9(I); 10 & 11(I) & 12; 14 & 15; 16; 17; 18; 20 & 21 & 22(I) & 23 & 24; 25.
Block 32 Lots: 1 & 2 & 3(I) & 26 & 27 of Block 31; 4 & 5 & 6(I); 7(I); 8; 9(I); 10 & 11(I); 12; 13; 14; 15.
Block 33 Lots: 5(I); 6; 7; 8; 9; 10 & 11; 12; 13 & 14; 15; 16 & 17; 18(I) & 19; 20; 21; 22(I); 23; 24 & 25; 26; 27; 28(I); 29; 30(I); 31 & 32 & 33; 34; Rest of Block 33.
Block 45 Lots: 1(I) & 2; 3; 4; 5; 6; 7; 8; 9; 10; 15(I).
Block 46 Lots: 1; 8(I); 9(I); 10 & 11(I) & 12; 13; 14; 15; 16 & 17 & 18 & 19.
Block 47 Lots: 1 & 2(I) & 1 of Block 48; 3 & 4(I) & 5; 6; 7; 8(I); 9 & 10(I); 11(I) & 12; 13(I); 14 & 15(I) & 16; 17; 18(I); 19; 20; 21(I); 22; 23; 24; 25(I).
Block 47-A Lots: 1; 2(I) & 18; 3(I); 4; 5; 6; 7(I); 8; 9(I); 10(I); 11(I); 12(I); 13; 14; 15(I).
Block 48 Lots: 2; 3; 4; 5 & 6(I) & 7 & 8; 9 & 10 & 11; 12; 13; 14; 15(I); 16(I); 17 & 18; 19(I).
Block 49 Lots: 1(I); 9 & 10(I); 11(I) & 12 & 13; 14 & 15(I); 16 & 17(I); 18(I); 19 & 20(I) & 21; 22; 23; 24(I); 25; 26(I) & 27 & 28; 29; 30; 31(I); 32.
Block 50 Lots: 1; 7(I); 9 & 10(I); 17; 18; 19; 20; 21.
Block 51 Lots: 8(I) & 9; 12 & 13(I); 21 & 22(I); 23(I); 24(I).
Block 52 Lots: 1(I) & 2; 5 & 18(I); 11(I); 17(I); 19(I); 26(I); 27(I).
Block 53 Lots: 1; 2(I); 6(I); 7(I); 8; 9; 10(I); 11; 12(I).
Block 54 Lots: 1; 3(I); 4(I); 6(I); 12(I) & 13; 22; 31(I); 36(I); 40(I).
Block 55 Lots: 3(I); 5; 6; 7; 8; 9(I); 10; 11; 12 & 13(I); 14(I); 15; 16; 17; 18; 19; 20(I); 21 & 22 & 23; 24; 25(I); 26(I); 27 & 28; 29; 30 & 31(I); 32 & 33(I); 34(I) & 35; 37(I); 38 & 39 & 40(I); 42(I); 74 & 75(I) & 76(I).
Block 56 Lots: 1; 11(I); 17(I); 19(I); 24(I); 25(I) & $\frac{1}{2}$ of 26; 27(I) & $\frac{1}{2}$ of 26; 29(I); 30(I); 31(I); 32(I) & 33.
Block 57 Lots: 1; 2(I); 17; 18(I).
Block 58 Lots: 1; 7(I); 15(I) & 16.
Block 59 Lots: 1; 14.

Block 60 Lots: 1; 13(I); 14(I).

Block 61 Lots: 1; 2; 3; 4; 5; 6 & 7; 8(I); 9; 10; 11; 12 & 13; 14 & 15; 16 & 17.

NOTE: (I) = Lot with improvement.

IT IS FURTHER ORDAINED that this Ordinance shall only be effective as aforesaid.

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND

Joseph P. O'Dell, President

W. Edward Bailey
W. Edward Bailey, Commissioner

Robert Jarboe
Robert Jarboe, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Rodney Tompison
Rodney Tompison, Commissioner

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
Assistant County Attorney

Ret. Judy Landrum

7/27/87

MARY R. BELL CLERK

ORDINANCE

WHEREAS, the County Commissioners of St. Mary's County, Maryland, are empowered under the provisions of Article 25, Section 2B of the Annotated Code of Maryland to provide for electric lighting along the streets of the County and to levy an ad valorem tax upon the properties within the area served by the electric lighting, upon receipt of a petition signed by 60% of the property owners within the proposed district.

WHEREAS, the County Commissioners of St. Mary's County, Maryland, have been petitioned by 60% of the property owners in the Southampton Subdivision, requesting the County to install street lighting in the Southampton Subdivision, which is located in the Eighth Election District of St. Mary's County, Maryland, and recorded among the Plat Records of St. Mary's County, Maryland in Plat Book 11, Folio 95. The following streets, as shown on the aforementioned plat of said subdivision, shall have the street lights installed to the approximate limits indicated herein:

8:34AM08/03/87B CO.COM 60.00

Along Windsor Drive, Bristol Avenue, Brighton Avenue, and along portions of Southampton Drive and Lincoln Avenue.

WHEREAS, the County Commissioners of St. Mary's County, Maryland, held a public hearing on July 14, 1987, in order to consider said petition; and

WHEREAS, the County Commissioners of St. Mary's County, Maryland, have determined to approve said petition in accordance with the provisions and reservations herein set forth.

NOW, THEREFORE, BE IT ORDAINED by the County Commissioners of St. Mary's County, Maryland, this 28th day of July, 1987, that the petition of the residents of Southampton, for the installation of street lights in said subdivision, be approved; and

IT IS FURTHER ORDAINED that the County Commissioners of St. Mary's County, Maryland, shall contract with the Southern Maryland Electric Cooperative for the installation, operation and maintenance of street lights in the Southampton Subdivision.

IT IS FURTHER ORDAINED that the costs of said installation, operation and maintenance shall be borne by the property owners in the Street Lighting Taxing District. The costs to be included shall be the amount billed the County by SMECO in accordance with it's current rate schedule to include all surcharge taxes to the utility.

IT IS FURTHER ORDAINED that the County Commissioners of St. Mary's County, Maryland, shall certify the amount of each assessment to the Treasurer of St. Mary's County, Maryland, on or before May 1 of the year following completion of the construction; and

IT IS FURTHER ORDAINED that said assessment shall constitute a first lien on said property against which the year assessed, until paid, subject only to prior State and County taxes; and

IT IS FURTHER ORDAINED that said annual benefit assessment may be collected in the manner provided in Chapter 367, Laws of Maryland, 1978, of the Code of Public Local Laws of St. Mary's County, Maryland, or in any other manner provided by law; and

IT IS FURTHER ORDAINED that the properties affected by this Ordinance are as follows:

Block B: Lots 500-19, 500-20, 500-21, 500-22, 500-23, 500-24,
500-25, 21, 22, 23, 24, 25, 26, 27 & 28.

Block C: Lots 500-35, 12, 13, 14, 15, 16, 17, 18, 19 & 20.

Block D: Lots 1, 2, 3, 4, 500-34, 500-33, 500-32, 500-31,
500-30, 11, 12, 13, 14, 15, 16, 17, 18, 19 & 20, 21 & 22.

Block E: Lots 1, 2, 3, 4, 5, 6, 500-29, 500-28, 500-27,
500-26, 13, 14, 15, 16, 17, 18, 19 & 20.

Block F: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12.

IT IS FURTHER ORDAINED that this Ordinance shall be effective as aforesaid.

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND

W. Edward Bailey
W. Edward Bailey, Acting President

Robert Jarboe
Robert Jarboe, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
Assistant County Attorney

Ret. Margaret Nelson

8/13/87

MARY R. BELL, CLERK

RESOLUTION

WHEREAS, JOHN COPSEY has made application to rezone 1.2 acres located on the east side of Maryland Route 5, south of and adjacent to the D&C Tire Store property, in Charlotte Hall, from AR, Agricultural-Residential, to C-2, Commercial. The property is shown on Tax Map 4, Block 23, as Parcels 252 and 254; and

WHEREAS, following publication of notice and notification of all property owners within 200 ft. of the subject property by certified mail, the St. Mary's County Planning Commission held a public hearing on June 8, 1987, and the County Commissioners held a public hearing on July 28, 1987; and

WHEREAS, after deliberation, the Planning Commission, on June 22, 1987, voted to recommend the requested rezoning to the County Commissioners; and

WHEREAS, after deliberation, the County Commissioners, on August 4, 1987, voted to change the zoning categories as requested by the applicant, due to the change in the character of the neighborhood; and

WHEREAS, the County Commissioners hereby find as fact that this change in zoning will have no adverse impact on public facilities or government services due to its small size and location in a commercial area.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, this 4th day of August, 1987, that the property identified on Tax Map 4, Block 23 as Parcels 252 and 254, is hereby rezoned to C-2, Commercial.

This Date: August 4, 1987

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

W. Edward Bailey
W. EDWARD BAILEY, Acting President

Robert Jarboe
ROBERT JARBOE, Acting Vice-President

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Rodney Thomson
RODNEY THOMSON, Commissioner

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

9:50AM 08/06/87A CD.COM 90.00

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
Assistant County Attorney

Ret. Patricia Guy 8/6/87 MARY R. BELL, CLERK.

NO: 87 - 12

SUBJECT: ST. MARY'S COUNTY.
SELF-INSURANCE FUND, ARTICLE VIII,
SECTION 1

RESOLUTION

WHEREAS, The State Legislature, by means of Senate Bill 237, effective July 1, 1987, established a limit on the liability of local governments not to exceed \$200,000 per an individual claim and \$500,000 per total claims that arise from the same occurrence.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners that Article VIII, Section 1 of the By-Laws of the St. Mary's County Self-Insurance Fund be amended to incorporate the local government liability limitations set forth in the Senate Bill 237.

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator 8/4/87

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

W. Edward Bailey
W. Edward Bailey, Acting President
Robert Jarboe
Robert Jarboe, Commissioner
John G. Lancaster
John G. Lancaster, Commissioner
Rodney Thompson
Rodney Thompson, Commissioner

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
Assistant County Attorney

9155AM08/11/87B CD.COM \$0.00

8/11/87

MARY R. BELL, CLERK

NO: 87 - 13

SUBJECT: ST. MARY'S COUNTY
SELF INSURANCE FUND, ARTICLE VIII,
SECTION 1

RESOLUTION

WHEREAS, St. Mary's County became a member of the Local Government Insurance Trust for liability insurance protection effective July 1, 1987.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, that Section 9 be added to Article VIII of the St. Mary's County Self-Insurance By-Laws stating that if there is any other collectible insurance available to the claimant hereunder that insures a loss that is also covered by this Fund, the coverage provided by this Fund will apply in excess of other collectible insurance.

9:55AM08/11/87 CO.COM \$0.00

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator 8/4/87

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

W. Edward Bailey
W. Edward Bailey, Acting President

Robert Jarboe
Robert Jarboe, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
Assistant County Attorney

8/11/87

MARY R. BELL, CLERK

RESOLUTION

WHEREAS, the St. Mary's County Building Authority Commission has received a grant through the Department of Health & Mental Hygiene to fund FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$500,000.00) of the construction and equipment costs at the St. Mary's Nursing Home, and

WHEREAS, the Board of Public Works approval of said grant is contingent upon receiving proof of recording among the Land Records, the State of Maryland's fifteen (15) year right of recovery.

NOW, THEREFORE, BE IT RESOLVED that the St. Mary's County Building Authority Commission of St. Mary's County, Maryland, and the Board of St. Mary's County Commissioners, do hereby agree that the following restrictive covenant shall apply to the St. Mary's Nursing Center:

"If, at any time within fifteen (15) years after payment of State Nursing Loan funds to the St. Mary's Building Authority Commission, the property is sold or transferred to any person, agency or organization which would not itself qualify as an applicant under the terms of this Act or which is not approved as a transferee by the Board of Public Works, or if within the same period, St. Mary's Nursing Home ceases to be a facility as defined in Chapter 304 of the Laws of Maryland, 1985, then the State shall be entitled to recover from either the owner, transferer, or transferee, an amount being the same ratio to the then current value of so much of the property as constituted an approved project, as the amount of the State participation bore to the total eligible cost of the approved project, together with all costs and reasonable attorney's fees incurred by the State in the recovery proceedings."

For purposes of this Resolution, the St. Mary's Nursing Center is defined as follows:

ID:28AN08/27/87B CD.COM 90.00

The St. Mary's Nursing Center is situated on a 4.68 acre site owned by St. Mary's County and located within the incorporated limits of Leonardtown, Maryland. The site fronts on Maryland Route 5 to the south and is situated at the end of Peabody Street.

BOOK 006 PAGE 99

RESOLUTION NO 87-14/BA-87-01

SUBJ: St. Mary's Nursing Home Loan Act of 1985 (ST-207)

The restrictive covenant of this Resolution applies only to the 4.68 acre site and not for any other portion of the County property.

This Resolution shall be recorded among the Land Records of St. Mary's County, Maryland.

Witness the hand and seal of the Board of County Commissioners of St. Mary's County, Maryland, this 25th day of August, 1987.

ST. MARY'S BUILDING AUTHORITY COMMISSION

Theodore P. Weiner, Chairman
Theodore P. Weiner, Chairman

BOARD OF ST. MARY'S COUNTY COMMISSIONERS

W. Edward Bailey
W. Edward Bailey, Acting President

Robert Jarboe
Robert Jarboe

John G. Lancaster
John G. Lancaster

Rodney Thompson
Rodney Thompson

APPROVED AS TO LEGAL FORM & SUFFICIENCY:

Joseph R. Dunsford
Joseph R. Dunsford
Asst. County Attorney

Ret. Judy Landrum

AUG 27 1987

MARY R. BELL, CLERK

RESOLUTION

WHEREAS, Article 25, Section 25 of the Annotated Code of Maryland authorizes the Board of County Commissioners to set building permit fees in December of each year; and

WHEREAS, the establishment of fees are necessary to administer and cover the costs of directly related government services to accomplish the purposes intended; and

WHEREAS, on February 23, 1987, the St. Mary's County Planning Commission reviewed a revised fee schedule proposed by the Office of Planning and Zoning and recommended that a subcommittee, comprised of various interested parties, including Planning Commission members, P&Z staff, and representatives of engineers/developers/subdividers be formed to review the schedule and offer suggestions/recommendations to the Planning Commission prior to going to public hearing; and

WHEREAS, it was the concensus of the subcommittee that the whole area of land use fees BY ALL COUNTY OFFICES be reviewed and considered as a whole, rather than on a piecemeal basis; and

2. WHEREAS, this additional information was provided for consideration; and

WHEREAS, the Planning Commission, at their meeting of March 9, 1987, voted to support the proposed fee schedule and recommend it to the County Commissioners, at the same time cautioning that the proposed increases might compound other proposals currently under consideration by the County; and

WHEREAS, after publication of notice, as required by law, in the July 8th and July 15th issues of The Enterprise, the County Commissioners conducted a public hearing on the proposed fee schedule on July 27, 1987; and

WHEREAS, having reviewed the proposed fee schedule, the Board of County Commissioners find the current fees are inadequate to support County services and the proposed increases are necessary to ensure enforcement and protection of the public welfare; and

WHEREAS, the Board of County Commissioners has determined that the costs of reviewing development proposals should be borne by the applicants; and

WHEREAS, the permit and related fee schedules have not been increased since March 3, 1981;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, this 18th day of August, 1987, that the enclosed Proposed Permit Fee Schedule is established and ordered

collected for new construction effective 08/01/87, and that any conflicting fee schedules for the same purposes, including Resolutions Nos. 81-14 and 81-15, dated March 3, 1981, are hereby repealed.

BE IT FURTHER RESOLVED that the Office of Planning & Zoning is directed to report these costs annually to the Board of County Commissioners and to prepare a fee schedule to offset these costs.

Enclosure: Permit Fee Schedule dated Sept. 1, 1987.

BOARD OF COUNTY COMMISSIONERS
OF ST MARY'S COUNTY, MARYLAND

W. Edward Bailey
W. EDWARD BAILEY, Acting President

Robert Jarboe
ROBERT JARBOE, Acting Vice-President

John E. Lancaster
JOHN E. LANCASTER, Commissioner

Rodney Thompson
RODNEY THOMPSON, Commissioner

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
Assistant County Attorney

SCHEDULE OF FEES FOR ST. MARY'S COUNTY

1. Planning and Zoning Actions

Fees

Zoning Permits	\$10.00
Subdivision Plat Review	\$10.00 per lot
Site Plans:	
Standard	\$300.00
Simplified	\$50.00 - However, if the estimated improvement does not exceed 144 sq. ft., review fees shall be \$25.00.
(Only if the S.P. is for an addition to existing building)	<u>NOTE: If a Simplified Site Plan is a part of a Conditional Use Application or Application for Expansion of a Nonconforming Use, NO FEE is charged for Site Plan Review.</u>
Amended Site Plan	\$50.00, provided the amended site plan requires "Board" or "Commission" approval
Zoning Amendment, Reasoning	\$250.00
Planned Unit Development - Plan Review	\$500.00

2. Board of Appeal's Actions

Conditional Use	\$150.00
Variance to the Zoning Ordinance	\$150.00 (each item)
Appeal of Zoning Administrator's Decision	\$150.00 - 50% of the fee is refundable if the Board of Appeals finds IN FAVOR OF the applicant
Expansion of Nonconforming Use, of GREATER than 50%	\$150.00

3. SIGN, ADVERTISEMENT

5 - 32 sq. ft. of sign area	\$10.00
Greater than 32 sq. ft. of sign area	\$20.00 plus \$10.00 for each additional increments of 32 sq. ft. thereafter.

For any fees for uses or processes not covered herein, the Chief, Permits and Inspections shall equate the fee to the nearest schedule.

BUILDING PERMIT FEE SCHEDULE

STRUCTURES & RELATED USES

FEEES

<p>Agricultural, forestry and fishery structures, including appurtenances based on gross sq. ft. of floor space under roof.</p>	<p>Two (.02¢) cents per sq. ft. Fee is charged only for structures of a size of 300 sq. ft. or greater.</p>
<p>Construction of all single family and Two family dwelling structures, and mobile homes including basements, garages, and appurtenances thereto, based on gross floor space under roof.</p>	<p>Ten (.10¢) cents per sq. ft. When a mobile home's last "Use" was for a dwelling and it is being replaced by another mobile home, the fee will be calculated only for the additional square footage over and above the one being replaced.</p>
<p>Townhouses, garden apartments, and multi-family dwelling structures, including apurtenances, basements, and garages based on floor space under roof.</p>	<p>Ten (.10¢) cents per sq. ft.</p>
<p>Commercial and industrial structures and enclosures and appurtenances based on gross floor area under roof.</p>	<p>Ten (.10¢) cents per sq. ft.</p>
<p>Industrial oil or petroleum storage tanks, when the product is for resale.</p>	<p>Ten (.10¢) cents per cubic yard.</p>
<p>Rental parking lots, and similar construction based on gross square feet covered thereby.</p>	<p>One cent for each square foot over 144 sq. ft.</p>
<p>Private permanent-type swimming pools and tennis courts</p>	<p>\$15.00</p>
<p>Nongovernmental, community swimming pools and tennis courts.</p>	<p>\$30.00</p>
<p>Detached non-commerical accessory use structures</p>	<p>Two (.02¢) cents per sq. ft. over 144 sq. ft.</p>
<p>Private Use - Piers, Bulkheads, groins, levees, and jetties</p>	<p>\$10.00</p>
<p>Trailer/Mobile Home - Lot, Space, Pad</p>	<p>\$10.00 per pad for Mobile Home Parks</p>
<p>Camper Park - Lot, Space, Pad</p>	<p>\$10.00 per pad per Camper Parks</p>
<p>Antenna structures exceeding thirty (30) ft. in height or the overall base construction exceeds 144 sq. ft.</p>	<p>\$10.00 per unit</p>
<p>Commercial (retail) petroleum pumps</p>	<p>\$10.00 per unit</p>
<p><u>Additions</u> to agricultural, residential, commercial and industrial structures.</p>	<p>Computed at same rate as for the existing structure use.</p>

Demolition of principal buildings larger than 144 sq. ft. No fee.

Minimum Building Permit Fee \$10.00

For any fees for use or structures not covered herein, the Chief, Permits Inspections shall equate the fee to the nearest schedule.

5. Change of use

The fee shall be determined by the Chief, Permits and Inspections, per schedule of new use

Expansion of use

The fee shall be determined by the Chief, Permits and Inspections, per schedule of use

6. PLUMBING

FEE

New Installation & Major Rehabilitation \$4.00 per fixture
\$25.00 minimum

Mobile Homes/Modular Homes \$25.00

Reissue of expired permits \$25.00

Fixtures left out of original permit application \$6.00

Service connection to a public/central sewer/water system \$25.00

Additional inspections in excess of three (3) \$25.00

County Master License Fee \$50.00 per two years

County Journeyman License Fee \$20.00 per two years

County Apprentice License Fee \$10.00 per two years

7. Trailer Park License Fee

(Annual) \$200.00 2 - 50 lots/pads

Code of St. Mary's County \$400.00 51 - 100 lots/pads

Maryland \$10.00 each pad/lots over 100

8. EIF Economic Impact Fee

(One Time) \$200.00 per lot

Subdivisions, all over 2 lots per Resolution No. 76-30, June 16, 1976

9. Money in Lieu of Land \$300.00 per lot

(Rec. & Parks) Subdivisions over two lots (one time) except where land is donated per Resolution No. 79-18, February 28, 1979

10. SALES

Copies of Reference Maps, etc. - Fees are computed annually by cost of printing as determined by the Chief, Permits and Inspections

ABATEMENT OF BUILDING PERMIT FEES

Resolution No. 75-53

July 1, 1975

The following organizations and/or projects shall be eligible for exemption from paying County building permit fees:

1. Public buildings;
2. Non-profit organizations which are in receipt of U.S. Internal Revenue tax exempt status, provided that such abatement of any building permit fees shall be only for buildings to be used exclusively for religious, educational, charitable or other non-profit purpose.

The exemption from paying building permit fees SHALL NOT be on a blanket basis, but individual requests shall in each case be made to the Board of County Commissioners for its consideration and determination that the applicant qualifies for exemption per the requisites set forth.

12. CERTIFICATE OF USE AND OCCUPANCY PERMITS

<u>USE/STRUCTURE</u>	<u>FEE</u>
Single Family Dwelling,	No fee
Duplex structure	\$10.00 per structure
Home Occupations	\$10.00
Multi-family, Garden Apartments, Townhouse dwelling structures	\$10.00 per structure plus \$3.00 @ unit
Swimming pools, Commercial	\$10.00
Commercial parking structure, and other commercial uses not herein listed as determined by the Chief, Permits & Inspections	\$10.00
Hotels, Motels (Inns)	\$10.00 per structure plus \$3.00 @ unit
<u>Mobile Home Park/Camper Park/ Pads/Lots/Spaces</u>	An Occupancy Permit will be issued in increments of ten or less - \$10.00
Commercial office, marinas, food processing	\$10.00 per 5,000 sq. ft. gross floor area and fraction of, maximum fee \$200.00
Industrial uses	\$10.00 per 5,000 sq. ft. gross floor area and fraction of, maximum fee \$200.00
Government-owned, operated, and/or sponsored facilities and activities, and civic association, historical buildings, non-profit organizations, and similar uses	No fee Permit required
Uses such as: private schools, churches, day nurseries, boarding camps, day care, foster care, (temporary or seasonal sales operated by non-profit organizations.	No fee Permit required

Minimum Fee for each Certificate
of Use & Occupancy Permit not
covered herein \$10.00

REFUNDS: Refunds of fees shall be granted in accordance with the refund
Policy approved by the Board of County Commissioners on
October 13, 1977.

COIN OPERATED AMUSEMENT MACHINES

Bowling Alley, Pool Tables, Shuffle
Board \$100.00 per machine

Ret: Patricia R. Guy

SEP

3 1987

MARY R. BELL, CLERK

No : 87-15
Subj: St. Mary's County Self-
Insurance Fund
Amendment #3

RESOLUTION

WHEREAS, The original By-Laws of the St. Mary's County Self-Insurance Fund Article IV, Section 2 provides for specific County and Metropolitan Commission position holders to be members of the Risk Management Committee, and

WHEREAS, It is recommended that the meetings be scheduled and held on a routine basis, and

WHEREAS, The Deputy Director of Accounting presently acts as the County's representative involving insurance matters;

NOW, THEREFORE, BE IT RESOLVED, By the Board of County Commissioners that Article IV, Section 2 of the By-Laws of the St. Mary's County Self-Insurance Fund be amended to read:

The Risk Management Committee shall consist of the Deputy Director of Accounting, the Assistant Director of the St. Mary's County Metropolitan Commission, and the County Attorney.

THIS DATE:
September 1, 1987

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

W. Edward Bailey
W. Edward Bailey, Acting President

Robert Jarboe 4103709/03/878 CO.COM \$0.00
Robert Jarboe, Commissioner

John H. Lancaster
John Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

ATTEST:
Edward V. Cox
Edward V. Cox,
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:
Joseph R. Densford
Joseph R. Densford
Assistant County Attorney

LIBER 006 PAGE 107

Ret: Judy Landrum

SEP 3 1987

MARY B. BELL, CLERK

RESOLUTION

WHEREAS, The Board of County Commissioners of St. Mary's County adopted on April 1, 1986, Resolution No. 86-09 which set forth an interim policy of the Board of County Commissioners of St. Mary's County pending the adoption of a more formal County Procurement System; and

WHEREAS, The Board of County Commissioners directed the County Administrator, following the Public Hearing on Resolution 86-09, at which substantial questions arose concerning the County's procurement system, to make a thorough study of the contracting and purchasing function; and

WHEREAS, The County Administrator secured the services of a professional consultant on procurement who, after intensive study and evaluation, has prepared a comprehensive Procurement Manual which contains policies and procedures for the efficient and effective conduct of the procurement functions of St. Mary's County; and

WHEREAS, The Board of County Commissioners deems that it is in the best interests of the County to adopt the Policies and Procedures as set forth in the proposed Procurement Manual; and

WHEREAS, The Board of County Commissioners has submitted for public review and comment the proposed Procurement Manual at a Public Hearing conducted on August 18, 1987;

NOW, THEREFORE, BE IT RESOLVED by The Board of County Commissioners that there is hereby adopted the Procurement Manual attached hereto and made a part hereof effective January 1, 1988.

IT IS FURTHER RESOLVED that, contemporaneous with the adoption of this Resolution (87-16), it shall supersede Resolution 86-09 which shall be repealed and declared null and void on January 1, 1988.

This Date:
September 15, 1987

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

W. Edward Bailey
W. Edward Bailey, Acting President

Robert Jarboe
Robert Jarboe, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

ATTEST:
Edward V. Cox
Edward V. Cox, County Administrator

9:52AM 09/22/87A CO.COM \$0.00

APPROVED AS TO LEGAL SUFFICIENCY:
Joseph R. Densford
Joseph R. Densford, Assistant County Attorney

Inadvertently numbered as Liber 1 Page 108.
Instead of Liber 6 Page 108 as verified
by Maryland State Archives under Record
Request SL 99 9365-14035.

*Copy of Record
checked 1/8/89*

SUBJ: DISSOLUTION OF CHAPTICO RECREATION CORPORATION

RESOLUTION

12:47PM 09/25/87A CD.COM \$0.00

WHEREAS, On July 28, 1987 the Board of County Commissioners of St. Mary's County, Maryland, the sole shareholder in Chaptico Recreation Corporation, did vote unanimously to transfer all of the assets and liabilities of the corporation to the Board of County Commissioners and dissolve the corporation; and

WHEREAS, The Board of Directors of Chaptico Recreation Cororation unanimously adopted a resolution on September 16, 1987 recommending that the corporation be dissolved and its assets and liabilities be transferred to the Board of County Commissioners;

NOW, THEREFORE BE IT RESOLVED This 22nd day of September 1987 by the Board of County Commissioners of St. Mary's County, Maryland that the dissolution of Chaptico Recreation Corporation and the transfer of all its assets and liabilities to the Board of County Commissioners is hereby approved;

IT IS FURTHER RESOLVED That the officers and the Board of Directors of Chaptico Recreation Corporation and the President of the Board of County Commissioners are hereby authorized and directed to take all appropriate and necessary action to effect the transfer and dissolution as expeditiously as possible.

This Date:
September 22, 1987

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffly, Jr.
Carl M. Loffly, Jr. President

W. Edward Bailey
W. Edward Bailey, Commissioner

Robert T. Jarboe
Robert T. Jarboe, Commissioner

John S. Lancaster
John S. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox, County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph Densford
Joseph Densford, Assistant County Attorney

9/25/87

MARY R. BELL, CLERK

No. Z-87-09
Subj: ZPUD # 87-0434
BEAN ASSOC., INC. 2130PH10/09/87B CD.COM \$0.00

Page 1 of 2

ZONING RESOLUTION

WHEREAS, BEAN ASSOCIATES, INC. has made application to classify 54.98 acres located in the northeast corner of the intersection formed by Maryland Rtes. 246 and 237, such that 33.78 acres is zoned PDR 5.74, Planned Development Residential, to allow construction of two hundred twelve (212) dwelling units and 17.92 acres is zoned PD-SC, Planned Development Shopping Center and that 3.3 acres will be dedicated to roads. The property is located in the Eighth Election District of St. Mary's County and is shown on Tax Map 51, Block 2 as Parcels 2 and 160; and

WHEREAS, following publication of notice and notification of all property owners within two hundred (200) ft. of the subject property by certified mail, the St. Mary's County Planning Commission held a public hearing on April 27, 1987; and

WHEREAS, after deliberation, the Planning Commission, on May 11, 1987, voted to recommend the requested reclassification to the County Commissioners; and

WHEREAS, following publication of notice and notification of all property owners within two hundred (200) feet of the subject property by certified mail, the County Commissioners held a public hearing on June 9, 1987; and

WHEREAS, after deliberation, the County Commissioners, on June 23, 1987, voted to classify the subject property as requested by the applicant, subject to certain conditions.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED, by the Board of County Commissioners of St. Mary's County, Maryland, this 29th day of September, 1987, that the property identified on Tax Map 51, Block 2 as Parcels 2 and 160, is hereby classified as requested, subject to the following conditions:

1. 17.92 acres, as shown on the development plan, prepared by D. H. Steffens Company, dated April 1987 and entitled "Concept Plan for Chancellor's Village," which is incorporated herein by reference, is designated PD-SC, Planned Development Shopping Center;

2. 37.06 acres, the remainder of the property, is designated PDR 5.74, Planned Development Residential, to permit construction of two hundred twelve (212) dwelling units;

3. Only one (1) entrance to the property will be permitted from Rte. 246;

4. Only one (1) entrance to the commercial property from Peggs Road Extended will be permitted;

5. Only one (1) entrance to the residential property from Peggs Road Extended will be permitted and this entrance shall be in alignment with the one (1) permitted entrance to the commercial property;

6. Only one (1) entrance to the residential property from Chancellor's Run Road will be permitted and it shall connect with the road which intersects with Peggs Road Extended;

No. Z-87-09
Subj: ZPUD # 87-0434
Bean Associates, Inc.

Page 2 of 2

7. The developer shall participate as directed by the State Highway Administration in the cost of installing or altering a traffic light at the intersection of Maryland Rtes. 246 and 237;

8. If a traffic signal is required at the intersection to be created on Peggs Road Extended due to this development, it shall be acquired and installed solely at the applicant's expense;

9. The applicant shall share in the expense of constructing Peggs Road Extended through an agreement to pay an additional \$600 per dwelling unit impact fee, in addition to the standard \$200 per dwelling unit impact fee, based on 268 dwelling units.

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr.
Carl M. Loffler, Jr., President

W. Edward Bailey
W. Edward Bailey, Vice-President

Robert T. Jarboe
Robert T. Jarboe, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Denford
JOSEPH R. DENFORD
Assistant County Attorney

The applicant hereby accepts the terms and conditions set forth above and agrees to comply with them during the development of this property. These terms and conditions shall bind the applicant's successors and assigns and shall run with and bind the subject property

ATTEST:

James A. Brown
Secretary

BEAN ASSOCIATES, INC.
By: *[Signature]* General Partner
President

Patricia R. [Signature]

NO. 87 - 19

SUBJ: MARYLAND TRANSPORTATION BONDS
FIRST ISSUE, TENTH SERIES

ORDINANCE

AN ORDINANCE to authorize St. Mary's County to enter into a Participation Agreement with the Department of Transportation of Maryland for the purpose of securing the payment of the principal and interest on the bonds to be issued by the Department of Transportation of Maryland pursuant to Sections 3-301 to 3-309, inclusive, of the Transportation Article of the Annotated Code of Maryland, as amended to the effective date hereof, hereinafter designated as Department of Transportation - First Issue, Tenth Series; and to authorize St. Mary's County to participate in the proceeds of the Bonds; and to authorize the Commissioners of St. Mary's County to take such further action as may be necessary and proper to consummate the execution and delivery of said Participation Agreement and the issuance and sale of the Bonds.

WHEREAS

Pursuant to Sections 3-301 to 3-309, inclusive, of the Transportation Article of the Annotated Code of Maryland, as amended to the effective date hereof (the "Act"), the Department of Transportation of Maryland (the "Department") is authorized to issue bonds in order to enable the counties of the State to accelerate programs of road construction and reconstruction, to provide local participating funds for federally aided transportation projects; to make major road repairs as necessary to eliminate damage caused to county roads by severe and unforeseen weather conditions, and to provide funds generally to finance the capital cost of transportation facilities;

2:00PM 10/27/87 CD.COM \$0.00

WHEREAS

St. Mary's County (the "County") has notified the Department of its desire to participate in the sale of Department of Transportation - County Transportation Bonds - First Issue, Tenth Series (the "Bonds") to be used during the fiscal year beginning July 1, 1987.

WHEREAS

The Department has approved the County's participation in the proceeds of the Bonds in an amount not to exceed \$1,200,000.

WHEREAS

Section 3-307 to the Act requires that the Department and the County enter into an agreement as more particularly described therein (the "Participation Agreement");

WHEREAS

The County has determined that it would be in the public interest to enter into such an agreement and participate in the proceeds of the Bonds in order to provide the County with funds to undertake road and transportation projects for which there is a current need but for which funds are not currently available.

NO. 87-19

SUBJ: MARYLAND TRANSPORTATION BONDS
FIRST ISSUE, TENTH SERIES
ORDINANCE

PAGE 2 OF 2

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

SECTION I

That the Participation Agreement to be entered into between the County and the Department in substantially the form attached hereto and made a part of Exhibit A be and it is hereby approved; and that the COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, be and are hereby authorized and directed to execute the Participation Agreement shall constitute conclusive evidence of their approval of the final form thereof.

SECTION II

That the COUNTY COMMISSIONERS OF ST. MARY'S COUNTY and other officers of the County are hereby authorized to take such other and further action as may be necessary and proper to consummate the transaction contemplated by the Participation Agreement, including the issuance and sale by the Department of the Bonds.

SECTION III

That the County is hereby authorized to participate in the proceeds of the Bonds in an aggregate principal amount not to exceed \$1,200,000.

SECTION IV

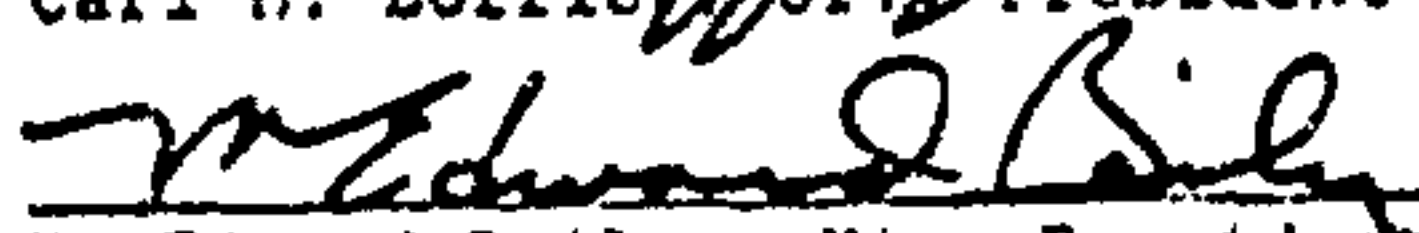
AND BE IT FURTHER ENACTED BY the BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, Maryland that this ORDINANCE shall become effective on the 20th day of OCTOBER, 1987.

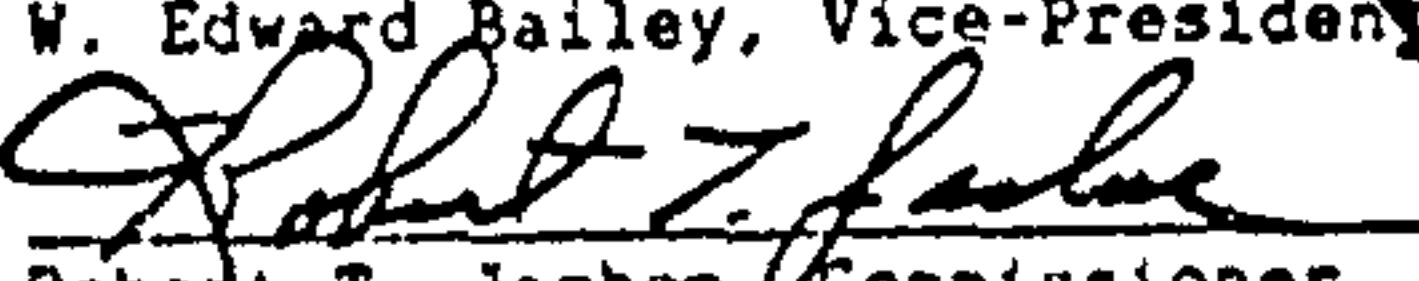
ADOPTED THIS 20th day of

OCTOBER, 1987.

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND


Carl M. Loffey, Jr., President


W. Edward Bailey, Vice-President


Robert T. Jarboe, Commissioner


John G. Lancaster, Commissioner


Rodney Thompson, Commissioner

ATTEST:


Edward V. Cox, County Administrator

APPROVED AS TO FORM AND LEGAL SUFFICIENCY THIS

1 day of OCTOBER, 1987


Theodore P. Wemyer
County Attorney

DEPARTMENT OF TRANSPORTATION OF MARYLAND
COUNTY TRANSPORTATION BONDS
FIRST ISSUE, TENTH SERIES

PARTICIPATION AGREEMENT

THIS PARTICIPATION AGREEMENT (the "Agreement") is made as of this 20th day of OCTOBER, 1987, by and between the DEPARTMENT OF TRANSPORTATION OF MARYLAND (the "Department") and St. Mary's County (the "Participant").

ARTICLE I

Define Terms and Rules of Construction

Section 1.1 Defined Terms. Unless the context clearly indicates otherwise, whenever used in this Agreement, the following terms shall have the meanings set forth in this Section:

- A. "Act" means Section 3-301 to 3-309, inclusive, of the Transportation Article of the Annotated Code of Maryland, as amended, to the effective date of this Agreement.
- B. "Arbitrage Regulations" means Treasury Regulations Sections 1.103-13 through 1.103-15.
- C. "Bonds" means Department of Transportation -- County Transportation Bonds -- First Issue, Tenth Series.
- D. "Code" means the Internal Revenue Code of 1986, as amended to the effective date of this Agreement, and regulations promulgated thereunder.
- E. "Department" means the Department of Transportation of Maryland.
- F. "Fiscal Officer of Participant" means that person serving from time to time as Director of Finance (or other appropriate title) for St. Mary's County.
- G. "Highway User Revenues" has the meaning set forth in Section 3-301(c) of the Act.
- H. "Ordinance" means Ordinance No. 87-19, enacted by the Participant, effective on Oct 20, 1987, approving (i) the Participant's participation in the proceeds of the Bonds and (ii) the execution and delivery of this Agreement.
- I. "Participant" means St. Mary's County.
- J. "Participant's Share" means One Million Two Hundred Thousand Dollars (\$1,200,000), that portion of the proceeds of the Bonds approved by the Department in accordance with the Act, or such different amount determined in accordance with Section 3.4 hereof.

K. "Rebate Fund" means a separate account to be created and maintained in the name of the Department on the books of the State Treasury Department designated "County Transportation Bonds -- First Issue, Tenth Series Rebate Fund" in connection with the collection and payment of any funds to be rebated to the United States under the Code.

L. "Secretary" means the Secretary of Transportation of Maryland.

M. "Sinking Fund" means a separate account maintained in the name of the Department on the books of the State Treasury Department designated "County Transportation Bonds -- First Issue, Tenth Series Sinking Fund" as a part of the sinking fund maintained to pay the principal of and interest on the bonds issued pursuant to the Act as such sinking fund is more particularly described in Section 3-307(b)(3) of the Act.

N. "State" means the State of Maryland.

O. "Subdivision" means any one or more of the several counties of the State of Maryland and the Mayor and City Council of Baltimore.

P. "Transportation Article" means the Transportation Article of the Annotated Code of Maryland, as amended to the effective date of this Agreement.

Section 1.2 Rules of Construction.

A. Unless otherwise specified, the words "hereof", "herein", "hereunder", "hereto", "thereof", "therein", "thereunder", "thereto" and other words of similar import, when used in this Agreement, refer to this Agreement, and when used in each of the other documents, refer to each of the other documents in their entireties.

B. The terms "agree" and "agreements" are intended to include and mean "covenant" and "covenants".

C. References to Articles, Sections and other subsections of each document are to the designated Articles, Sections and other subsections of each respective document as originally executed.

D. The headings of the Articles, Sections and other subsections of each document are provided only for convenience of reference and shall not be considered in any way in construing the contents of any of the documents or any part thereof.

E. All references made in the neuter, masculine or feminine gender shall be deemed to have been made in all such genders; and in the singular or plural number shall be deemed to have been made, respectively, in the plural or singular number as well.

ARTICLE II

Explanatory Statement

Section 2.1 Authority of Department. Subject to the limitations set forth therein, the Act authorizes the Department to issue bonds on behalf of one or more Subdivisions in order to enable the Subdivisions to:

- A. accelerate programs of road construction and reconstruction;
- B. provide local participating funds for federally aided transportation projects;
- C. make major road repairs as necessary to eliminate damage caused to county roads by severe and unforeseen weather conditions; and
- D. finance the capital cost of transportation facilities as defined in Section 3-101 of the Transportation Article.

The Act authorizes the Department to disburse the proceeds of the Bonds pursuant to an agreement with the Participant and requires the Participant to take, or refrain from taking, any actions required of it by the Department to maintain the exemption from federal income taxation of interest on the Bonds.

Section 2.2 Department Obligations. The Act provides that the bonds issued thereunder are obligations of the Department and may not be considered to constitute a debt of the participating Subdivision for the purpose of determining its debt limitations.

Section 2.3 Applicable Provisions. The Bonds shall be in substantially the form and subject to the same general provisions and tax exemption applicable to consolidated transportation bonds under Sections 3-203 to 3-207, inclusive, and 3-212 and 3-213 of the Transportation Article. Debt service on the Bonds shall be payable from the Sinking Fund by making deductions in each year from Highway User Revenues allocated in accordance with Section 8-404 of the Transportation Article, as more particularly described in Article IV hereof.

Section 2.4 Participation in the Bonds. The Department prepared and distributed to the Subdivisions information concerning participation in the proceeds of the Bonds. Thereafter, the Participant submitted to the Department a request to participate in the proceeds of the Bonds contemplated to be issued during the fiscal year beginning July 1, 1987. Pursuant to the Act, the Department approved the Participant's request to the extent of the Participant's Share.

Section 2.5 Purpose of this Agreement. This Agreement is entered into pursuant to Section 3-307 of the Act for the purpose of securing repayment of the Participant's Share of the Bonds in the event they are issued and determining the manner in which the proceeds of the Bonds will be disbursed to the Participant.

ARTICLE III

The Bonds; Use of Proceeds

Section 3.1 Offering of Bonds. During the fiscal year beginning July 1, 1987, the Department will offer the Bonds at public sale in an aggregate principal amount equal to the total of the shares of all Subdivisions approved by the Department for participation in the proceeds of the Bonds. The aggregate principal amount of the Bonds may be reduced by the Department in the event and to the extent that any Subdivision making such request does not enter into an agreement with the Department substantially identical to this Agreement.

Section 3.2 Form of Bonds. The Bonds shall be dated as of a date within thirty (30) days from the date of sale, shall mature within fifteen (15) years after the date of their issue, shall bear interest, payable semi-annually, accounting from the date of the Bonds, at the rate or rates designated by the successful bidder for the Bonds and accepted by the Secretary, and may be subject to prior redemption by the Department in the circumstances and at prices specified by it prior to issuance thereof and subject to the provisions of this Agreement.

Section 3.3 Department's Discretion. The obligation of the Department to issue any of the Bonds is subject to its absolute discretion to determine when and under what conditions the Bonds shall be issued, the form and contents thereof and of any official statement issued with respect thereto, and to accept or reject any or all bids received therefor. The express purpose of this reservation is that this Agreement is at all times subject to the paramount need for preserving the credit of the Department and the security of the Bonds.

Section 3.4 Use of Proceeds. In the event the Bonds are issued, then promptly after settlement therefor and delivery thereof, the Department will cause the proceeds to be applied as follows:

A. There shall first be deducted from the proceeds and credited to the Sinking Fund all monies received from the purchaser of the Bonds on account of accrued interest and premium, if any.

B. From the remainder of the proceeds there shall be paid all expenses incurred by the Department in the issuance and sale of the Bonds, including, but not limited to, expenses of printing, advertising, delivery and financial, administrative and legal fees.

C. The balance of the proceeds shall be divided in the proportions that the respective approved shares in the proceeds of the Bonds of each participating Subdivision bear to the total aggregate issue of the Bonds.

D. The Department shall retain the Participant's Share of the net proceeds of the bonds and remit to the Fiscal Officer of the Participant amounts in reimbursement for payments made by the participant to contractors or other third parties for the transportation projects approved by the Department. The Department expects to remit payment to the Participant within 30 days after the Department has received a reimbursement request, together with written verification satisfactory to the Department that the Participant has paid the contractor or other third party for the work.

The Department may require an audit, at the Participant's expense, of the Participant's records to verify the expenditures of bond proceeds.

E. The Department may remit the Participant's Share directly to the Participant's Fiscal Officer without the need for any prior payment by the Participant if the Department, in its sole discretion, determines that it is in the best interests of the Department and the Participant to do so in a special or unusual situation.

Section 3.5. Reimbursement Schedule. To enable the Department to comply with provisions in the Code restricting the investment of bond proceeds, the Participant shall, on or before November 15, 1987, provide the Department with a projected schedule of reimbursement requests in a form satisfactory to the Department. The term and nature of the investment of the bond proceeds will be based on the reimbursement schedules so submitted.

ARTICLE IV

Repayment of Bonds

Section 4.1 Withholding from Participant's Highway User Revenues.

A. Unless the Participant elects to proceed under Section 4.2 hereof, it is understood that the Comptroller of the State shall, after first providing for sinking fund requirements on outstanding and unpaid county highway construction bonds issued pursuant to Chapter 657 of the Laws of Maryland of 1953, withhold from Highway User Revenues allocable to or held for the credit of the Participant, an amount equal to the Participant's proportionate share of debt service on bonds issued pursuant to the Act, including the Bonds.

B. In the fiscal year in which the Bonds are issued, the Comptroller shall withhold such Highway User Revenues until an amount equal to the Participant's proportionate share of such debt service payable in the current fiscal year and the next succeeding fiscal year is accumulated.

C. In each fiscal year thereafter (or in the discretion of the Department in the six month period immediately preceding the beginning thereof) the Comptroller shall withhold such Highway User Revenues until an amount equal to the Participant's proportionate share of such debt service payable in the next succeeding fiscal year is accumulated.

D. In the event deposits shall be fully and continuously made from the date of issue of the Bonds, the authority to withhold hereby conferred on the Comptroller with respect to the Bonds shall terminate not later than the end of the fiscal year next preceding the fiscal year of the final maturity of the Bonds.

Section 4.2 Payment by County. In the event the Participant shall elect, pursuant to Section 3-307(b)(4) of the Act, to pay its proportionate share of debt service on the Bonds from the proceeds of taxes to be levied by it directly, the Participant shall notify the Comptroller, in writing, not later than the first day of January in the calendar year in which the Participant proposes to make such payments and, upon receipt of such notice, the Comptroller shall not withhold, pursuant to Section 4.1 hereof, any of the Highway User

Revenues allocated to or held for the credit of the Participant after the first day of July in such year, unless and until the Comptroller shall receive written notice from the Department that the Participant has failed to make the necessary deposit into the Sinking Fund at the times and in the amounts necessary to assure payment of the principal of and interest on the Bonds for the current fiscal year and the next succeeding fiscal year.

Section 4.3 Sinking and Rebate Funds.

A. Withholdings for each fiscal year authorized by the Participant under this Agreement and other agreements for bonds issued under the Act shall be deposited in the sinking fund authorized by Section 3-307 of the Act. The Department shall cause to be established separate sinking fund accounts, including the Sinking Fund, for each series of bonds issued pursuant to the Act. Withholdings for each fiscal year shall be divided pro-rata among the sinking fund accounts; withholdings for debt service on the Bonds shall be credited to the Sinking Fund.

B. All payments on account of debt service payable by the Department on the Bonds shall be made by the State Treasurer from the Sinking Fund upon warrants of the Comptroller as requested by the Department. The Department shall keep accurate records of the total deposits and disbursements credited and charged to the Sinking Fund, and of the deposits and disbursements made on behalf of the Participant.

C. The Department shall also cause to be created on the books of the State Treasury Department a Rebate Fund, the complete designation of which shall be "Department of Transportation -- County Transportation Bonds -- First Issue, Tenth Series Rebate Fund." The Rebate Fund shall be held by the State Treasurer. To the extent that the Department determines, upon the advice of bond counsel, that it is necessary or desirable in order to assure and maintain the exemption from federal income taxation of interest on the Bonds that certain interest earnings on amounts held in connection with the issuance of the Bonds be rebated to the United States, the State Treasurer shall, upon the written direction of an authorized officer of the Department, transfer from any fund or account created in connection with the Bonds to the Rebate Fund the amount specified in such written direction, which amount shall be determined in consultation with bond counsel.

Amounts on deposit in the Rebate Fund from time to time required to be rebated to the United States shall be applied by the State Treasurer to the payment of such rebates and shall not be charged with the payment of the principal or interest on the Bonds. If the Department determines, upon the advice of bond counsel, that any amounts on deposit in the Rebate Fund are not required for the payment of such rebates, the State Treasurer shall pay over or transfer such amount (as the case may be) to the Sinking Fund or otherwise as the Department directs.

Section 4.4 Investment of Sinking Fund. In the discretion of the Department, any and all monies credited to the Sinking Fund may, from time to time, be invested in accordance with Section 22 of Article 95 and Section 6-222 of the State Finance and Procurement Article of the Annotated Code of Maryland, as amended or revised to the effective date of this Agreement. Subject to the payment of any rebate obligations under Section 4.5A, any interest or income

realized from such investment shall be credited to the Sinking Fund and any loss resulting from such investment shall be charged to the Sinking Fund.

Section 4.5 Application of Net Profit or Interest from Investments. In the event, for any fiscal year, the Interest or Income from Investments described in Section 4.4 hereof exceeds the loss from such investments, such net profit shall be applied as follows:

A. To the Payment of any amounts which the Department determines, upon the advice of bond counsel, must be rebated to the United States.

B. If the Participant's share of the Sinking Fund shall at any time be less than the amounts required for payment of the Participant's proportionate share of debt service on the Bonds, the Department shall first apply the Participant's share of such net profit in reduction of the Participant's accrued liability to the Sinking Fund.

C. The balance of such net profit remaining after application in accordance with Section 4.5A and B hereof may, at the discretion of the Department, be applied:

1. as a credit to reduce the amount of withholding of the Participant's share of Highway User Revenues, or
2. to bond redemptions as described in Section 4.6 hereof.

D. After the final payment of principal and interest on the Bonds has been made upon maturity, redemption or otherwise, and after payment of all costs and fees in connection therewith, or upon provision having been made to the satisfaction of the Department for payment of all of the foregoing, the Participant shall be entitled to payment of its proportionate share of any balance remaining in the Sinking Fund.

Section 4.6 Termination and Redemption.

A. The Participant may, in its discretion, terminate at any time its entire liability hereunder and the withholding of Highway User Revenues as provided in Section 4.1 hereof, by serving written notice of termination of this Agreement upon the Department, accompanied by a certified or bank cashier's check drawn to the order of the Treasurer of the State of Maryland in an amount determined by the Department to be equal to the Participant's share of the principal and interest then due and to become due on the Bonds until the final maturity thereof, together with any amounts to be rebated to the United States in connection with interest earned on the Bonds, less the sum of the Participant's share of debt service accumulated in the Sinking Fund and the Participant's share of funds held by the Treasurer for the payment of the Bonds which are then due, but which have not, at the date of such termination, been presented for payment.

1. The sum tendered by the Participant as provided in Section 4.6A hereof shall be recorded on the books of the State Treasury Department as a separate account and shall be invested by the Treasurer in the same manner as is provided for the investment of monies in the Sinking Fund. Simultaneously with making Sinking Fund deposits in accordance with Section 4.3 hereof, the Comptroller shall cause to be withdrawn from the separate account and credited to

the Sinking Fund the Participant's share of debt service then due. After all of the Participant's respective stake of any rebate obligations have been satisfied the Treasurer shall, if so requested by the Department, remit to the Participant, during the next succeeding fiscal year, all or any portion of net profits from investments realized during the immediately preceding fiscal year on investment of funds in the separate account.

2. Any balance in the separate account, after the final payment of principal, interest, rebate amounts and expenses on account of the Bonds has been made, as provided in Section 4.5D hereof, shall be paid to the Participant.

3. If, after termination by the Participant in accordance with this Section 4.6A, the Department shall elect to redeem the Bonds in whole or in part in accordance with the provisions thereof, the separate account may be charged with so much as may be necessary of the Participant's share of the redemption price paid and the Participant shall remit to the Department the amount by which such separate account is insufficient for the payment of the Participant's share of the redemption price.

B. If, in the issuance of the Bonds, the Department shall reserve the right to redeem the Bonds in whole or in part at a price in excess of par, it shall not thereafter obligate or commit any funds of the Participant in the Sinking Fund or elsewhere, in the exercise of such right without the prior written consent of the Participant.

ARTICLE V

Covenants and Representations of Participant

Section 5.1 Liens, Pledges, Taxes, Debt Limitations and Use of Proceeds. The Participant hereby covenants and represents that, as of the date hereof and as of the date of issuance of the Bonds:

A. Except as described in Section 4.1 hereof, there are no liens upon, or pledges of, the Participant's share of Highway User Revenues allocated to, or held for the credit of, the Participant under Sections 8-401 to 8-413, inclusive, of the Transportation Article prior or superior to the withholding for sinking fund purposes herein agreed to, which impair or interfere with such withholdings.

B. Except as otherwise provided in the Act, the Participant will not pledge any revenues nor create or permit the creation of any liens thereon prior, superior, or equal to the commitments made by it hereunder, and will not do or suffer to be done any act or thing which will impair or interfere with the security of the Bonds or which will impair or interfere with its ability or the ability of the Department, the Comptroller and the Treasurer to perform in accordance with this Agreement.

C. In each of its fiscal years the Participant will levy ad valorem taxes upon all property within its jurisdiction subject to assessment for taxation, or other tax within the meaning of Section 8-406 of the Transportation Article, at such rates as will be sufficient for it to collect in tax revenue a minimum of one dollar per capita of population, and will certify its annual tax levy in each year to the Comptroller, it being the intent and purpose of this

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covenant to insure that the Participant will not impair its performance of this Agreement by failure to comply with the applicable provisions of Subtitle 4 of Title 8 of the Transportation Article.

D. By the issuance of the Bonds by the Department on behalf of the Participant, no debt limit or referendum requirements will be exceeded or violated and the Participant's participation in such bond issue will be within any such limitation and will not require approval by its qualified voters.

E. The net proceeds received by the Participant from the Bonds will be expended by or for the Participant for the purposes as set forth in the Act and for no other purpose whatsoever.

Section 5.2 Relating to Arbitrage and Private Activity Bond Restrictions.

A. As of the date hereof, the Participant reasonably expects that:

1. within six (6) months after the date of issue of the Bonds, the Participant will incur binding obligations to expend, with respect to the project or projects to be financed with the proceeds of the Bonds, an amount at least equal to the lesser of:

(a) two and one-half percent (2 1/2%) of that portion of the estimated total project cost financed by the Bonds and prior bonds; or

(b) One Hundred Thousand Dollars (\$100,000.00).

2. after incurring the binding obligation described in Section 5.2A.1 hereof, work on the projects will proceed with due diligence to completion.

3. one hundred percent (100%) of the "spendable proceeds", as that term is defined in Section 1.103-14(b)(2)(iii) of the Arbitrage Regulations, of the Participant's Share of the proceeds of the Bonds will be expended on the project or projects within three (3) years after the date of issue of the Bonds.

4. none of the projects financed with the proceeds of the Bonds will be sold or otherwise disposed of, in whole or in part, prior to the last maturity of the Bonds.

B. Not more than five percent (5%) of the Participant's Share of the proceeds of the Bonds will be used directly or indirectly to make or finance loans.

C. On the basis of the reasonable expectations of the Participant, the proceeds of the Bonds paid to the Participant will not be used in a manner that would cause the Bonds to be either "Arbitrage Bonds" under Section 148 of the Code and the Arbitrage Regulations or "Private Activity Bonds" under Section 141 of the Code. To the best of the knowledge and belief of the undersigned, there are no other facts, estimates or circumstances that would materially change the foregoing conclusion.

D. Prior to sale of the Bonds, the Participant agrees to execute and deliver to the Department a certificate or other documentation satisfactory to the Department confirming the matters contained in this Section 5.2.

Section 5.3 Fiscal Officer of Participant. The Participant represents that the Fiscal Officer of Participant is authorized by law to receive and hold custody of all monies due and payable to the Participant under this Agreement and to certify as provided in Sections 3.4D and 5.2 hereof. Any payments hereunder shall be deemed to have been made to the Participant if made to the Fiscal Officer of Participant.

Section 5.4 The Ordinance. The execution of this Agreement has been duly authorized by the Ordinance, which has been duly enacted and is in full force and effect. The Ordinance has been properly recorded in the minutes of the legislative body of the Participant and in such other place as may be customary or as may be provided by law.

Section 5.5 Relating to Federal Tax. The Participant covenants that it shall comply with the provisions of the Code, including, without limitation, compliance with the provisions regarding the timing of the expenditure of the proceeds of the Bonds, the use of such proceeds, the restriction of investment yields, the filing of information with the Internal Revenue Service, and the rebate of certain earnings resulting from the investment of the proceeds of the Bonds. The participant further covenants that it shall make such use of its share of the proceeds of the Bonds, regulate the investment of such proceeds, and take, or refrain from taking, such other and further actions as may be required of it by the Department from time to time, to the extent deemed necessary or appropriate by bond counsel to the Department, so as to maintain the exemption from Federal income taxation of interest on the Bonds.

ARTICLE VI

Miscellaneous

Section 6.1 Agreement for Benefit of Bondholders. It is hereby agreed that the provisions of this Agreement shall and are intended to be for the benefit and security of the owners from time to time of the Bonds and that the covenants herein contained shall be enforceable by them to the same extent as though they were parties hereto.

Section 6.2 Validity. It is hereby agreed that the parties hereto will take all action within their respective delegated powers to assure the legal validity of this Agreement and of the Bonds and that, in the event further legislation by the General Assembly of Maryland should at any time be deemed necessary to assure such validity, they will use their best efforts to obtain enactment of such legislation.

Section 6.3 Approvals.

A. This Agreement shall become effective when executed by the parties hereto.

B. Approval by the Board of Public Works of the State of Maryland of the issue of the Bonds is necessary prior to the sale thereof.

Section 6.4 Effect Upon Prior Agreements. Nothing herein shall be construed to alter, modify or supersede any agreements pertaining to all prior series of county highway construction bonds and Department of Transportation - County Transportation Bonds - First Issue, authorized by the Act, but the provisions hereof shall be cumulative to all such prior agreements.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

WITNESS:

DEPARTMENT OF TRANSPORTATION

By _____

APPROVED as to form and legal sufficiency this _____ day of _____, 1987.

Assistant Attorney General

WITNESS:

ST. MARY'S COUNTY, MARYLAND

Edward V. Cox

By [Signature]

APPROVED as to form and legal sufficiency this 2 day of NOVEMBER, 1987.

Theodore P. Werny
County Attorney

NO : 87-18

SUBJ: ST. MARY'S COUNTY
PUBLIC ETHICS ORDINANCE
(Revised) 1987

ORDINANCE

WHEREAS, The 1979 Session of the Maryland General Assembly passed the Maryland Public Ethics Law (Chapter 513 of the Acts of 1979) which has become Article 40A of the Annotated Code of Maryland; and

WHEREAS, Section 6 of Article 40A requires each County to enact provisions similar to those contained in the Maryland Public Ethics Law regarding conflicts of interests, financial disclosure, and regulation of lobbyists; and

WHEREAS, The Board of County Commissioners, adopted on June 29, 1982 as Ordinance No. 82-12 the St. Mary's County Public Ethics Ordinance and amended it on July 1, 1984, December 17, 1985, and November 12, 1986; and

WHEREAS, The Board of County Commissioners now concludes it necessary to further amend the Public Ethics Ordinance having conducted a Public Hearing for this purpose on September 29, 1987.

NOW, THEREFORE, BE IT ORDAINED By the Board of County Commissioners that the St. Mary's County Public Ethics Ordinance as hereinafter set forth is hereby adopted and made effective the ~~15th~~ day of OCTOBER, 1987.

SECTION 1. - TITLE

This Chapter may be cited as the St. Mary's County Public Ethics Ordinance.

SECTION 2. - STATEMENT OF PURPOSE AND POLICY

A. St. Mary's County, recognizing that our system of representative government is dependent in large measure upon the people having trust and confidence in their public officials and employees, finds and declares that the people have a right to be assured that the impartiality and independent judgment of public officials and employees will be maintained.

B. This confidence and trust is eroded when the conduct of St. Mary's County business is subject to improper influence or even the appearance of improper influence.

C. For the purpose of guarding against improper influence, the Board of County Commissioners of St. Mary's County enacts this Public Ethics Ordinance.

SECTION 3. - DEFINITIONS

The definitions contained in this section of the Ordinance shall be observed and applied except where the context clearly indicates otherwise, or a different definition is adopted for a particular section or subsection of the Ordinance. Words not defined herein shall have their normally accepted meanings. Words used in the present tense shall include the future tense and words used in the singular number shall include the plural number and the plural number include the singular unless the obvious construction of the wording indicates otherwise. Words used in the masculine gender shall include the feminine and words in the feminine gender shall include the masculine.

Whenever used, the word "shall" is mandatory and the word "may" permissive.

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"Business entity" means any corporation, general or limited partnership, sole proprietorship, joint venture, unincorporated association or firm, institution, trust, foundation or other organization, whether or not operated for profit.

"Commission" means the St. Mary's County Ethics Commission established pursuant to Section 4(a) of this Ordinance.

"Compensation" means any money or thing of value regardless of form, received or to be received by any person subject to this Ordinance from a business entity for service rendered. If lobbying is only a portion of a person's employment, "compensation" means a prorated amount based on the time devoted to lobbying compared to the time devoted to other employment duties. For reporting purposes, a prorated amount shall be labeled as such.

"Doing business with" means:

- A. Having or negotiating a contract that involves the commitment (either in a single or combination of transactions within a calendar year) of \$2,500 or more;
- B. Being registered as a lobbyist in accordance with Section 8 of this Ordinance;
- C. Being regulated by the County or an agency thereof.

"Financial interest" means:

- A. Ownership of any interest as the result of which a person has received, within the past calendar year, or is presently receiving, or in the future is entitled to receive more than \$1,000 per calendar year; or
- B. Ownership of or interest in more than five (5%) percent of a business entity.

"Gift" means the transfer of anything of economic value regardless of the form without adequate and lawful consideration. "Gift" does not include the solicitation, acceptance, receipt or regulation of political campaign contributions regulated in accordance with the provisions of Article 33, Section 26-1, et seq., Annotated Code of Maryland, or any other provision of state or local law regulating the conduct of elections or the receipt of political campaign contributions.

"Immediate family" means spouse and/or dependent child.

"Interest" means any legal or equitable monetary interest, whether or not subject to an encumbrance or a condition, which is owned or held, in whole or in part, jointly or severally, directly, or indirectly.

"Interest" does not include:

- A. An interest held in the capacity of a personal representative, executor, administrator, agent, representative, custodian, fiduciary, or trustee;
- B. An interest in a checking account or time or demand deposit in a financial institution;

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C. An interest in an insurance or endowment policy or annuity contract under which a company promises to pay a fixed number of dollars either in a lump sum or periodically for life or some other specified period; or

D. A common trust fund or a trust which forms part of a pension or profit-sharing plan which has been determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code, as amended from time to time.

"Lobbying" means:

A. Communicating in the presence of a St. Mary's County official or employee with the intent to influence any official action of that official or employee; or

B. Engaging in activities having the express purpose of soliciting others to communicate with a St. Mary's County official or employee with the intent to influence any official action of that official or employee.

"Official and/or employee" means any person elected to, appointed to or employed by St. Mary's County or any St. Mary's County agency, board, commission, or similar entity, whether or not paid in whole or in part with St. Mary's County funds, and whether or not compensated.

"Person" includes an individual or business entity.

SECTION 4. - ADMINISTRATION

A. There shall be a St. Mary's County Ethics Commission which shall consist of five (5) members appointed by the Board of County Commissioners. The Commission members shall be appointed for staggered terms of three (3) years. The Commission shall select its chairman in January of each year by majority vote. A member shall serve until a successor has been appointed. The Commission, upon request, shall be assisted in carrying out its responsibilities by the County Attorney, or such other counsel as the County Commissioners may from time to time appoint.

B. The Commission shall be the advisory body responsible for interpreting this Ordinance and advising persons subject to it as to its application.

C. The Commission shall be responsible for hearing and deciding any complaint filed regarding an alleged violation of this Ordinance.

D. The Commission shall be the custodian of all statements, registrations, reports, and complaints submitted in accord with this Ordinance.

E. The Commission shall be responsible for conducting information and education programs regarding the purpose and implementation of this Ordinance.

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F. Persons governed by this Ordinance may request the Commission for an advisory opinion concerning its application to them. The Commission shall respond within a reasonable time to the requests, providing interpretations based on the facts provided or reasonably available to it. The Commission may, in its discretion also respond to such requests from persons not specifically governed by this Ordinance. Copies of the responses shall be made available to the public in accord with and subject to any applicable state or county law regarding public records. Information which may identify the person who is the subject of the opinion shall be deleted to the fullest extent possible from advisory opinions.

G. Persons may file, under oath, a written signed complaint with the Commission alleging a violation of any of the provisions of this Ordinance. Also, the Commission, on its own motion, may issue complaints alleging violations of the Ordinance. Upon receipt of a complaint, after reviewing the allegations, the Commission may:

1. Dismiss the complaint if deemed plainly frivolous or if the facts alleged do not indicate a violation of the Ordinance.

2. Conduct an investigation into the allegations of the complaint, or refer the complaint to the County Attorney or other legal counsel for investigation and report. Counsel shall refer the evidence collected to the Commission for its disposition.

3. Based upon the Commission's investigation, or the investigation and report of counsel, the Commission may, if appropriate, proceed as follows:

(a) Dismiss the Complaint.

(b) Notify the complainant and the respondent that if any action is taken by the respondent to cure the violation or violations within a time period specified by Commission regulations, the complaint may be dismissed if such dismissal is not contrary to the purposes of the Ordinance.

(c) If not dismissed pursuant to (a) or (b) above, the Commission shall hold a hearing on the complaint.

H. 1. All testimony at hearings on complaints shall be given under oath. The Chairman of the Commission or, if absent, the Acting or Vice-Chairman are authorized to administer oaths. Counsel shall present to the Commission all the evidence collected with reference to the complaint and may make any recommendation he may have as to disposition by the Commission. Respondent may be represented by counsel, and the proceeding shall be conducted in accordance with regulations governing hearings as adopted by the Commission.

2. Any final determination resulting from the hearing shall include findings of fact, conclusions of law and recommendations. If a violation be found, the Commission may take and/or recommend any enforcement action provided for by Section 9 of the Ordinance.

3. If aggrieved by a final order of the Commission, the respondent may request judicial review in accordance with the provisions of Chapter 1100, Subtitle B. of the Maryland Rules of Procedure, and any final order of the Commission shall be stayed automatically until the time for requesting judicial review has expired. If a timely appeal for judicial review is filed, the final order shall be further stayed until final disposition by the reviewing court.

4. If in the course of considering any complaint filed with it, or made upon its own motion, the Commission has reasonable grounds to believe that the respondent named in the complaint may have committed a criminal offense, the matter shall be promptly referred to the appropriate prosecuting authority. All pertinent evidence under the control of the Commission shall be made available to the prosecuting authority.

5. Following the filing of a Complaint and unless and until the matter is referred for prosecution or finding of a violation has been made, the proceedings of the Commission in connection with the Complaint shall be conducted in a confidential manner unless such confidentiality is waived by the respondent.

6. In carrying out the provisions of the Ordinance, the Commission may issue subpoenas in aid of investigations, to compel attendance and testimony of witnesses at hearings and for the production of books, papers, records, documents or other tangible objects. Such subpoenas may be judicially enforced.

I. The Commission shall by majority vote have the authority to exempt from the definition of "Gift" a specific thing or class of things of economic value which the Commission, upon a finding in writing, determines not to be detrimental to the impartial conduct of the business of the County and that the gift is purely personal and private in nature.

J. The Commission may grant exemptions and modifications to the provisions of Sections 5 and 6 of this Ordinance if it determines that the application of those provisions would:

1. Constitute an unreasonable invasion of privacy;
2. Significantly reduce the availability of qualified persons for public service; and
3. Not be required to preserve the purpose of this Ordinance.

K. The Commissioners may adopt rules and regulations in order to carry out the provisions of the ordinance.

SECTION 5. - CONFLICTS OF INTEREST

A. Participation prohibitions. Except as permitted by other provisions of this Ordinance or by Commission regulation or opinion, a St. Mary's County official or employee shall not participate in:

1. Any matter, except in the exercise of an administrative or ministerial duty which does not affect the disposition or decision with respect to that matter, if, to his knowledge, he, his spouse, child, parent, brother or sister has an interest therein.

2. Any matter, except in the exercise of an administrative or ministerial duty, when any of the following is a party thereto:

(a) Any business entity in which he has a financial interest of which he may reasonably be expected to know;

(b) Any business entity of which he is an officer, director, trustee, partner or employee, or in which entity he knows or may reasonably be expected to know that any of the relatives listed above have such an interest;

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(c) Any business entity which the official or employee knows is his creditor or obligee or that of a member of his immediate family as defined herein with respect to a thing of economic value. For the purposes of this subsection, retail credit accounts and any liability of less than \$1,000.00 are exempted.

B. If a disqualification pursuant to this Section 5 leaves any St. Mary's County agency, board, commission or similar entity with less than a quorum capable of acting, or, if the disqualified official or employee is required by law to act, or, is the only person authorized to act, the disqualified person shall disclose the nature and circumstances of the conflict of interest and a satisfactory explanation of the necessity to participate and act in a letter directed to the Ethics Commission, which shall be a public record. The Ethics Commission in a public meeting, shall review the conflict of interest and vote on the appropriateness of the official's participation. In its deliberations the Ethics Commission will consider the degree and extent of conflict, the effect the official's participation would have on the spirit of the Ordinance, and whether the official's participation would or would not be in the best interest of St. Mary's County. The Ethics Commission's decision will be transmitted in writing to the involved official, and be a matter of public record. If the Ethics Commission finds that participation would be inappropriate, the involved official will not participate.

C. Outside Employment Restrictions. Except as permitted by other provisions of this Ordinance or by ruling or regulation of the Commission when such interest is disclosed, or when the employment does not create a conflict of interest or appearance of conflict, a St. Mary's County official or employee may not:

1. Be employed by or have a financial interest in any business entity subject to his authority or that of the St. Mary's County agency, board or commission with which he is affiliated, or any entity which is negotiating or has entered into a contract with that agency, board or commission; or

2. Hold any other employment relationship which would impair the impartiality or independence of judgment of the official or employee.

3. This prohibition does not apply to:

(a) An official or employee who is appointed to a regulatory or licensing authority pursuant to a requirement that persons subject to the jurisdiction of such authority be represented in appointments to it;

(b) An official or employee whose duties are ministerial and not involved with the decision-making processes of the agency, board or commission, if the private employment or financial interest does not create a conflict of interest or an appearance of a conflict of interest, as permitted and in accordance with the regulations adopted by the Commission.

(c) Subject to other provisions of law, including Section 5 of this Ordinance, any member or commission in regard to a financial interest or employment held at the time of appointment, provided it is publicly disclosed to and approved by the appointing authority and the Commission.

D. Solicitation or acceptance of gifts. A St. Mary's County official or employee shall not:

1. Solicit any gift nor knowingly accept any gift, directly or indirectly, from any person or business entity that he knows or has reason to know:

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(a) Is doing business with the office, agency, board or commission with which such official or employee is affiliated; or

(b) Has an interest that may be substantially and materially affected, in a manner distinguishable from that of the public generally, by the performance or non-performance of his official duty.

2. However, unless a gift of any of any of the following would tend to impair the impartiality and the independence of judgment of the official or employee receiving it or, if of significant value, would give the appearance of doing so, or, if of significant value, the recipient official or employee believes, or has the reason to believe, that it is designed to do so, an official or employee may accept:

(a) Meals and beverages;

(b) Ceremonial gifts or awards which have no significant monetary value;

(c) Unsolicited gifts of nominal value or trivial items of informational value;

(d) Reasonable expenses for food, travel, lodging and scheduled entertainment of the official or the employee for a meeting which is given in return for participation in a panel of speaking engagement at the meeting;

(e) Gifts of tickets or free admission extended to an elected official or employee to attend a professional or intercollegiate sporting event or charitable, cultural, or political events, if the purpose of this gift or admission is a courtesy or ceremony extended to the office;

(f) Gifts from a person related by blood or marriage, or a spouse, child, ward, financially dependent parent, or other relative who shares the official's or employee's legal residence, or a child, ward, parent or other relative over whose financial affairs the person has legal or actual control; or

(g) Honoraria.

E. General Restrictions. A St. Mary's County official or employee shall not:

1. Use the prestige of his office or employment for his financial benefit or that of another, or for the financial benefit of any business entity in which he has a financial interest.

2. Represent any person or business entity before any County agency, board or commission.

3. Within one year following termination of County service, act as a compensated representative of another in connection with any specific matter in which he participated substantially as a county official or employee.

4. Other than in the discharge of his official duties, use confidential information acquired in his official county position for his own benefit or that of another.

SECTION 6. - FINANCIAL DISCLOSURE

A. The following officials and employees, and candidates for office as such when the positions are elective, are required to file the financial disclosure statements as provided in this section:

- (1) County Commissioners
- (2) County Treasurer
- (3) Airport Commission Members
- (4) Economic Development Commission Members
- (5) Electrical Examiners Board
- (6) Housing Authority Members
- (7) Metropolitan Commission
- (8) Planning Commission
- (9) Plumbing Board Members
- (10) Recreation and Parks Board
- (11) Zoning Board of Appeals
- (12) County Administrator
- (13) County Attorney
- (14) Assistant County Attorney
- (15) Director of Finance
- (16) Personnel official
- (17) Procurement official
- (18) Director, Department of Public Works
- (19) Director, Economic & Community Development
- (20) Area Agency on Aging Director
- (21) Director, Civil Defense
- (22) Director, Planning & Zoning
- (23) Director, Recreation and Parks
- (24) Chief, Permits and Inspections
- (25) Plumbing Inspector
- (26) Director, Office of Community Services
- (27) St. Mary's County Ethics Commission,

B. The officials and employees identified in Subsection A. hereof shall file the required statement with the Commission on or before the 30th day of April of each year for the calendar year immediately preceding during any part of which the official or employee held an office or position.

C. An official or employee who has not filed the required statement and who is appointed to fill a vacancy in a position listed in Subsection A. hereof shall, within thirty days following such appointment, file the financial disclosure statement for the calendar year or part thereof in which he is so appointed; except that an official or employee on or before March 30th of any year shall file the required statement on or before the 30th day of April for the immediately preceding calendar year.

D. Any official who leaves an office identified in Subsection A. for any reason, except the official's death, shall file with the Commission the required financial disclosure statement for the calendar year immediately preceding, unless a statement covering that period has previously been filed, and for that portion of the current year during which the official held that office.

E. Candidates for County Commissioner or County Treasurer, or for any other position listed in Subsection A. that may hereafter become elective, shall file with the Commission on or before August 15 of each election year in which the person is a candidate the required financial disclosure statement covering the twelve months preceding the date of filing the statement.

F. All financial disclosure statements required by this section shall be on a form provided by the Commission, shall be signed and sworn to by the person required to file, and shall disclose the following information:

(1) All real property in which the person has a legal interest, wherever located, and as to each such interest the nature of the property; the location by street address, mailing address, or legal description; the acreage if applicable, and the identity of any other person or persons holding an interest in the property.

(2) Name and address of all corporations in which an interest was held at any time during the reporting period, whether or not the corporations do business with the County.

(3) Name and address of all non-corporate business entities whether or not doing business with the county in which an interest was held at any time during the reporting period.

(4) Gifts received during the reporting period from persons or business entities doing business with the County and as to each such gift the nature and value thereof, the identity of the donor from whom or on behalf of whom, directly or indirectly, it was received, and if given to another person at the direction of the official or employee required to file, the identity of that person.

(5) Any office, directorship, partnership or salaried employment in any business entity held during the reporting period other than those listed in response to subsections (2) and (3) above in which an interest was held.

(6) The name and address of any person to whom or entity to which the official or employee was indebted at any time during the reporting period. For the purpose of this subsection, "indebtedness" does not include retail credit accounts or any liability of less than \$1,000.00.

G. When April 30 or August 15 fall on a Saturday, Sunday or legal holiday, the financial disclosure filing date shall be extended to the next working day.

SECTION 7. - PUBLIC INSPECTION

All statements, registrations and reports filed pursuant to this Ordinance shall be maintained by the Commission and shall be made available during normal office hours for examination and copying by the public, subject, however, to such reasonable fees and administrative procedures as the Commission may establish from time to time. These documents shall be retained for four (4) years from the date of receipt.

Any person examining and/or copying a financial disclosure statement shall be required to record his name, telephone number, home address, and the name of the person whose financial disclosure statement was examined and/or copied. This record shall be forwarded to the person whose financial disclosure statement is so examined or copied.

SECTION 8. - LOBBYING DISCLOSURE

A. Any person who lobbys a St. Mary's County official or employee and who, in connection with such lobbying, expends or reasonably expects to expend in a given calendar year in excess of \$500 on gifts, including, but not limited to, meals, tickets, admission passes, awards or honoraria for county officials and/or employees shall file a registration statement with the Commission not later than seven (7) days of the first of the two above alternatives to occur.

B. The registration statement shall include identification of the registrant by name, occupation, mailing address and telephone number and similar information about the person on whose behalf the registrant is acting. It shall also identify the subject matter about which the registrant is lobbying.

C. Registrants under this section shall file a written report by April 15 following any calendar year during which they were registered disclosing the value, date, and nature of any gifts, including but not limited to, meals, tickets or admission passes, awards or honoraria provided to County officials and/or employees during the preceding calendar year. The official or employee shall be identified by name and official title.

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SECTION 9. - ENFORCEMENT

A. The Commission may issue a cease and desist order against any person found to be in violation of this Ordinance and may seek enforcement of such order in the Circuit Court for St. Mary's County. The Court may issue a cease and desist order and may also impose a fine or civil penalty of up to \$500 for any violation of the provisions of this Ordinance.

B. On recommendation of the Commission, a county official or employee found to have violated this Ordinance may be subject to disciplinary or other appropriate personnel action.

C. The Commission may issue letters of reprimand.

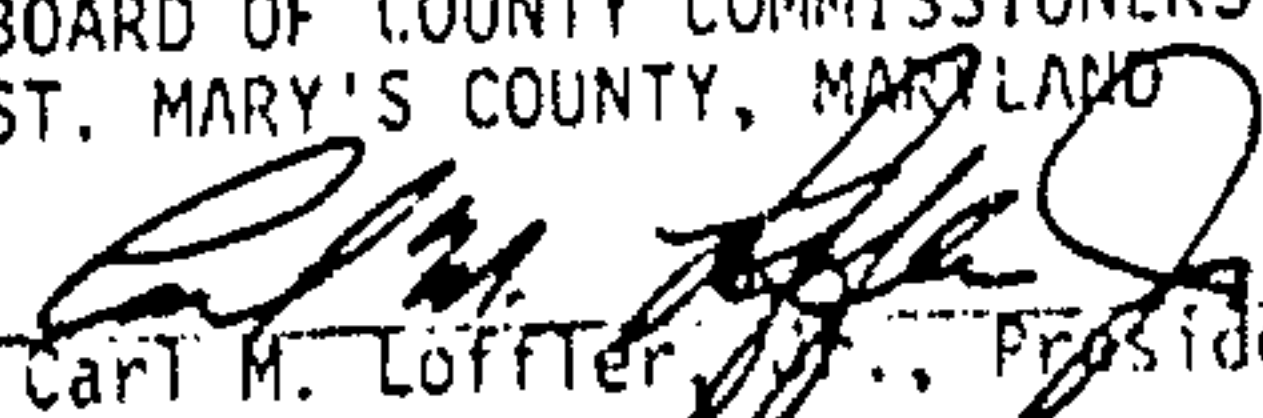
SECTION 10. - EFFECT OF ADOPTION

The above and preceding is adopted to have the full force and effect of law in St. Mary's County.

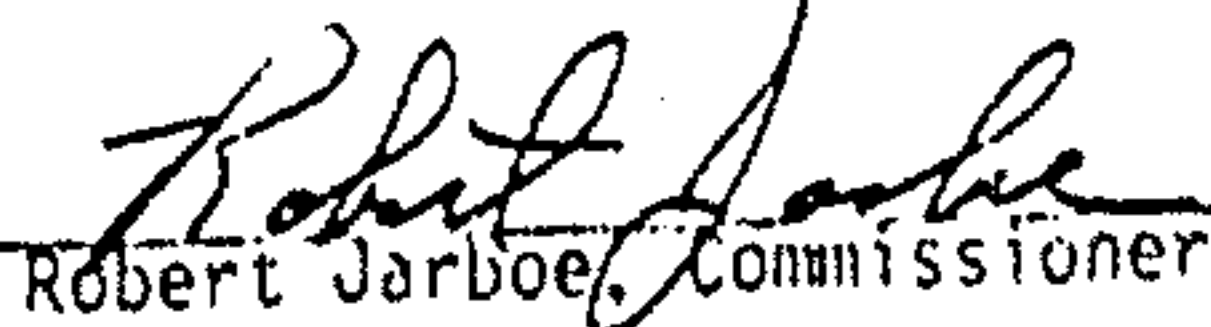
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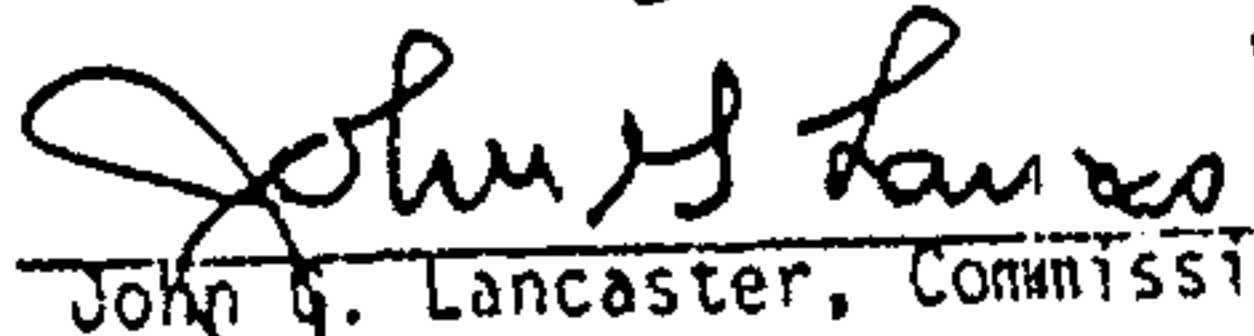
October 13, 1987

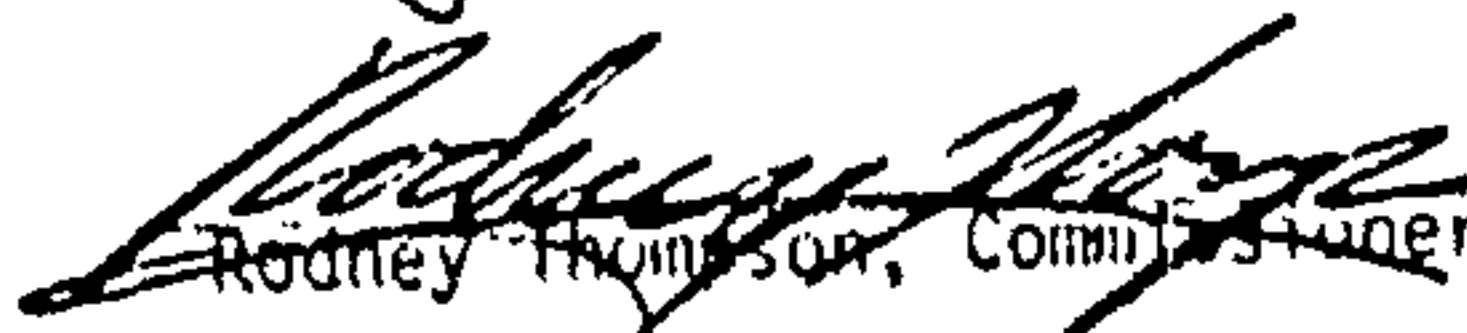
BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND


Carl M. Löffler, Jr., President



W. Edward Bailey, Vice-President


Robert Jarboe, Commissioner



John G. Lancaster, Commissioner


Rodney Thompson, Commissioner

ATTEST:


Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:


Joseph Densford
Assistant County Attorney

MARY R. BELL, CLERK

Rtd: Co. Admin.

OCT 27 1987

NO : 87-18

SUBJ: ST. MARY'S COUNTY
PUBLIC ETHICS ORDINANCE
(Revised) 1987

3:29PM11/03/87B CD.COM \$0.00

ORDINANCE

WHEREAS, The 1979 Session of the Maryland General Assembly passed the Maryland Public Ethics Law (Chapter 513 of the Acts of 1979) which has become Article 40A of the Annotated Code of Maryland; and

WHEREAS, Section 6 of Article 40A requires each County to enact provisions similar to those contained in the Maryland Public Ethics Law regarding conflicts of interests, financial disclosure, and regulation of lobbyists; and

WHEREAS, The Board of County Commissioners, adopted on June 29, 1982 as Ordinance No. 82-12 the St. Mary's County Public Ethics Ordinance and amended it on July 1, 1984, December 17, 1985, and November 12, 1986; and

WHEREAS, The Board of County Commissioners now concludes it necessary to further amend the Public Ethics Ordinance having conducted a Public Hearing for this purpose on September 29, 1987.

NOW, THEREFORE, BE IT ORDAINED By the Board of County Commissioners that the St. Mary's County Public Ethics Ordinance as hereinafter set forth is hereby adopted and made effective the 1st day of January, 1988.

SECTION 1. - TITLE

This Chapter may be cited as the St. Mary's County Public Ethics Ordinance.

SECTION 2. - STATEMENT OF PURPOSE AND POLICY.

A. St. Mary's County, recognizing that our system of representative government is dependent in large measure upon the people having trust and confidence in their public officials and employees, finds and declares that the people have a right to be assured that the impartiality and independent judgment of public officials and employees will be maintained.

B. This confidence and trust is eroded when the conduct of St. Mary's County business is subject to improper influence or even the appearance of improper influence.

C. For the purpose of guarding against improper influence, the Board of County Commissioners of St. Mary's County, enacts this Public Ethics Ordinance.

SECTION 3. - DEFINITIONS

The definitions contained in this section of the Ordinance shall be observed and applied except where the context clearly indicates otherwise, or a different definition is adopted for a particular section or subsection of the Ordinance. Words not defined herein shall have their normally accepted meanings. Words used in the present tense shall include the future tense and words used in the singular number shall include the plural number and the plural number include the singular unless the obvious construction of the wording indicates otherwise. Words used in the masculine gender shall include the feminine and words in the feminine gender shall include the masculine.

Whenever used, the word "shall" is mandatory and the word "may" permissive.

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"Business entity" means any corporation, general or limited partnership, sole proprietorship, joint venture, unincorporated association or firm, institution, trust, foundation or other organization, whether or not operated for profit.

"Commission" means the St. Mary's County Ethics Commission established pursuant to Section 4(a) of this Ordinance.

"Compensation" means any money or thing of value regardless of form, received or to be received by any person subject to this Ordinance from a business entity for service rendered. If lobbying is only a portion of a person's employment, "compensation" means a prorated amount based on the time devoted to lobbying compared to the time devoted to other employment duties. For reporting purposes, a prorated amount shall be labeled as such.

"Doing business with" means:

- A. Having or negotiating a contract that involves the commitment (either in a single or combination of transactions within a calendar year) of \$2,500 or more;
- B. Being registered as a lobbyist in accordance with Section 8 of this Ordinance;
- C. Being regulated by the County or an agency thereof.

"Financial interest" means:

- A. Ownership of any interest as the result of which a person has received, within the past calendar year, or is presently receiving, or in the future is entitled to receive more than \$1,000 per calendar year; or
- B. Ownership of or interest in more than five (5%) percent of a business entity.

"Gift" means the transfer of anything of economic value regardless of the form without adequate and lawful consideration. "Gift" does not include the solicitation, acceptance, receipt or regulation of political campaign contributions regulated in accordance with the provisions of Article 33, Section 26-1, et seq., Annotated Code of Maryland, or any other provision of state or local law regulating the conduct of elections or the receipt of political campaign contributions.

"Immediate family" means spouse and/or dependent child.

"Interest" means any legal or equitable monetary interest, whether or not subject to an encumbrance or a condition, which is owned or held, in whole or in part, jointly or severally, directly, or indirectly.

"Interest" does not include:

- A. An interest held in the capacity of a personal representative, executor, administrator, agent, representative, custodian, fiduciary, or trustee;
- B. An interest in a checking account or time or demand deposit in a financial institution;

C. An interest in an insurance or endowment policy or annuity contract under which a company promises to pay a fixed number of dollars either in a lump sum or periodically for life or some other specified period; or

D. A common trust fund or a trust which forms part of a pension or profit-sharing plan which has been determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code, as amended from time to time.

"Lobbying" means:

A. Communicating in the presence of a St. Mary's County official or employee with the intent to influence any official action of that official or employee; or

B. Engaging in activities having the express purpose of soliciting others to communicate with a St. Mary's County official or employee with the intent to influence any official action of that official or employee.

"Official and/or employee" means any person elected to, appointed to or employed by St. Mary's County or any St. Mary's County agency, board, commission, or similar entity, whether or not paid in whole or in part with St. Mary's County funds, and whether or not compensated.

"Person" includes an individual or business entity.

SECTION 4. - ADMINISTRATION

A. There shall be a St. Mary's County Ethics Commission which shall consist of five (5) members appointed by the Board of County Commissioners. The Commission members shall be appointed for staggered terms of three (3) years. The Commission shall select its chairman in January of each year by majority vote. A member shall serve until a successor has been appointed. The Commission, upon request, shall be assisted in carrying out its responsibilities by the County Attorney, or such other counsel as the County Commissioners may from time to time appoint.

B. The Commission shall be the advisory body responsible for interpreting this Ordinance and advising persons subject to it as to its application.

C. The Commission shall be responsible for hearing and deciding any complaint filed regarding an alleged violation of this Ordinance.

D. The Commission shall be the custodian of all statements, registrations, reports, and complaints submitted in accord with this Ordinance.

E. The Commission shall be responsible for conducting information and education programs regarding the purpose and implementation of this Ordinance.

F. Persons governed by this Ordinance may request the Commission for an advisory opinion concerning its application to them. The Commission shall respond within a reasonable time to the requests, providing interpretations based on the facts provided or reasonably available to it. The Commission may, in its discretion also respond to such requests from persons not specifically governed by this Ordinance. Copies of the responses shall be made available to the public in accord with and subject to any applicable state or county law regarding public records. Information which may identify the person who is the subject of the opinion shall be deleted to the fullest extent possible from advisory opinions.

G. Persons may file, under oath, a written signed complaint with the Commission alleging a violation of any of the provisions of this Ordinance. Also, the Commission, on its own motion, may issue complaints alleging violations of the Ordinance. Upon receipt of a complaint, after reviewing the allegations, the Commission may:

1. Dismiss the complaint if deemed plainly frivolous or if the facts alleged do not indicate a violation of the Ordinance.

2. Conduct an investigation into the allegations of the complaint, or refer the complaint to the County Attorney or other legal counsel for investigation and report. Counsel shall refer the evidence collected to the Commission for its disposition.

3. Based upon the Commission's investigation, or the investigation and report of counsel, the Commission may, if appropriate, proceed as follows:

(a) Dismiss the Complaint.

(b) Notify the complainant and the respondent that if any action is taken by the respondent to cure the violation or violations within a time period specified by Commission regulations, the complaint may be dismissed if such dismissal is not contrary to the purposes of the Ordinance.

(c) If not dismissed pursuant to (a) or (b) above, the Commission shall hold a hearing on the complaint.

H. 1. All testimony at hearings on complaints shall be given under oath. The Chairman of the Commission or, if absent, the Acting or Vice-Chairman are authorized to administer oaths. Counsel shall present to the Commission all the evidence collected with reference to the complaint and may make any recommendation he may have as to disposition by the Commission. Respondent may be represented by counsel, and the proceeding shall be conducted in accordance with regulations governing hearings as adopted by the Commission.

2. Any final determination resulting from the hearing shall include findings of fact, conclusions of law and recommendations. If a violation be found, the Commission may take and/or recommend any enforcement action provided for by Section 9 of the Ordinance.

3. If aggrieved by a final order of the Commission, the respondent may request judicial review in accordance with the provisions of Chapter 1100, Subtitle B. of the Maryland Rules of Procedure, and any final order of the Commission shall be stayed automatically until the time for requesting judicial review has expired. If a timely appeal for judicial review is filed, the final order shall be further stayed until final disposition by the reviewing court.

4. If in the course of considering any complaint filed with it, or made upon its own motion, the Commission has reasonable grounds to believe that the respondent named in the complaint may have committed a criminal offense, the matter shall be promptly referred to the appropriate prosecuting authority. All pertinent evidence under the control of the Commission shall be made available to the prosecuting authority.

5. Following the filing of a Complaint and unless and until the matter is referred for prosecution or finding of a violation has been made, the proceedings of the Commission in connection with the Complaint shall be conducted in a confidential manner unless such confidentiality is waived by the respondent.

6. In carrying out the provisions of the Ordinance, the Commission may issue subpoenas in aid of investigations, to compel attendance and testimony of witnesses at hearings and for the production of books, papers, records, documents or other tangible objects. Such subpoenas may be judicially enforced.

I. The Commission shall by majority vote have the authority to exempt from the definition of "Gift" a specific thing or class of things of economic value which the Commission, upon a finding in writing, determines not to be detrimental to the impartial conduct of the business of the County and that the gift is purely personal and private in nature.

J. The Commission may grant exemptions and modifications to the provisions of Sections 5 and 6 of this Ordinance if it determines that the application of those provisions would:

1. Constitute an unreasonable invasion of privacy;
2. Significantly reduce the availability of qualified persons for public service; and
3. Not be required to preserve the purpose of this Ordinance.

K. The Commissioners may adopt rules and regulations in order to carry out the provisions of the ordinance.

SECTION 5. - CONFLICTS OF INTEREST

A. Participation prohibitions. Except as permitted by other provisions of this Ordinance or by Commission regulation or opinion, a St. Mary's County official or employee shall not participate in:

1. Any matter, except in the exercise of an administrative or ministerial duty which does not affect the disposition or decision with respect to that matter, if, to his knowledge, he, his spouse, child, parent, brother or sister has an interest therein.

2. Any matter, except in the exercise of an administrative or ministerial duty, when any of the following is a party thereto:

(a) Any business entity in which he has a financial interest of which he may reasonably be expected to know;

(b) Any business entity of which he is an officer, director, trustee, partner or employee, or in which entity he knows or may reasonably be expected to know that any of the relatives listed above have such an interest;

(c) Any business entity which the official or employee knows is his creditor or obligee or that of a member of his immediate family as defined herein with respect to a thing of economic value. For the purposes of this subsection, retail credit accounts and any liability of less than \$1,000.00 are exempted.

B. If a disqualification pursuant to this Section 5 leaves any St. Mary's County agency, board, commission or similar entity with less than a quorum capable of acting, or, if the disqualified official or employee is required by law to act, or, is the only person authorized to act, the disqualified person shall disclose the nature and circumstances of the conflict of interest and a satisfactory explanation of the necessity to participate and act in a letter directed to the Ethics Commission, which shall be a public record. The Ethics Commission in a public meeting, shall review the conflict of interest and vote on the appropriateness of the official's participation. In its deliberations the Ethics Commission will consider the degree and extent of conflict, the effect the official's participation would have on the spirit of the Ordinance, and whether the official's participation would or would not be in the best interest of St. Mary's County. The Ethics Commission's decision will be transmitted in writing to the involved official, and be a matter of public record. If the Ethics Commission finds that participation would be inappropriate, the involved official will not participate.

C. Outside Employment Restrictions. Except as permitted by other provisions of this Ordinance or by ruling or regulation of the Commission when such interest is disclosed, or when the employment does not create a conflict of interest or appearance of conflict, a St. Mary's County official or employee may not:

1. Be employed by or have a financial interest in any business entity subject to his authority or that of the St. Mary's County agency, board or commission with which he is affiliated, or any entity which is negotiating or has entered into a contract with that agency, board or commission; or

2. Hold any other employment relationship which would impair the impartiality or independence of judgment of the official or employee.

3. This prohibition does not apply to:

(a) An official or employee who is appointed to a regulatory or licensing authority pursuant to a requirement that persons subject to the jurisdiction of such authority be represented in appointments to it;

(b) An official or employee whose duties are ministerial and not involved with the decision-making processes of the agency, board or commission, if the private employment or financial interest does not create a conflict of interest or an appearance of a conflict of interest, as permitted and in accordance with the regulations adopted by the Commission.

(c) Subject to other provisions of law, including Section 5 of this Ordinance, any member or commission in regard to a financial interest or employment held at the time of appointment, provided it is publicly disclosed to and approved by the appointing authority and the Commission.

D. Solicitation or acceptance of gifts. A St. Mary's County official or employee shall not:

1. Solicit any gift nor knowingly accept any gift, directly or indirectly, from any person or business entity that he knows or has reason to know:

(a) Is doing business with the office, agency, board or commission with which such official or employee is affiliated; or

(b) Has an interest that may be substantially and materially affected, in a manner distinguishable from that of the public generally, by the performance or non-performance of his official duty.

2. However, unless a gift of any of any of the following would tend to impair the impartiality and the independence of judgment of the official or employee receiving it or, if of significant value, would give the appearance of doing so, or, if of significant value, the recipient official or employee believes, or has the reason to believe, that it is designed to do so, an official or employee may accept:

(a) Meals and beverages;

(b) Ceremonial gifts or awards which have no significant monetary value;

(c) Unsolicited gifts of nominal value or trivial items of informational value;

(d) Reasonable expenses for food, travel, lodging and scheduled entertainment of the official or the employee for a meeting which is given in return for participation in a panel of speaking engagement at the meeting;

(e) Gifts of tickets or free admission extended to an elected official or employee to attend a professional or intercollegiate sporting event or charitable, cultural, or political events, if the purpose of this gift or admission is a courtesy or ceremony extended to the office;

(f) Gifts from a person related by blood or marriage, or a spouse, child, ward, financially dependent parent, or other relative who shares the official's or employee's legal residence, or a child, ward, parent or other relative over whose financial affairs the person has legal or actual control; or

(g) Honoraria.

E. General Restrictions. A St. Mary's County official or employee shall not:

1. Use the prestige of his office or employment for his financial benefit or that of another, or for the financial benefit of any business entity in which he has a financial interest.

2. Represent any person or business entity before any County agency, board or commission.

3. Within one year following termination of County service, act as a compensated representative of another in connection with any specific matter in which he participated substantially as a county official or employee.

4. Other than in the discharge of his official duties, use confidential information acquired in his official county position for his own benefit or that of another.

SECTION 6. - FINANCIAL DISCLOSURE

A. The following officials and employees, and candidates for office as such when the positions are elective, are required to file the financial disclosure statements as provided in this section:

- (1) County Commissioners
- (2) County Treasurer
- (3) Airport Commission Members
- (4) Economic Development Commission Members
- (5) Electrical Examiners Board
- (6) Housing Authority Members
- (7) Metropolitan Commission
- (8) Planning Commission
- (9) Plumbing Board Members
- (10) Recreation and Parks Board
- (11) Zoning Board of Appeals
- (12) County Administrator
- (13) County Attorney
- (14) Assistant County Attorney
- (15) Director of Finance
- (16) Personnel official
- (17) Procurement official
- (18) Director, Department of Public Works
- (19) Director, Economic & Community Development
- (20) Area Agency on Aging Director
- (21) Director, Civil Defense
- (22) Director, Planning & Zoning
- (23) Director, Recreation and Parks
- (24) Chief, Permits and Inspections
- (25) Plumbing Inspector
- (26) Director, Office of Community Services
- (27) St. Mary's County Ethics Commission,

B. The officials and employees identified in Subsection A. hereof shall file the required statement with the Commission on or before the 30th day of April of each year for the calendar year immediately preceding during any part of which the official or employee held an office or position.

C. An official or employee who has not filed the required statement and who is appointed to fill a vacancy in a position listed in Subsection A. hereof shall, within thirty days following such appointment, file the financial disclosure statement for the calendar year or part thereof in which he is so appointed; except that an official or employee on or before March 30th of any year shall file the required statement on or before the 30th day of April for the immediately preceding calendar year.

D. Any official who leaves an office identified in Subsection A. for any reason, except the official's death, shall file with the Commission the required financial disclosure statement for the calendar year immediately preceding, unless a statement covering that period has previously been filed, and for that portion of the current year during which the official held that office.

E. Candidates for County Commissioner or County Treasurer, or for any other position listed in Subsection A. that may hereafter become elective, shall file with the Commission on or before August 15 of each election year in which the person is a candidate the required financial disclosure statement covering the twelve months preceding the date of filing the statement.

F. All financial disclosure statements required by this section shall be on a form provided by the Commission, shall be signed and sworn to by the person required to file, and shall disclose the following information:

(1) All real property in which the person has a legal interest, wherever located, and as to each such interest the nature of the property; the location by street address, mailing address, or legal description; the acreage if applicable, and the identity of any other person or persons holding an interest in the property.

(2) Name and address of all corporations in which an interest was held at any time during the reporting period, whether or not the corporations do business with the County.

(3) Name and address of all non-corporate business entities whether or not doing business with the county in which an interest was held at any time during the reporting period.

(4) Gifts received during the reporting period from persons or business entities doing business with the County and as to each such gift the nature and value thereof, the identity of the donor from whom or on behalf of whom, directly or indirectly, it was received, and if given to another person at the direction of the official or employee required to file, the identity of that person.

(5) Any office, directorship, partnership or salaried employment in any business entity held during the reporting period other than those listed in response to subsections (2) and (3) above in which an interest was held.

(6) The name and address of any person to whom or entity to which the official or employee was indebted at any time during the reporting period. For the purpose of this subsection, "indebtedness" does not include retail credit accounts or any liability of less than \$1,000.00.

G. When April 30 or August 15 fall on a Saturday, Sunday or legal holiday, the financial disclosure filing date shall be extended to the next working day.

SECTION 7. - PUBLIC INSPECTION

All statements, registrations and reports filed pursuant to this Ordinance shall be maintained by the Commission and shall be made available during normal office hours for examination and copying by the public, subject, however, to such reasonable fees and administrative procedures as the Commission may establish from time to time. These documents shall be retained for four (4) years from the date of receipt.

Any person examining and/or copying a financial disclosure statement shall be required to record his name, telephone number, home address, and the name of the person whose financial disclosure statement was examined and/or copied. This record shall be forwarded to the person whose financial disclosure statement is so examined or copied.

SECTION 8. - LOBBYING DISCLOSURE

A. Any person who lobbys a St. Mary's County official or employee and who, in connection with such lobbying, expends or reasonably expects to expend in a given calendar year in excess of \$500 on gifts, including, but not limited to, meals, tickets, admission passes, awards or honoraria for county officials and/or employees shall file a registration statement with the Commission not later than seven (7) days of the first of the two above alternatives to occur.

B. The registration statement shall include identification of the registrant by name, occupation, mailing address and telephone number and similar information about the person on whose behalf the registrant is acting. It shall also identify the subject matter about which the registrant is lobbying.

C. Registrants under this section shall file a written report by April 15 following any calendar year during which they were registered disclosing the value, date, and nature of any gifts, including but not limited to, meals, tickets or admission passes, awards or honoraria provided to County officials and/or employees during the preceding calendar year. The official or employee shall be identified by name and official title.

SECTION 9. - ENFORCEMENT

A. The Commission may issue a cease and desist order against any person found to be in violation of this Ordinance and may seek enforcement of such order in the Circuit Court for St. Mary's County. The Court may issue a cease and desist order and may also impose a fine or civil penalty of up to \$500 for any violation of the provisions of this Ordinance.

B. On recommendation of the Commission, a county official or employee found to have violated this Ordinance may be subject to disciplinary or other appropriate personnel action.

C. The Commission may issue letters of reprimand.

SECTION 10. - EFFECT OF ADOPTION

The above and preceding is adopted to have the full force and effect of law in St. Mary's County.

THIS DATE:

October 13, 1987

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler
Carl M. Loffler, President

W. Edward Bailey
W. Edward Bailey, Vice-President

Robert Jarboe
Robert Jarboe, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph Densford
Joseph Densford
Assistant County Attorney

Ret: Judy Sandram 11/3/87

MARY R. BELL, CLERK

R E S O L U T I O N

WHEREAS, OLIVER R. GUYTHER has made application to rezone approximately 3.62 acres of land from AR, Agricultural-Residential, to C2, Commercial. The property is Lot 500-19, North Indian Creek Estates, located in the Fifth Election District of St. Mary's County, Maryland, on Tax Map 1, Block 16, part of Parcel 98. The matter is identified as Case No. 85-1579.

WHEREAS, following publication of notice and notification of all property owners within 200 feet of the subject property by certified mail, the St. Mary's County Planning Commission conducted a public hearing on the request on April 14, 1986 and July 14, 1986.

WHEREAS, following deliberation, the Planning Commission, on August 11, 1986, by a unanimous vote, recommended to the Board of County Commissioners of St. Mary's County, Maryland, that rezoning of the subject property be DENIED.

WHEREAS, following publication of notice and notification of all property owners within 200 feet of the subject property by certified mail, the Board of County Commissioners conducted a public hearing on the request on December 9, 1986.

WHEREAS, in accordance with the provisions of Section 4.05(a) of Article 66B of the Maryland Annotated Code and Section 70.05 of the St. Mary's County Zoning Ordinance, the Board of County Commissioners has made the following findings of fact with respect to the application.

1. Change in the Character of the Neighborhood:

The neighborhood for the subject property is defined as that area bounded on the north and west by the St. Mary's County line and on the south by Oaks Cooksey Swamp Road, and on the east by the Baltimore Gas and Electric Company right-of-way. There is insufficient evidence in the record to support a finding that there has been a substantial change in the character of the neighborhood which is adequate to justify the application for rezoning to C-2. The residential and commercial growth cited by the applicant was anticipated in the comprehensive zoning of the area in 1974.

Subj: ZONE #85-1579
OLIVER R. GUYTHER
(NORTH INDIAN CREEK ESTATES)

(Page 2 of 2)

II. Mistake in Original Zoning:

There was not sufficient evidence offered to demonstrate a mistake in the original AR zoning.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, this 20th day of October, 1987, that the above-mentioned rezoning request is hereby DENIED, for failure of the applicant to demonstrate a mistake in the original AR zoning or a substantial change in the character of the neighborhood sufficient to warrant the rezoning from AR to C-2.

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler
CARL M. LOFFLER, President

W. Edward Bailey
W. EDWARD BAILEY, Vice-President

Robert T. Jarboe
ROBERT T. JARBOE, Commissioner

John C. Lancaster
JOHN C. LANCASTER, Commissioner

Rodney Thomson
RODNEY THOMSON, Commissioner

ATTEST:
Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:
Joseph R. Densford
JOSEPH R. DENSFORD
Assistant County Attorney

Ret. Patricia L. Guy 11-20-87

MARY R. BELL, CLERK

RESOLUTION

WHEREAS, the PINEY POINT SHORES SUBDIVISION Wastewater Sewer will begin operating approximately January, 1989; and

WHEREAS, the primary purpose of the facility is to relieve health hazard conditions created in the Piney Point Shores Subdivision by failing septic tanks; and

WHEREAS, additional capacity was provided to enable owners of undeveloped lots in Piney Point Shores to utilize their property; and

WHEREAS, at the time the facility was designed, the St. Mary's County Zoning Ordinance required that contiguous substandard lots, or portions thereof, in common ownership be joined to form a legal zoning lot of at least 6500 sq. ft.; and

WHEREAS, in 1983, the Zoning Ordinance was revised to eliminate the 6500 sq. ft. minimum zoning lot size; and

WHEREAS, the effect of the change has increased the number of potential lots within Piney Point Shores;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, this 24th day of November, 1987, that the allocation policy for Piney Point Shores Subdivision shall be as follows:

1. One equivalent dwelling unit (EDU) of sewage treatment capacity shall be allocated for each lot of record within the Piney Point Shores Subdivision prior to September 30, 1986, except that where two or more contiguous lots of record are in common ownership, such adjoining lots or portions thereof shall be considered a single zoning lot and shall be entitled to one EDU of treatment capacity.
2. Where the total area of a lot of record, or two or more lots of record under common ownership, exceeds 8,000 square feet, one EDU of capacity shall be allocated for each additional 8,000 square feet of area.

No. 87-20

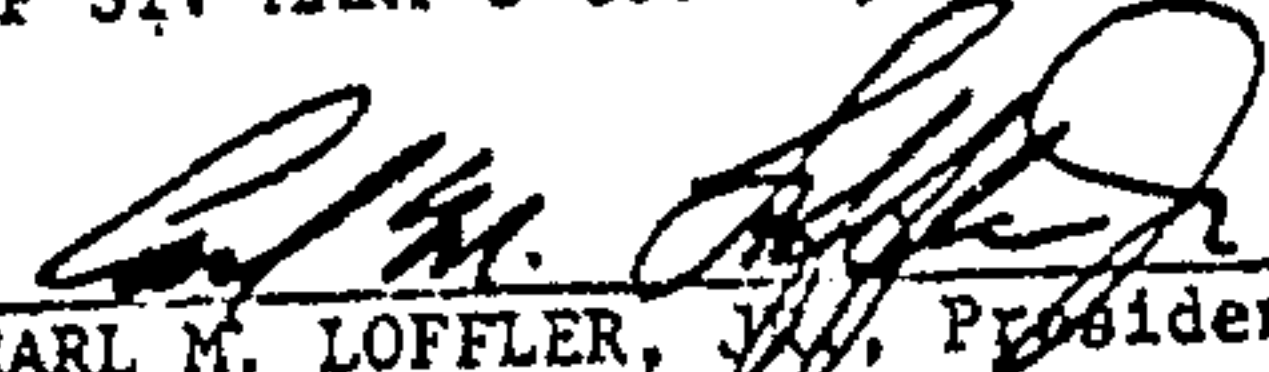
Subj: PINEY POINT SHORES SUBDIVISION
WASTEWATER SEWER ALLOCATION POLICY

(Page 2 of 2)

BE IT FURTHER RESOLVED that the County Commissioners have determined that allocation authority under the Allocation Policy should be the responsibility of the St. Mary's County Planning Commission.

Effective this date: November 24, 1987

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND


CARL M. LOFFLER, JR., President



W. EDWARD BAILEY, Vice-President


ROBERT T. JARBOE, Commissioner

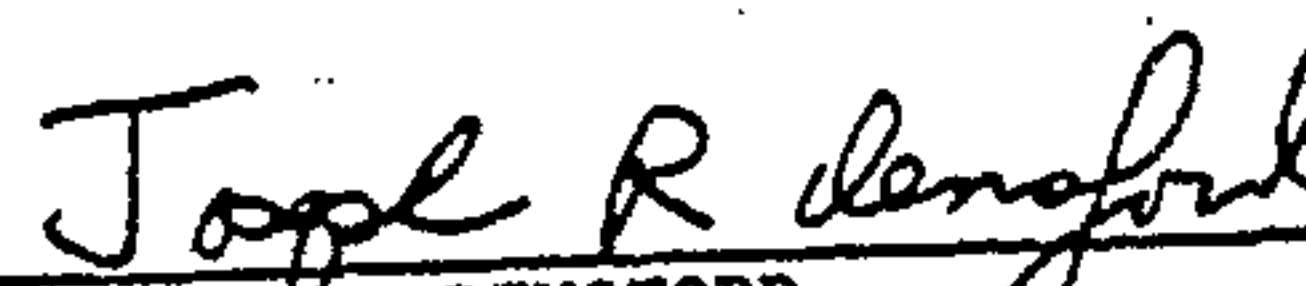

JOHN C. LANCASTER, Commissioner


RODNEY THOMPSON, Commissioner

ATTEST:


EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:


JOSEPH R. DENSFORD
Assistant County Attorney

Ret. Judy Lardman 12/2/87

MARY R. BELL, CLERK

No : 87-21

SUBJ: Tax Abatement
(St. Mary's Garden
Apartments)

PAGE 1 OF 2

RESOLUTION

WHEREAS, certain real property known as St. Mary's Garden Apartments was transferred to the United States Government as of March 10, 1983 and said property became exempt property as defined in Article Tax - Property Section 7-210 of the Annotated Code of Maryland.

WHEREAS, St. Mary's County has recorded in its delinquent tax records, \$68,209.83 County Real Property Taxes for 1983, \$3,770.40 Fire Taxes for 1983, \$80,926.34 County Real Property Taxes for 1984, \$4,473.31 Fire Taxes for 1984, \$14,220.14 County Real Property Taxes for 1985, \$786.04 Fire Tax for 1985, \$22,706.68 County Real Property Taxes for 1986, \$1,167.17 Fire Taxes for 1986, \$32,091.92 County Real Property Taxes for 1987, \$1,548.29 Fire Taxes for 1987. The total of recorded delinquent County Real Property Taxes related to St. Mary's Gardens is \$218,154.91, and the total delinquent Fire Taxes related to St. Mary's Gardens is \$11,745.21.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Mary's County, Maryland in regular meetings assembled on the 24th day of November, 1987:

1. The County Real Estate Taxes for the years 1983, 1984, 1985, 1986 and 1987 in the amount of \$218,154.91 are abated.

2:47PM 12/02/87A CO.COM \$0.00

SUBJ: TAX ABATEMENT
(ST. MARY'S GARDEN
APARTMENTS)

2. The Fire Taxes for the years 1983, 1984, 1985,
1986 and 1987 in the amount of \$11,745.21 are abated.

THIS DATE:

November 24, 1987

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr.
Carl M. Loffler, Jr., President

W. Edward Bailey
W. Edward Bailey, Vice-President

Robert T. Jarboe
Robert T. Jarboe, Commissioner

John B. Lancaster
John B. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Theodore P. Weiner
Theodore P. Weiner
County Attorney

Ret. Judge Landrum

12/2/87

MARY R. BELL, CLERK

LIBER 006 PAGE 151

SUBJ: COUNTY COMMISSIONERS OF ST. MARY'S
COUNTY PUBLIC FACILITIES BONDS OF 1987

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

RESOLUTION NO. R-87-22

2:47PM 12/02/87A CC.COM 90.00

A RESOLUTION of County Commissioners of St. Mary's County authorizing the issuance and sale of Five Million Dollars (\$5,000,000) aggregate principal amount of serial maturity, general obligation bonds under the provisions of Chapter 451 of the Laws of Maryland of 1987, the bonds to be designated "County Commissioners of St. Mary's County Public Facilities Bonds of 1987", the net proceeds of the sale thereof to be used and applied for the public purpose of financing the construction, improvement or development of certain capital projects in St. Mary's County as provided in Chapter 451, including road improvements, public buildings, sewer projects, school projects and landfills; prescribing the form and tenor of the bonds and the terms and conditions for the issuance and sale thereof at public sale, including the form of the notice of sale; prescribing the terms and conditions of the bonds and all other details incident to the issuance, sale and delivery of the bonds; providing for the disbursement of the proceeds of the bonds; authorizing the preparation and distribution of a preliminary and final official statement in connection with the sale of the bonds; providing for the levy and collection of any taxes necessary for the prompt payment of the maturing principal of and interest on the bonds, and providing that the full faith and credit and taxing power of County Commissioners of St. Mary's County shall be irrevocably pledged to the payment of such principal and interest; and generally relating to the issuance, sale, delivery and payment of the bonds.

BE IT RESOLVED BY COUNTY COMMISSIONERS OF ST. MARY'S

COUNTY:

Section 1. Pursuant to the authority of Chapter 451 of the Laws of Maryland of 1987 (the "Act"), County Commissioners of St. Mary's County, a body politic and corporate and political subdivision of the State of Maryland (the "County"),

-1-

29171:11/20/87
7686-23

hereby determines to borrow money and incur indebtedness for the public purpose of providing funds to pay a portion of the costs of financing the construction, improvement or development of the following capital projects set forth on pages 104 and 105 of St. Mary's County Board of County Commissioners Approved Budget for 1986-1987, adopted on May 27, 1986 and on pages 114 and 115 of St. Mary's County Board of County Commissioners Approved Budget for 1987-1988, adopted May 26, 1987, and a portion of the costs of issuing the Bonds allocable to such projects, in the aggregate amount of \$5,000,000:

Road Improvements:

Peggs Road Extended	\$1,300,000
Franklin Roosevelt Blvd. Extended	45,000
Longview Beach	704,500
Hewitts Road	78,375

Public Buildings:

Halfway House	40,450
Maintenance/Storage Facility	85,000
Advanced Life Support Bldg.	162,000
Office Building Renovation	1,075,000
Detention Center	477,038
Underground Storage Tanks	45,000
Adult Day Care Center	50,000

Sewers:

Town Run Sewer	65,000
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Landfills:

Clements Transfer Station	113,100
St. Andrews Landfill	396,000

Schools:

Eighth District Elementary	350,000
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Section 2. To evidence the borrowing and indebtedness authorized in Section 1 of this Resolution, the County, acting pursuant to the authority of the Act, hereby determines to issue and sell, upon its full faith and credit, its serial maturity, general obligation bonds in the aggregate principal amount of Five Million Dollars (\$5,000,000), to be designated "County Commissioners of St. Mary's County Public Facilities Bonds of 1987" (the "Bonds").

Section 3. The Bonds shall be dated December 1, 1987, and shall be issued as fully registered bonds without coupons in the denominations of \$5,000 or any integral multiple thereof. The Bonds shall mature, subject to prior redemption as hereinafter provided, in annual serial installments on January 1, as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
1990	\$220,000	1997	\$355,000
1991	235,000	1998	380,000
1992	255,000	1999	410,000
1993	270,000	2000	435,000
1994	290,000	2001	470,000
1995	310,000	2002	500,000
1996	330,000	2003	540,000

Section 4. (a) The Bonds which mature on or before January 1, 1997, shall not be subject to redemption prior to their maturities. The Bonds which mature on or after January 1, 1998, shall be subject to redemption at the option of the County, beginning January 1, 1997, as a whole at any time or in part on any interest payment date, in any order of

maturity, and with respect to the Bonds of a maturity in any amount, selected by the County, at a redemption price, expressed as a percentage of the principal amount of the Bonds to be redeemed, set forth in the table below, together with interest accrued to the date fixed for redemption:

<u>Redemption Period</u> <u>(both dates inclusive)</u>	<u>Redemption Price</u>
January 1, 1997 to December 31, 1997	102%
January 1, 1998 to December 31, 1998	101 1/2%
January 1, 1999 to December 31, 1999	101%
January 1, 2000 to December 31, 2000	100 1/2%
January 1, 2001 and thereafter	100%

(b) If less than all of the Bonds of any one maturity shall be called for redemption, the particular Bonds or portion of Bonds to be redeemed from such maturity shall be selected by lot by the Bond Registrar (hereinafter designated).

(c) When less than all of a Bond in a denomination in excess of \$5,000 is so redeemed, then, upon the surrender thereof, there shall be issued without charge to the registered owner thereof, for the unredeemed balance of the principal amount of such Bond, at the option of such owner, Bonds in any of the authorized denominations as specified by the registered owner. The aggregate face amount of Bonds issued shall be equal to the unredeemed balance of the principal amount of the Bond surrendered, and the Bonds issued shall bear the same interest rate and shall mature on the same date as the unredeemed balance of the Bond surrendered.

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(d) If the County elects to redeem all or a portion of the Bonds outstanding, it shall give a redemption notice to the registered owners of the Bonds to be redeemed by letter mailed first class, postage prepaid at least thirty (30) days prior to the date fixed for redemption to the addresses of such registered owners appearing on the registration books kept by the Bond Registrar; provided, however, that the failure to mail the redemption notice or any defect in the notice so mailed, or in the mailing thereof, shall not affect the validity of the redemption proceedings; and provided further, that the County shall publish such notice of redemption at least once (not less than thirty (30) days prior to the date fixed for redemption) in a financial journal or daily newspaper of general circulation in the Borough of Manhattan, New York, New York. The redemption notice shall state (i) whether the Bonds are redeemed in whole or in part and, if in part, the maturities and numbers of the Bonds to be redeemed, (ii) that the interest on the Bonds to be redeemed shall cease on the date fixed for redemption, (iii) the date fixed for redemption and the redemption price and (iv) that the Bonds to be redeemed shall be presented for redemption and payment on the date fixed for redemption at the principal corporate trust office of the Paying Agent (hereinafter designated).

(e) From and after the date fixed for redemption, if notice has been duly and properly given and if funds sufficient for the payment of the redemption price and accrued interest

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are available on such date, the Bonds designated for redemption shall cease to bear interest. Upon presentation and surrender for redemption in compliance with the redemption notice, the Bonds to be redeemed shall be paid by the Paying Agent at the redemption price. If they are not paid upon presentation, the Bonds designated for redemption shall continue to bear interest at the rates stated therein until paid.

Section 5: The Bonds shall bear interest at the interest rate or rates fixed at the time of the sale of the Bonds. Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated, unless authenticated upon an interest payment date, in which event it shall bear interest from such interest payment date, or unless authenticated prior to the first interest payment date, in which event it shall bear interest from the date of the Bonds; provided, however, that if at the time of authentication of any Bond interest is in default, such Bond shall bear interest from the date to which interest has been paid. The interest on all Bonds shall be paid semi-annually on the first days of January and July, beginning July 1, 1988, of each year in which any Bonds may be outstanding.

All Bonds shall be issuable as fully registered Bonds without coupons and shall be registered in the name or names of the owner or owners thereof, on books kept for such purpose at the principal office of the Bond Registrar. Payment of the

principal of and interest on the Bonds shall be made to the person appearing on the registration books maintained by the Bond Registrar as the registered owner thereof, such principal to be payable at the principal corporate trust office of the Paying Agent upon presentation and surrender of such Bonds as the same become due and payable, and such interest to be payable by check mailed by the Paying Agent on the business day immediately preceding the date interest is payable to the persons in whose names the Bonds are registered on the regular record date, which shall be the fifteenth day of the month immediately preceding the month in which each such interest payment date occurs (the "Regular Record Date") at the registered owner's address as shown on the registration books maintained by the Bond Registrar. Signet Bank/Maryland is hereby designated as Bond Registrar and Paying Agent for the Bonds.

Any interest on any Bond which is payable but is not punctually paid or provision for the payment of which has not been made ("Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant regular record date solely by virtue of such registered owner having been such registered owner; and such Defaulted Interest may be paid by the County, at its election in each case, as provided in paragraph (1) or (2) below:

(1) The County may elect to make payment of any Defaulted Interest on the Bonds to the persons in whose names such Bond is registered at the close of business on a record date for the payment of such Defaulted Interest (the "Special Record Date"), which shall be fixed in the following manner. The County shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on the Bonds and the date of the proposed payment (which date shall be such as will enable the Paying Agent to comply with the next sentence hereof), and at the same time the County shall deposit or cause to be deposited with the Paying Agent an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment, such money when deposited to be held in trust for the benefit of the persons entitled to such Defaulted Interest as provided in this paragraph. Thereupon the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than fifteen (15) nor less than ten (10) days prior to the date after the receipt by the Paying Agent of the notice of the proposed payment. The Paying Agent shall promptly notify the County of such Special Record Date and, in the name of the County, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be

mailed, first-class postage prepaid, to each registered owner at his address as it appears in the registration books maintained by the Bond Registrar not less than ten (10) days prior to such Special Record Date. The Paying Agent may, in its discretion, in the name of the County, cause a similar notice to be published at least once in a newspaper of general circulation in each of Baltimore, Maryland and New York, New York but such publication shall not be a condition precedent to the establishment of such Special Record Date. Notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor having been mailed as aforesaid, such Defaulted Interest shall be paid to the registered owners of the Bond, as of the close of business on such Special Record Date.

(2) The County may make payment of any Defaulted Interest in any other lawful manner not inconsistent with the requirements of any securities exchange on which the Bonds may be listed, and upon such notice as may be required by such exchange, if, after notice given by the County to the Paying Agent of the proposed payment pursuant to this paragraph, such payment shall be deemed practicable, and approved in writing, by the Paying Agent.

Section 6. The Bonds shall be executed in the name of the County and on its behalf by the President of the Board of County Commissioners of St. Mary's County, whose signature may

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be by facsimile, and a facsimile of the corporate seal of the County shall be imprinted thereon, attested by the County Administrator, whose signature may be by facsimile. The Bonds shall be issued subject to registration as to principal and interest in the name or names of the owner or owners thereof on books kept for the registration and registration of transfer of the Bonds at the principal corporate trust office of the Bond Registrar. Each Bond shall be authenticated by the manual signature of an authorized officer of the Bond Registrar. No Bonds issued hereunder shall be valid for any purpose or constitute an obligation of the County unless so authenticated. There shall be printed on each Bond the text of the approving legal opinion of bond counsel with respect to the Bonds. Such printed text shall be certified, in the name of the County, to be a correct copy of the approving legal opinion of bond counsel by the President of the Board of County Commissioners, whose signature may be by facsimile. In case any official of the County whose signature appears on the Bond shall cease to be such official prior to the authentication and delivery of such Bond, or in the case that any such official shall take office subsequent to the date of issue of any such Bond, his signature, in either event, shall nevertheless be valid for the purposes herein intended.

Section 7. (a) The Bonds shall be transferable only upon the registration books kept at the principal corporate trust office of the Bond Registrar, by the registered owner

thereof in person, or by his attorney duly authorized in writing, upon surrender thereof, together with a written instrument of transfer in the form attached thereto and satisfactory to the Bond Registrar and duly executed by the registered owner or his duly authorized attorney.

(b) The Bonds may be transferred or exchanged at the principal corporate trust office of the Bond Registrar. Upon any transfer or exchange, the County shall issue and the Bond Registrar shall authenticate and deliver a new registered Bond or Bonds of any of the authorized denominations in an aggregate principal amount equal to the principal amount of the Bond exchanged or transferred and maturing on the same date and bearing interest at the same rate. In each case, the Bond Registrar may require payment by any registered owner requesting the exchange or transfer of any tax, fee or other governmental charge, shipping charges and insurance that may be required to be paid with respect thereto, but otherwise no charge shall be made to the registered owner for the exchange or transfer.

(c) The Bond Registrar shall not be required to transfer or exchange any Bond after the mailing of notice calling such Bond or portion thereof for redemption; provided, however, that this limitation shall not apply to that portion of a Bond in excess of \$5,000 which is not being called for redemption.

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Section 8. Except as provided hereinafter or in a resolution or resolutions of the Board of County Commissioners adopted prior to the issuance of the Bonds, the Bonds shall be issued in substantially the following form. Appropriate variations and insertions may be made to provide dates, numbers and amounts, and modifications not altering its substance may be made by the President of the Board of County Commissioners to carry into effect the purposes of this Resolution or to comply with recommendations of legal counsel. All of the covenants contained in the following form are hereby adopted by the County as and for the form of obligation to be incurred by the County, and the covenants and conditions contained therein are hereby made binding upon the County, including the promise to pay therein contained:

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(Form of Bond)
[BOND FACE]

UNITED STATES OF AMERICA
STATE OF MARYLAND

No. R-

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY
PUBLIC FACILITIES BOND OF 1987

Maturity Date	Interest Rate	Original Issue Date	CUSIP
		December 1, 1987	

Registered Owner:

Principal Amount

Dollars

County Commissioners of St. Mary's County, a body politic and corporate organized and existing under the Constitution and laws of the State of Maryland (the "County"), hereby acknowledges itself indebted for value received, and promises to pay to the registered owner shown above or his registered assigns or legal representatives, on the date specified above (unless this bond shall be redeemable, shall have been called for), upon redemption and payment of the redemption price made or provided for, upon presentation and surrender of this bond at the principal corporate trust office of Signet Bank/Maryland (the "Bond Registrar" and "Paying Agent"), the Principal Amount shown above in any coin or currency which, at the time of payment, is legal tender for the payment of public and private debts and to pay to the registered owner hereof by check or draft, mailed to such registered owner at his address as it appears on the bond registration books kept by the Bond Registrar, interest on the principal sum at the rate per annum shown above until payment of such principal amount or until the prior redemption hereof, such interest being payable on January 1 and July 1 in each year, beginning July 1, 1988, in like coin or currency, accounting from the most recent date to which interest has been paid or, if no interest has been paid, from the original issue date shown above. All interest due on this bond shall be payable to the registered owner in whose name this bond is registered on such bond registration books as of the close of business on the Regular Record Date for such interest payment, which shall be the 15th day of the month immediately preceding the month in which each such interest payment date occurs. Any such interest not so punctually paid or duly provided for shall forthwith cease to be payable to the registered owner on such Regular Record

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Date, and may be paid to the person in whose name this bond is registered as of the close of business on a Special Record Date for the payment of such defaulted interest to be fixed by the Bond Registrar, notice whereof being given by letter mailed first class, postage prepaid, to the registered owners not less than 10 days prior to such Special Record Date, at the addresses of such registered owners appearing on the registration books kept by the Bond Registrar, or may be paid at any time in any other lawful manner not inconsistent with the requirements of any securities exchange on which the bonds of this series may be listed and upon such notice as may be required by such exchange. If an interest payment date falls on a Saturday, a Sunday or a day on which the Bond Registrar is not required to be open, payment may be made on the next succeeding day that is not a Saturday, a Sunday or a day on which the Bond Registrar is not required to be open and no interest shall accrue for the intervening period.

ADDITIONAL PROVISIONS OF THIS BOND ARE SET FORTH ON THE REVERSE HEREOF AND SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS IF SET FORTH HEREIN.

The full faith and credit and unlimited taxing power of County Commissioners of St. Mary's County are hereby unconditionally pledged to the payment of this bond and of the interest payable hereon according to its terms, and the County does hereby covenant and agree to pay punctually the principal of this bond and the interest hereon on the dates and in the manner prescribed herein, according to the true intent and meaning hereof.

It is hereby certified and recited that each and every act, condition and thing required to exist, to be done, to have happened, and to be performed precedent to and in the issuance of this bond, does exist, has been done, has happened and has been performed in full and strict compliance with the Constitution and laws of the State of Maryland and the Resolution (as defined on the reverse hereof), and that the issue of bonds, of which this bond is one, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and laws of the State of Maryland and that due provision has been made for the levy and collection of an annual ad valorem tax or taxes upon all the legally assessable property within the corporate limits of the County in rate and amount sufficient to provide for the payment, when due, of the principal of and interest on this bond.

This bond shall not become obligatory for any purpose or be entitled to any benefit under the above-mentioned laws until this bond shall have been authenticated by an authorized officer of the Bond Registrar.

IN WITNESS WHEREOF, County Commissioners of St. Mary's County has caused this bond to be executed in its name by the facsimile signature of the President of the Board of County Commissioners and by its corporate seal

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imprinted hereon in facsimile, attested by the facsimile signature of the County Administrator all as of the first day of December, 1987.

COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY

By [Facsimile Signature]
President, Board of County
Commissioners

(SEAL)

ATTEST: [Facsimile Signature]
County Administrator

Date of
Authentication:

CERTIFICATE OF AUTHENTICATION

This bond is one of the registered bonds of County Commissioners of St. Mary's County Public Facilities Bonds of 1987.

 , Baltimore Maryland,
as Bond Registrar

By:
Authorized Officer

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[REVERSE SIDE OF BOND]

This bond is one of a duly authorized issue or series of bonds of the County aggregating \$5,000,000 in principal amount, all dated December 1, 1987 (the "Bonds"). The Bonds are issued pursuant to and in full conformity with the provisions of Chapter 451 of the Laws of Maryland of 1987 and by virtue of due proceedings had and taken by the Board of County Commissioners of St. Mary's County, particularly a resolution adopted on November 24, 1987 (the "Resolution").

The Bonds mature and are payable on January 1 in the following years and amounts and bear interest at the following rates per annum:

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
1990	\$220,000		1997	\$355,000	
1991	235,000		1998	380,000	
1992	255,000		1999	410,000	
1993	270,000		2000	435,000	
1994	290,000		2001	470,000	
1995	310,000		2002	500,000	
1996	330,000		2003	540,000	

The Bonds which mature on or after January 1, 1998 are subject to redemption at the option of the County, beginning January 1, 1997, as a whole at any time or in part on any interest payment date, in any order of maturity, and with respect to the Bonds of a maturity in any amount, selected by the County, at the following redemption prices, expressed as percentages of the principal amount of the Bonds to be redeemed, together with interest accrued to the date fixed for redemption:

<u>Redemption Period (both dates inclusive)</u>	<u>Redemption Price</u>
January 1, 1997 to December 31, 1997	102%
January 1, 1998 to December 31, 1998	101 1/2
January 1, 1999 to December 31, 1999	101
January 1, 2000 to December 31, 2000	100 1/2
January 1, 2001 and thereafter	100

If less than all of the Bonds of any one maturity are called for redemption, the particular Bonds or portion of Bonds to be redeemed from such maturity will be selected by lot by the Bond Registrar.

When less than all of a Bond in a denomination in excess of \$5,000 is so redeemed, then, upon the surrender thereof, there shall be issued without charge to the registered owner thereof, for the unredeemed balance of the principal amount of such Bond, at the option of such owner, Bonds in any of the authorized denominations as specified by the registered owner, the aggregate face amount of such Bonds not to exceed the unredeemed balance of the principal amount of the Bond surrendered, and to bear the same interest

rate and to mature on the same date as the unredeemed balance of the Bond surrendered.

If the County elects to redeem all or a portion of the Bonds outstanding, it will give a redemption notice to the registered owners of the Bonds to be redeemed by letter mailed first class, postage prepaid, at least thirty (30) days prior to the date fixed for redemption to the addresses of such registered owners appearing on the registration books kept by the Bond Registrar; provided, however, that the failure to mail the redemption notice or any defect in the notice so mailed, or in the mailing thereof, shall not affect the validity of the redemption proceedings; and provided further, that the County shall publish such notice of redemption at least once (not less than thirty (30) days prior to the date fixed for redemption) in a financial journal or daily newspaper of general circulation in the Borough of Manhattan, New York, New York. The redemption notice shall state (i) whether the Bonds are redeemed in whole or in part and, if in part, the maturities and numbers of the Bonds to be redeemed, (ii) that the interest on the Bonds to be redeemed shall cease on the date fixed for redemption, (iii) the date fixed for redemption and the redemption price, and (iv) that the Bonds to be redeemed shall be presented for redemption and payment on the date fixed for redemption at the principal corporate trust office of the Paying Agent. From and after the date fixed for redemption, if notice has been duly and properly given, and if funds sufficient for the payment of the redemption price and accrued interest are available on such date, the Bonds designated for redemption shall cease to bear interest. Upon presentation and surrender for redemption in compliance with the redemption notice, the Bonds to be redeemed shall be paid by the Paying Agent at the redemption price. If they are not paid upon presentation, the Bonds designated for redemption shall continue to bear interest at the rates stated therein until paid.

The County has appointed Signet Bank/Maryland, Baltimore, Maryland as Bond Registrar to open books for the registration and for the transfer of Bonds. This bond will be transferable only upon the registration books kept at the principal corporate trust office of the Bond Registrar, by the registered owner hereof in person, or by his attorney duly authorized in writing, upon surrender hereof, together with a written instrument of transfer in the form attached hereto and satisfactory to the Bond Registrar and duly executed by the registered owner or his duly authorized attorney. The County may deem and treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal or redemption price hereof and interest due hereon and for all other purposes.

This bond may be transferred or exchanged at the principal corporate trust office of the Bond Registrar. Upon any transfer or exchange, the County shall issue and the Bond Registrar shall authenticate and deliver a new registered bond or bonds of any of the authorized denominations in an aggregate principal amount equal to the principal amount of the bond exchanged or transferred and maturing on the same date and bearing interest at the same rate. In each case, the Bond Registrar may require payment by the registered owner of this bond, requesting the exchange or transfer hereof, of any tax, fee or other governmental charge, shipping charges and insurance that may be

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required to be paid with respect thereto, but otherwise no charge shall be made to the registered owner hereof for the exchange or transfer.

The Bond Registrar shall not be required to transfer or exchange this bond after the mailing of notice calling this bond or portion hereof for redemption; provided, however, that this limitation shall not apply to that portion of this bond in excess of \$5,000 which is not being called for redemption.

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(Form of Assignment)

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE

(PLEASE PRINT OR TYPEWRITE NAME AND ADDRESS, INCLUDING ZIP CODE OF ASSIGNEE)

the within bond and all rights thereunder and does hereby constitute and appoint

attorney to transfer the within bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

Notice: Signatures must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

Notice: The signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

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(Form of Legal Certification)

IT IS HEREBY CERTIFIED that the following is a true and correct copy of the complete approving legal opinion of Piper & Marbury, Baltimore, Maryland, with respect to the issue of bonds of which this bond is one, that the original of the approving legal opinion was manually executed, dated and issued as of the date of delivery of, and payment for, said issue of bonds and that an executed copy thereof is on file with the Bond Registrar.

COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY

[Facimile Signature]
President, Board of County
Commissioners

Section 9. The County shall sell the Bonds by the solicitation of competitive bids at public sale. Bids shall be received until 11 a.m. local Baltimore, Maryland time on the date fixed for sale. Sale will be held at the offices of Signet Bank/Maryland, Baltimore, Maryland, on Thursday, December 10, 1987. The Director of Finance shall conduct the sale of the Bonds in the name of the County and on its behalf for cash at no less than par to the bidder or bidders therefor whose bid or bids are determined to be the best responsible bid received in compliance with the terms and conditions of the official Notice of Sale. The sale shall be made upon award made by resolution of the Board of County Commissioners. Public notice of the sale shall be given by advertisement which shall be published in one or more daily or weekly newspapers having a general circulation in the County and may also be published in one or more journals having a circulation primarily among banks and investment bankers. At least one publication of the advertisement shall be made not less than ten (10) days before the sale of the Bonds. The notice of sale (which shall also constitute the form of advertisement to be published pursuant to this Section and the Act) and proposal for the Bonds shall be in substantially the form hereinafter set forth. The terms and conditions stated in the notice of sale and proposal are hereby adopted and approved as the terms and conditions under which the Bonds shall be sold, issued and delivered at public sale. Appropriate variations

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and insertions shall be made to provide dates, numbers and amounts, and modifications not altering its substance may be made by the President of the Board of County Commissioners to carry into effect the purposes of this Resolution or to comply with recommendations of legal counsel.

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(Form of Notice of Sale)

ST. MARY'S COUNTY, MARYLAND

NOTICE OF SALE OF

\$5,000,000

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

PUBLIC FACILITIES BONDS OF 1987

Dated December 1, 1987

Sealed proposals will be received until 11:00 A.M., local Baltimore, Maryland time on Thursday, December 10, 1987, by the Director of Finance of St. Mary's County, Maryland, at the offices of Signet Bank/Maryland, Signet Tower, Second Floor Conference Room, 7 St. Paul Street, Baltimore, Maryland 21202, for the purchase of the above-described general obligation bonds of the County (the "Bonds"), aggregating \$5,000,000, all dated December 1, 1987, and maturing, subject to prior redemption, as herein stated, on the first day of January as follows:

<u>Years of Maturity</u>	<u>Annual Amounts Maturing</u>	<u>Years of Maturity</u>	<u>Annual Amounts Maturing</u>
1990	\$220,000	1997	\$355,000
1991	235,000	1998	380,000
1992	255,000	1999	410,000
1993	270,000	2000	435,000
1994	290,000	2001	470,000
1995	310,000	2002	500,000
1996	330,000	2003	540,000

County Commissioners of St. Mary's County will not consider and will reject any proposal for the purchase of less than all of the Bonds for which a proposal is made.

The Bonds will be fully registered in form in the denominations of \$5,000 each or any integral multiple thereof and will bear interest payable semiannually on the first days of January and July, commencing July 1, 1988, until maturity or redemption. Principal of the Bonds will be paid to the registered owner at the principal corporate trust office of Signet Bank/Maryland, Baltimore, Maryland (the "Bond Registrar"), upon presentment and surrender of the Bonds. Interest will be paid to the persons in whose names the Bonds are registered on the registration books maintained by the Bond Registrar on the Regular Record Date, which is the fifteenth day of the

month immediately preceding the month in which each such interest payment date occurs, by check mailed to each such person's address as it appears on such bond registration books.

The Bonds which mature on or before January 1, 1997, are not subject to redemption prior to their maturities. The Bonds which mature on or after January 1, 1998, are subject to redemption at the option of the County beginning January 1, 1997, as a whole at any time or in part on any interest payment date, in any order of maturity, and with respect to the Bonds of a maturity in any amount, selected by the County, at a redemption price, expressed as a percentage of the principal amount of the Bonds to be redeemed, set forth in the table below, together with interest accrued to the date fixed for redemption:

<u>Period During Which Redeemed</u> <u>(both dates inclusive)</u>	<u>Redemption Price</u>
January 1, 1997 to December 31, 1997.....	102%
January 1, 1998 to December 31, 1998.....	101 1/2
January 1, 1999 to December 31, 1999.....	101
January 1, 2000 to December 31, 2000.....	100 1/2
January 1, 2001 and thereafter.....	100

Bidders shall state in their proposals the rate or rates of interest to be paid thereon in multiples of one-eighth (1/8) or one-twentieth (1/20) of one percent (1%), and each proposal shall be based and submitted on the rate or rates stated therein. Bidders may specify more than one rate of interest to be borne by the Bonds, but the difference between the highest and lowest rates named may not be greater than three percent (3%). Bidders may not specify more than one interest rate for the Bonds of any single maturity. A zero rate may not be named for any maturity. The Bonds will be awarded to the bidder naming the lowest net interest cost for all Bonds in any legally acceptable proposal and offering to pay not less than par and accrued interest. The lowest net interest cost will be determined with respect to each proposal by calculating the interest actually to be paid on all of the Bonds and subtracting therefrom any premium in the purchase price offered. Where the proposals of two or more bidders result in the same lowest net interest cost, the Bonds may be apportioned between such bidders, but if this shall not be acceptable, the County shall have the right to award all of the Bonds to one bidder. The right is reserved to the County to reject any or all proposals and to waive any irregularity or informality in any proposal. The Director of Finance's judgment shall be final and binding upon all bidders with respect to the form and adequacy of any proposal received and as to its conformity to the terms of this Notice of Sale.

Each proposal must be submitted on the form accompanying the Preliminary Official Statement and must be enclosed in a sealed envelope addressed to the Director of Finance, St. Mary's County, Maryland c/o James D.

Schiefelbein, Corporate Department Head, Signet Bank/Maryland, Signet Tower, Second Floor Conference Room, 7 St. Paul Street, Baltimore, Maryland 21202, and marked on the outside "Bid for Bonds".

A certified check, bank cashier's, treasurer's or official check drawn upon or certified by a responsible banking institution in the amount of \$100,000 and made payable to the order of "County Commissioners of St. Mary's County, Maryland", must accompany each proposal as security for compliance with said proposal. The check of the successful bidder will be collected and the proceeds thereof retained by the County to be applied in part payment for the Bonds. No interest will be allowed on any such deposit. In the event the successful bidder shall fail to comply with the terms of his bid, the proceeds of such check will be retained as and for full liquidated damages. Checks of unsuccessful bidders will be returned promptly after the Bonds are awarded.

The Bonds are authorized by Chapter 451 of the Laws of Maryland of 1987 and a resolution adopted by the Board of County Commissioners of St. Mary's County, on November 24, 1987.

The proceeds of the Bonds for which proposals are solicited herein will be used to provide financing for the following public purposes: road improvements, public buildings, sewers, schools and landfills.

The full faith and credit and unlimited taxing power of County Commissioners of St. Mary's County are unconditionally pledged to the payment of the Bonds and of the interest to accrue thereon.

The issuance of the Bonds will be subject to legal approval by Piper & Marbury, Baltimore, Maryland, whose opinion shall be substantially in the form set forth as an exhibit to the Preliminary Official Statement concerning the Bonds. The opinion will be delivered upon request, without charge to the successful bidder for the Bonds, and the certified text of the opinion will be printed on each Bond.

When delivered, the Bonds shall be duly executed and authenticated and registered in such names and in such denominations as the successful bidder shall have requested in writing not less than seven (7) business days prior to the closing; and the remaining aggregate principal amount of the Bonds of each maturity for which no instructions have been received by such date will be issued as one bond of such maturity in the denomination of such remaining aggregate principal amount, or as bonds in such denominations as may be mutually agreed upon by the successful bidder and the County, and registered in the name of the successful bidder.

It is anticipated that CUSIP identification numbers will be printed on the Bonds, but neither the failure to print any such number on any Bond nor any error with respect thereto shall constitute cause for failure or refusal by the successful bidder to accept delivery of and pay for the Bonds in accordance with the terms of this Notice of Sale.

As soon as practicable after the award of the Bonds to the successful bidder therefor on the day of sale, the County will authorize its Official Statement, which is expected to be substantially in the form of the Preliminary Official Statement referred to above. If so requested by the purchaser or purchasers at or before the close of business on the date of the sale, the County will include in the Official Statement such pricing and other information with respect to the terms of the reoffering of the Bonds by the successful bidder therefor ("Reoffering Information"), if any, as may be specified and furnished in writing by such bidder. If no Reoffering Information is specified and furnished by the successful bidder, the Official Statement will include the interest rates on the Bonds resulting from the bid of the successful bidder and the other statements with respect to reoffering contained in the Preliminary Official Statement. The successful bidder shall be responsible to the County and its officials for the Reoffering Information furnished by such bidder and for all decisions made by such bidder with respect to the use or omission of the Reoffering Information in any reoffering of the Bonds including the presentation or exclusion of any Reoffering Information in any documents, including the Official Statement. The successful bidder will also be furnished, without cost, with up to 250 copies of the Official Statement (and any amendments or supplements thereto).

SIMULTANEOUSLY WITH OR BEFORE DELIVERY OF THE BONDS THE SUCCESSFUL BIDDER SHALL FURNISH TO THE COUNTY A CERTIFICATE ACCEPTABLE TO BOND COUNSEL STATING (i) THE REOFFERING PRICES, EXPRESSED AS A PERCENTAGE OF PAR, TO THE PUBLIC OF EACH MATURITY OF THE BONDS (THE "REOFFERING PRICES"); (ii) THAT THE SUCCESSFUL BIDDER HAS MADE A BONA FIDE PUBLIC OFFERING OF THE BONDS AT THE REOFFERING PRICES; AND (iii) THAT A SUBSTANTIAL AMOUNT OF THE BONDS WAS SOLD TO THE PUBLIC (EXCLUDING BOND HOUSES, BROKERS AND OTHER INTERMEDIARIES) AT SUCH INITIAL REOFFERING PRICES. Bond counsel advises that (i) such certificate must be made on the best knowledge, information and belief of the successful bidder, (ii) the sale to the public of 10% or more in par amount of the Bonds of each maturity at (or below) the Reoffering Prices would be sufficient to certify as to the sale of a substantial amount of the Bonds, and (iii) reliance on other facts as a basis for such certification would require evaluation by Bond Counsel to assure compliance with the statutory requirement to avoid the establishment of an artificial price for the Bonds.

The Bonds shall be delivered on or about December 29, 1987, at the expense of the County, at such place in Baltimore, Maryland, or New York, New York, as shall be mutually agreed upon by the County and the successful bidder, or at such other date or place as shall be mutually agreed upon by the County and the successful bidder (provided that delivery other than in Baltimore, Maryland, or New York, New York, shall be at the expense of the successful bidder), upon payment of the principal amount of the Bonds plus the premium, if any, set forth in the Proposal for Bonds, plus accrued interest to the date of delivery, less the amount of the good faith deposit. Such payment shall be made in Clearing House funds by certified check upon, or cashier's or treasurer's check of, a responsible banking institution.

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The Bonds will be accompanied by the customary closing documents, including a no-litigation certificate, effective as of the date of delivery, stating that there is no litigation pending affecting the validity of the Bonds.

It shall be a condition to the obligation of the successful bidder to accept delivery of and pay for the Bonds that simultaneously with or before delivery and payment for the Bonds such successful bidder shall be furnished a certificate of the appropriate County officials to the effect that to the best of their knowledge and belief, the Official Statement (and any amendment or supplement thereto) (except for the Reoffering Information, as to which no view will be expressed) as of the date of sale and as of the date of delivery of the Bonds does not contain any untrue statement of a material fact and does not omit to state a material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading and that between the date of sale and the date of delivery of the Bonds there has been no material adverse change in the financial position or revenues of the County, except as reflected or contemplated in the Official Statement.

The Bonds will be designated "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986.

The Preliminary Official Statement, together with this Notice of Sale and the required form of proposal may be obtained from the office of the Director of Finance, St. Mary's County, Maryland, Governmental Center, Leonardtown, Maryland 20650.

By order of
COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

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(Form of Proposal for Bonds)

PROPOSAL FOR BONDS

December 10, 1987

Director of Finance
St. Mary's County, Maryland
c/o James D. Schiefelbein, Corporate
Department Head
Signet Bank/Maryland
Signet Tower
Second Floor Conference Room
7 St. Paul Street
Baltimore, Maryland 21202

Dear Sir:

Subject to the provisions and in accordance with the terms of the annexed Notice of Sale which is incorporated by reference herein and made a part of this Proposal for Bonds, we offer to purchase the obligations of County Commissioners of St. Mary's County described in such Notice of Sale, being \$5,000,000 aggregate principal amount of County Commissioners of St. Mary's County Public Facilities Bonds of 1987, such bonds to be dated December 1, 1987, to mature in the several years shown in the table below (subject to prior redemption as provided in such Notice of Sale), and to bear interest at the rates per annum set opposite such years, respectively.

For the aggregate principal amount of \$5,000,000, we will pay the par value of said obligations, namely \$5,000,000, plus a premium of Dollars (\$ _____), plus interest on said bonds accrued from the date of said bonds (December 1, 1987) to the date of delivery for said bonds, which will bear interest at the following rates:

<u>Years of Maturity</u>	<u>Annual Amounts Maturing</u>	<u>Interest Rates Per Annum</u>	<u>Years of Maturity</u>	<u>Annual Amounts Maturing</u>	<u>Interest Rates Per Annum</u>
1990	\$220,000		1997	\$355,000	
1991	235,000		1998	380,000	
1992	255,000		1999	410,000	
1993	270,000		2000	435,000	
1994	290,000		2001	470,000	
1995	310,000		2002	500,000	
1996	330,000		2003	540,000	

We enclose herewith a certified check, bank cashier's, treasurer's or official check drawn upon or certified by a responsible banking institution, payable

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to the order of County Commissioners of St. Mary's County, Maryland in the amount of \$100,000 which check is to be applied in accordance with the annexed Notice of Sale.

For your information you will find attached a list of group underwriters associated with us in this proposal.

and Associates (See List Attached)

(Not a part of this proposal. The following information is requested to expedite and facilitate prompt determination of the best bid. The omission or inaccuracy of this figure will not affect the validity of the proposal. The total net interest cost of the proposal is \$ _____.)

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Section 10. As soon as may be practicable after the sale hereinabove provided for has been held, the Bonds shall be suitably prepared in definitive form, executed and delivered to the purchaser upon receipt of the purchase price therefor, plus interest accrued to the date of delivery, less the good faith deposit accompanying the proposal. The President of the Board of County Commissioners, the County Administrator and the Director of Finance and all other officers and employees of the County are expressly authorized, empowered and directed to take any and all action necessary to complete and close the award, sale and delivery of the Bonds to the purchaser thereof.

Section 11. The Director of Finance is hereby designated to receive payment on behalf of the County of the proceeds of the sale of the Bonds. Such proceeds shall be deposited in the proper accounts of the County and shall be used and applied by the County exclusively and solely for the public purposes described in Section 1 of this Resolution, including the payment, repayment or redemption of any advances or interim financing heretofore undertaken in connection with such public purposes. If the proceeds received from the sale of the Bonds exceed the amount actually expended or required for such public purposes, the amount of such unexpended excess shall be set apart in a separate fund and applied to the payment of the next principal maturity of the Bonds or to the redemption of Bonds or to the purchase and cancellation of

Bonds, unless a resolution is adopted by the Board of County Commissioners to provide for the expenditure of that excess for some other valid purpose authorized by the Act.

Section 12. For the purpose of paying the principal of and interest on the Bonds when due, the County shall levy or cause to be levied, for each and every fiscal year during which the Bonds may be outstanding, upon all real and tangible personal property within its corporate limits subject to assessment for unlimited County taxation, ad valorem taxes in rate and amount sufficient to provide for the payment, when due, of the principal of and interest on the Bonds in each such fiscal year; and, if the proceeds from the taxes so levied in any fiscal year are inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up such deficiency. The full faith and credit and unlimited taxing power of the County are hereby irrevocably pledged to the prompt payment of the principal of and interest on the Bonds as and when they become due and payable and to the levy and collection of the taxes hereinabove prescribed as and when such taxes may become necessary in order to provide sufficient funds to meet the debt service requirements of the Bonds. The County hereby covenants and agrees with each of the registered owners of the Bonds to levy and collect the taxes hereinabove

prescribed and to take any further action that may be appropriate from time to time during the period that the Bonds remain outstanding and unpaid to provide the funds necessary to pay promptly the principal thereof and the interest due thereon. The County may apply to the payment of the principal of or interest on the Bonds any funds received by it from the State of Maryland or the United States of America or any governmental agency or instrumentality, or from any other source, if such funds are granted for the purpose of assisting the County in accomplishing the type of project or projects which the Bonds are issued to finance, and to the extent of any such funds received or receivable in any fiscal year, the taxes hereby required to be levied may be reduced proportionately.

Section 13. (a) The President of the Board of County Commissioners, the County Administrator and the Director of Finance shall be the officials of the County responsible for the issuance of the Bonds within the meaning of Section 1.103-13(a)(2)(ii)(C) of the Arbitrage Regulations (defined below). The President of the Board of County Commissioners, the County Administrator and the Director of Finance shall also be the officials of the County responsible for the execution and delivery (on the date of the issuance of the Bonds) of a certificate of the County (the "Section 148 Certificate") that complies with the requirements of Section 148 of the Internal

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Revenue Code of 1986, and the applicable regulations thereunder (the "Arbitrage Regulations"), and such officials are hereby authorized and directed to execute and deliver the Section 148 Certificate to counsel rendering an opinion on the validity of the Bonds on the date of the issuance of the Bonds.

(b) The County shall set forth in the Section 148 Certificate its reasonable expectations as to relevant facts, estimates and circumstances relating to the use of the proceeds of the Bonds or of any moneys, securities or other obligations to the credit of any account of the County which may be deemed to be proceeds of the Bonds pursuant to Section 148 or the Arbitrage Regulations (collectively, the "Bond Proceeds"). The County covenants and agrees with the registered owners of the Bonds that the facts, estimates and circumstances set forth in the Section 148 Certificate will be based on the County's reasonable expectations on the date of the issuance of the Bonds and will be, to the best of the certifying officials' knowledge, true and correct as of that date.

(c) The County covenants and agrees with the registered owners of the Bonds that it will not make, or (to the extent that it exercises control or direction) permit to be made, any use of the Bond Proceeds that would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 and the Arbitrage Regulations and that it will comply with those

provisions of Section 148 and the Arbitrage Regulations as may be applicable to the Bonds as long as the Bonds remain outstanding and unpaid.

(d) The County further covenants that it shall make such use of the proceeds of the bonds, regulate the investment of the proceeds thereof, and take such other and further actions as may be required to maintain the excludability from gross income for federal income tax purposes of interest on the Bonds. All officers, employees and agents of the County are hereby authorized and directed to take such actions, and to provide such certifications of facts and estimates regarding the amount and use of the proceeds of the bonds, as may be necessary or appropriate from time to time to comply with, or to evidence the County's compliance with, the covenants set forth in this Section.

Section 14. The distribution of an Official Statement pertaining to the Bonds is hereby authorized, the final form of such Official Statement to be approved by the President of the Board of County Commissioners as evidenced by his signature thereon. The distribution of a Preliminary Official Statement with respect to the Bonds is hereby approved. The Official Statement shall be in substantially the form of such Preliminary Official Statement, with such changes, modifications, additions and deletions as the President of the Board of County Commissioners may approve.

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Section 15. This Resolution shall become effective immediately upon its passage.

ADOPTED this 24th day of November, 1987.

COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY

(SEAL)

Carl M. Loffler
Carl M. Loffler, Jr., President

ATTEST:

Edward V. Cox
Edward V. Cox, County
Administrator

W. Edward Bailey
W. Edward Bailey,
Vice President

John G. Lancaster
John G. Lancaster, Commissioner

Robert T. Jarboe
Robert T. Jarboe, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

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Ret. Judy Landrum 12/2/87

MARY R. BELL, CLERK

NO: 87-23
SUBJ: BOARD OF EDUCATION CAPITAL IMPROVEMENT PROGRAM FY-1989

RESOLUTION

WHEREAS, the Board of Education of St. Mary's County has prepared a Six Year Capital Improvement Program Request for FY-1989 through FY-1994 which requests State funding for various public school facilities projects in St. Mary's County; and

WHEREAS, The County Commissioners have reviewed the said Capital Improvement Program Request;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Mary's County, Maryland, that they are fully knowledgeable of the fact that in addition to the requested State funding, county funds may be required to design, construct, and equip the school facilities project contained in the Capital Improvement Program Request and;

FURTHER, BE IT RESOLVED, that the County Commissioners of St. Mary's County, Maryland fully intend to provide such operational funds and services as are or may become necessary to adequately operate, maintain and staff those public school facilities constructed with the use of State funds provided by the State Public School Construction Program for FY-1989.

This Date:
November 24, 1987

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr., President

W. Edward Bailey
W. Edward Bailey, Vice-President

Robert T. Jarboe
Robert T. Jarboe, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
Assistant County Attorney

2:47PM 12/02/87A CO.COM \$0.00

Re: Judy Landrum

12/2/87

MARY R. BELL, CLERK

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

RESOLUTION NO. R-87-24

A RESOLUTION of County Commissioners of St. Mary's County providing for the award of Five Million Dollars (\$5,000,000) aggregate principal amount of general obligation bonds designated Public Facilities Bonds of 1987, authorized to be issued pursuant to Resolution No. R-87-22 passed on November 24, 1987; fixing the interest rates payable upon the bonds so authorized and awarding the bonds to the successful bidder therefor upon the basis of the bids received this day in accordance with the official Notice of Sale prescribed in such Resolution; ratifying and confirming the distribution of the Preliminary Official Statement and authorizing the preparation and distribution of the final Official Statement; and designating the bonds as "qualified tax-exempt obligations."

10:26AM 12/15/87 CD.COM 90.00

RECITALS

Resolution No. R-87-22 (the "Resolution") of County Commissioners of St. Mary's County (the "County") authorized the public sale of Five Million Dollars (\$5,000,000) aggregate principal amount of the County's general obligation bonds, designated Public Facilities Bonds of 1987 (the "Bonds"). The public sale was held at Signet Bank/Maryland, Signet Tower, Second Floor Conference Room, 7 St. Paul Street, Baltimore, Maryland 21202, at 11:00 a.m., local Baltimore, Maryland time in accordance with the terms of the Notice of Sale prescribed by the Resolution, which Notice of Sale was duly published in accordance with the Resolution.

The County is now ready (1) to accept the best bid for the Bonds, at the total purchase price named by the bidder in

such bid and (2) to fix the interest rates payable on the Bonds in accordance with the terms of such bid.

NOW, THEREFORE, BE IT RESOLVED BY COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, that:

Section 1. The syndicate headed by The Northern Trust Co. and Associates (the "successful bidder") for the Five Million Dollars (\$5,000,000) aggregate principal amount of Public Facilities Bonds of 1987 is hereby found and determined to be the bidder whose bid is in the best interest of the County.

Section 2. The bid of the successful bidder for the Bonds is hereby accepted.

Section 3. The Bonds are hereby awarded to the successful bidder at the total purchase price named in its bid. When prepared in definitive form, the Bonds shall be duly executed and delivered to the successful bidder in accordance with the terms and conditions of the Notice of Sale at such place in Baltimore, Maryland or New York, New York, or at such other location, as the successful bidder and the Director of Finance or the County Administrator may mutually agree. The delivery of the Bonds shall be made upon receipt of the total purchase price for the Bonds, being the principal amount of the Bonds, plus the premium, if any, stated in the bid of the successful bidder, plus accrued interest, less the good faith deposit received from the successful bidder to secure its bid.

The total purchase price for the Bonds shall be paid to the Director of Finance or the County Administrator, as agent of the County for the purpose of receiving the purchase price and delivering the Bonds to the successful bidder. Immediately upon receipt thereof, the purchase price shall be deposited in the proper accounts of the County and used and applied as provided in the Resolution.

Section 4. The Bonds shall bear interest at the following rates:

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
1990	\$220,000	9.40 %	1997	\$355,000	6.70 %
1991	235,000	9.40 %	1998	380,000	6.80 %
1992	255,000	9.40 %	1999	410,000	7.00 %
1993	270,000	9.40 %	2000	435,000	7.10 %
1994	290,000	6.40 %	2001	470,000	7.25 %
1995	310,000	6.50 %	2002	500,000	7.30 %
1996	330,000	6.60 %	2003	540,000	6.50 %

Such rates of interest are hereby fixed as and for the rates of interest payable on the Bonds.

Section 5. The Director of Finance is hereby authorized and directed to collect the check of the successful bidder and to retain the proceeds thereof to be applied in part payment for the Bonds and to return the checks received with the proposals not hereby accepted, all in accordance with the provisions of the Notice of Sale.

Section 6. The distribution of the Preliminary Official Statement dated December 1, 1987 is hereby confirmed and ratified.

Section 7. The President together with such other officials as the President shall deem appropriate shall distribute the Official Statement for the Bonds.

Section 8. The Bonds are hereby designated "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986 (the "Code").

Section 9. In order to assure the registered owners of the Bonds that the Bonds are and shall remain eligible under the Code for the designation made in Section 8 of this Resolution, the County covenants and agrees with the registered owners of the Bonds that (i) the County has not issued "tax-exempt obligations" (as defined in Section 265(b)(4)(B) of the Code) (other than private activity bonds) during calendar year 1987 in an aggregate principal amount in excess of \$10,000,000, and (ii) the County will not during calendar year 1987 issue more than \$10,000,000 aggregate principal amount of such "tax-exempt obligations" unless the County has received a written opinion of bond counsel (i.e., a law firm having a national reputation in the field of municipal law, whose opinions are generally accepted by purchasers of municipal bonds) to the effect that the issuance of such obligations will not affect the continued validity or effectiveness of the designation made in Section 8 of this Resolution.

Section 10. This Resolution shall become effective immediately upon its passage.

ADOPTED this 10th day of December, 1987.

Carl M. Loffley Jr.
Carl M. Loffley Jr.
President

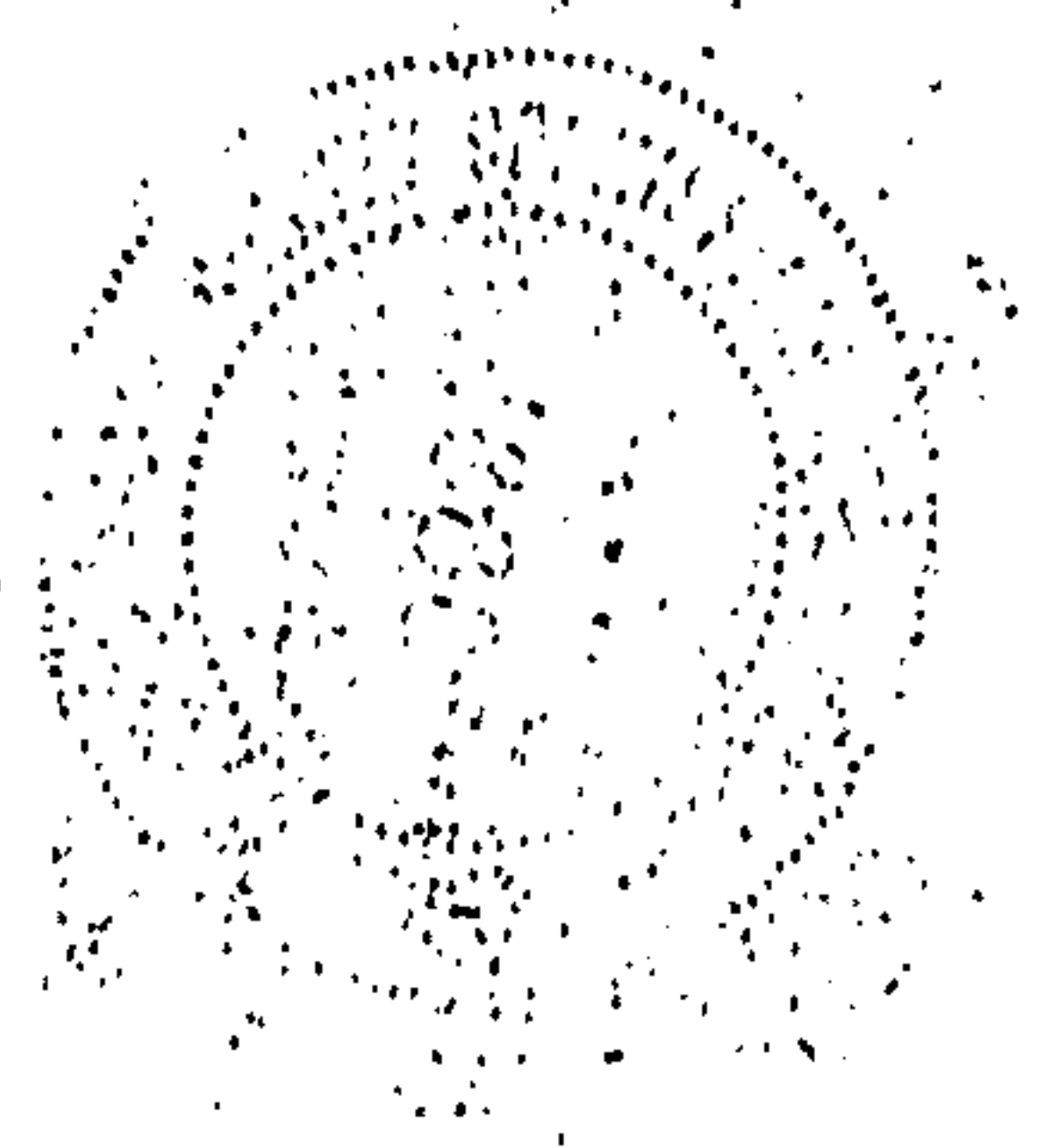
W. Edward Bailey
W. Edward Bailey
Vice President

John G. Lancaster
John G. Lancaster
Commissioner

Robert T. Jarboe
Commissioner

Rodney Thompson
Commissioner

(SEAL)



ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

RESOLUTION

WHEREAS, St. Mary's County in spirit and in fact is dedicated to a strong policy against discrimination based upon sex in order to provide a working environment conducive to the performance of duties and free from intimidation or coercion in any form; and

WHEREAS, Sexual harrassment is an unlawful employment practice for which legal remedies are available under Title VII of the Civil Rights Act of 1964, as amended, and Article 49B of the Annotated Code of Maryland; and

WHEREAS, In accordance with federal EEOC guidelines, sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harrassment when:

- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- 2) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment;


NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County that all county employees are to be fully informed that sexual harassment in the workplace is illegal and will not be tolerated.


THIS DATE:

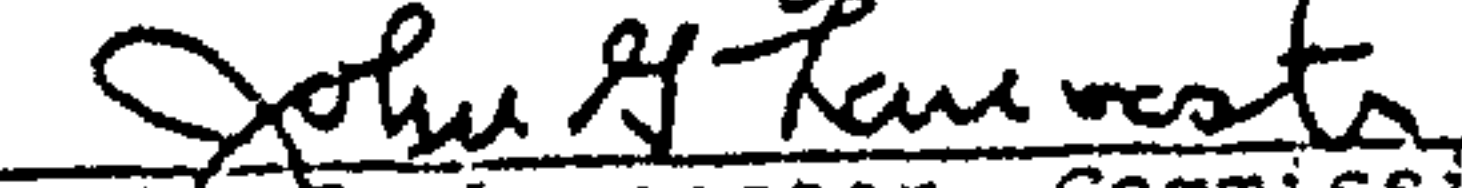
December 15, 1987

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND


Carl M. Loffly, President

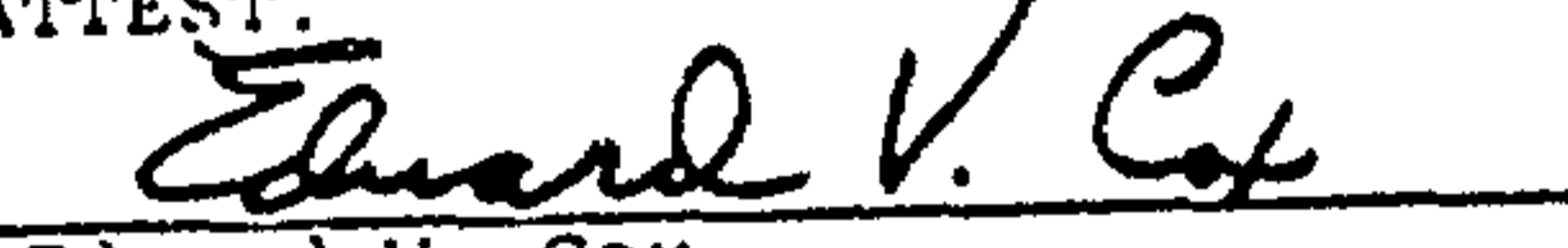

W. Edward Bailey, Vice-President


Robert Jarboe, Commissioner


John P. Lancaster, Commissioner


Rodney Thompson, Commissioner

ATTEST.


Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:


Theodore P. Weiner
County Attorney

NO: 88-01
SUBJ: TAXATION CREDIT -
HOLLYWOOD VOLUNTEER FIRE
DEPARTMENT, INC.
JULY 1, 1986 - JUNE 30, 1987

RESOLUTION

WHEREAS, the Annotated Code of Maryland, Tax-Property Article 81, Section 7-209, Fire Company and Rescue Squads, permits the governing bodies of several jurisdictions mentioned therein to grant and to authorize tax credits and states that:

"Property is not subject to property tax if the property:

- (1) is owned by an incorporated, nonprofit fire company or rescue squad; and
- (2) is necessary for and actually used exclusively for the purposes of the fire company or rescue squad, including property that:
 - (i) is used for:
 - 1. training; or
 - 2. fund raising at carnivals or bazaars;
 - (ii) is held in an advanced land acquisition program of the fire company or rescue squad;
 - (iii) is leased for not more than 60 days during any 12-month period, if:
 - 1. the property is used for a purpose that is related to the purposes of the fire company or rescue squad; and
 - 2. the rent that is received from the property is used exclusively for the purposes of the fire company or rescue squad; or
 - (iv) is leased to any nonprofit organization, if:
 - 1. the property is used for a purpose that is related to the purposes of the fire company or rescue squad; and
 - 2. the rent that is received from the property is used exclusively for the purposes of the fire company or rescue squad."

NOW, THEREFORE BE IT RESOLVED, that the Board of County Commissioners grants a credit against local taxation only for real and tangible property owned by the Hollywood volunteer Fire Department, Inc.

This Date:
January 26, 1988

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr.
Carl M. Loffler, Jr., President

W. Edward Bailey
W. Edward Bailey, Commissioner

Robert T. Jarboe
Robert T. Jarboe, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox, County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
Assistant County Attorney

2143PH01/29/88 CO.COM \$0.00

Ret. Judy L. Cusic 1/29/88

MARY R. BELL, CLERK

NO: 88-02
SUBJ: TAXATION CREDIT -
HOLLYWOOD VOLUNTEER FIRE
DEPARTMENT, INC.
JULY 1, 1987 - JUNE 30, 1988

RESOLUTION

WHEREAS, the Annotated Code of Maryland, Tax-Property Article 81, Section 7-209, Fire Company and Rescue Squads, permits the governing bodies of several jurisdictions mentioned therein to grant and to authorize tax credits and states that:

"Property is not subject to property tax if the property:

- (1) is owned by an incorporated, nonprofit fire company or rescue squad; and
- (2) is necessary for and actually used exclusively for the purposes of the fire company or rescue squad, including property that:
 - (i) is used for:
 - 1. training; or
 - 2. fund raising at carnivals or bazaars;
 - (ii) is held in an advanced land acquisition program of the fire company or rescue squad;
 - (iii) is leased for not more than 60 days during any 12-month period, if:
 - 1. the property is used for a purpose that is related to the purposes of the fire company or rescue squad; and
 - 2. the rent that is received from the property is used exclusively for the purposes of the fire company or rescue squad; or
 - (iv) is leased to any nonprofit organization, if:
 - 1. the property is used for a purpose that is related to the purposes of the fire company or rescue squad; and
 - 2. the rent that is received from the property is used exclusively for the purposes of the fire company or rescue squad."

NOW, THEREFORE BE IT RESOLVED, that the Board of County Commissioners grants a credit against local taxation only for real and tangible property owned by the Hollywood volunteer Fire Department, Inc.

This Date:
January 26, 1988

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler
Carl M. Loffler, President

W. Edward Bailey
W. Edward Bailey, Commissioner

Robert T. Jarboe
Robert T. Jarboe, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox, County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
Assistant County Attorney

2:43PM 01/29/88 CO.COM \$0.00

Ret: Judy L. Currie

1/29/88

MARY R. BELL, CLERK

RESOLUTION

ID: 16AH02/22/888 CD.COM \$0.00

WHEREAS, St. Mary's County is proud of the enthusiastic and meaningful involvement of hundreds of citizen volunteers in the government process by membership on a wide variety of Boards, Commissions, and Committees; and

WHEREAS, The growth in complexity and sheer numbers has dictated a clear statement of policy in regard to the appointment and administration of membership on the Boards, Commissions, and Committees;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that the following policies and procedures are hereby established with the understanding that from time to time additions and amendments will occur:

1. Terms of service are limited to two consecutive terms. Those citizens now serving who have already served two consecutive terms will complete their current term but will not be eligible for reappointment.

2. Every Board, Commission, and Committee is to be governed by a set of by-laws approved by the Board of County Commissioners and containing as an essential element guidelines for removal of members for non-attendance.

3. There is hereby established a report system by each Board, Commission, and Committee to be delivered to the Board of County Commissioners on a developed schedule.

4. The appointment of members takes into consideration a balanced representation of all segments of the St. Mary's County community assuring especially that women and minorities are not underrepresented.

5. Every Board, Commission, and Committee has staggered terms. Task Forces and Ad-Hoc groups are excepted.

6. Every Board, Commission, and Committee must adhere to the provisions of the Ethics Ordinance and Open Meetings Law. The Chairpersons are responsible for orientation and updating of members.

7. For statistical purposes the following data is requested of each person considered for appointment: Date of Birth; Sex: Male or female; Race: White, Black, Asian or Pacific Islander, American Indian or Alaskan Native, Hispanic.

THIS DATE: February 16, 1988

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr.
Carl M. Loffler, Jr., President

W. Edward Bailey
W. Edward Bailey, Commissioner

Robert T. Jarboe
Robert T. Jarboe, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
Assistant County Attorney

Ret: Judy
L. Cusic

Feb. 22, 1988

MARY R. BELL, CLERK

No. 88- 04

SUBJECT: HOME OWNER'S PLUMBING
INSTALLATION

RESOLUTION

WHEREAS, the County Commissioners for St. Mary's County, Maryland, have the authority to adopt rules and regulations pertaining to a County Plumbing Code by virtue of Section 143A of the Code of Public Local Law of St. Mary's County; and

WHEREAS, the County Commissioners do consider it advisable that rules and regulations be promulgated concerning the issuance of Plumbing Permits and licenses; and

WHEREAS, the County Commissioners consider the action taken hereby to be in the best interest of St. Mary's County and its citizens; and

WHEREAS, the County Commissioners authorized home owners to personally install plumbing systems in their own residence in Resolution No. 76-53; and

WHEREAS, in St. Mary's County, plumbing inspections are made by the Plumbing Inspector under the jurisdiction of the Office of Planning and Zoning and Plumbing Board; and

WHEREAS, the Chief of Permits and Inspection, Office of Planning and Zoning, is the agent of the County Commissioners in the matter of issuing Building Permits and monitoring construction in St. Mary's County.

NOW, THEREFORE, WE, the County Commissioners of St. Mary's County, do hereby define that effective this 23RD day of FEBRUARY, 1988, a home owner may be granted a permit for installation of plumbing in his/her own residence upon demonstrating to the Plumbing Board through passage of a written test, developed by said Board, that the home owner possesses adequate knowledge of the plumbing to be able to install systems correctly and protect his own safety; and

THAT the Permits and Inspections Office of St. Mary's County shall issue such a Home Owner's Plumbing Permit only upon receipt of certification of qualification from the Plumbing Inspector; and

THAT inspections shall be made in accordance with the established fee scale and procedures of the Office of Planning and Zoning, approved by the County Commissioners of St. Mary's County.

FURTHER, We define that applications, rules, and regulations, as shall hereafter be adopted by the County Commissioners and overall administration of the procedure for issuance of permits for home owner's installation of plumbing in his own residence shall be the responsibility of the Chief of Permits and Inspections, Office of Planning and Zoning.

No. 88-04

Subj: Home Owner's Plumbing
Installation

Page 2 of 3

HOME OWNER'S PLUMBING LICENSE
RULES AND REGULATIONS

RULE NO. 1

Any person desiring to secure a Home Owner's Plumbing License for their own residence shall make application on a form provided by the Permits and Inspections Office of St. Mary's County. Any false, erroneous or misleading answers or statements made in an application shall be cause for the rejection of the same, or the revocation of a license issued to said applicant.

Examinations will be held during normal working hours. Exams will be given by the Plumbing Inspector in the Permits Office.

Any person to be to examined shall have his application on file with the Permits and Inspections office within a reasonable time prior to the date of the scheduled examination. All examinations shall be held to determine the applicant's knowledge of the duly adopted County Plumbing Code and practical plumbing work. During the examination, applicants shall be allowed to refer to the "COMAR 09.20 Board of Commissioners of Practical Plumbing" to be provided by the Permits and Inspection Office.

Any person found referring to unauthorized notes or books during an examination shall be disqualified and shall not be examined again until at least one year has elapsed.

All tests shall be developed, reviewed, and graded by the Plumbing Inspector of St. Mary's County.

Applicants for examination will be required to obtain at least a 70% grade in order to obtain a license.

Applicants who fail to obtain the required 70% will be entitled to reexamination upon submission of a new application. No person shall be entitled to more than three (3) examinations (one initial and two reexaminations) in any one calendar year. Persons failing all three examinations will not be eligible for reexamination from one year to the last exam date.

The examination fees are as follows:

The exam fee of twenty-five (\$25.00) dollars which entitles the applicant to three (3) exams is due at the time of submitting application.

No. 88-04

Subj: Home Owner's Plumbing Installation.

Page 3 of 3

RULE NO. 2

No license shall be granted to any person who is not the owner and resident.

RULE NO. 3

A time period of two (2) years must elapse before any person issued a license for work to be done at one location may be issued a license for work to be done at a different location. A second license issued must be only for work in the person's certified residence.

RULE NO. 4

A Home Owner's License is valid for one (1) year from the date of issue and only for the type work authorized.

RULE NO. 5

The Plumbing Inspector shall have full power to revoke a license for proper cause. The home owner may appeal, within thirty (30) days to the Plumbing Board.

RULE NO. 6

Any and all complaints must be made in writing to the Plumbing Board.

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loeffler, Jr.
CARL M. LOEFFLER, JR., President

W. Edward Bailey
W. EDWARD BAILEY, Vice-President

Robert Jarboe
ROBERT JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Rodney Thomson
RODNEY THOMSON, Commissioner

ATTEST:
Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY
AND FORM:

Joseph R. Densford
JOSEPH R. DENSFORD
Assistant County Attorney

Ret: Judy
Cisco

Feb. 26, 1988

MARY R. BELL, CLERK

Maryland State Archives
350 Rowe Boulevard
Annapolis, MD 21401
(410) 260-6429 FAX (410) 974-2525
Maryland Toll Free 800-235-4045

R*STARS - Financial Agency: D60
PCA: 42700
TC: 410
Agency Object: 6491

MAR 17 1999

RECORD REQUEST: SL 99 9366-14036

Code: M Type: N

Faye Gatton
Saint Mary's County Circuit Court
P. O. Box 676
Leonardtwn, MD 20650

Receipt No.: GRATIS
Amt Received: 0.00
Charge: N
Amount Due: 0.00

Date Answered: 03/16/99

Thank you for your inquiry received on 03/11/99 concerning the
record cited below.

MSA No. TM496
ST. MARY'S COUNTY
CIRCUIT COURT
(Ordinances and Resolutions, County)

MRB #6
page 199-200

MISSING PAGES.
These pages are missing from film and listed as not refilmed.

Prepared by: Donald A. Williams
Archival Assistant Supervisor

Maryland State Archives
350 Rowe Boulevard
Annapolis, MD 21401
(410) 260-6429 FAX (410) 974-2525
Maryland Toll Free 800-235-4045

R*STARS - Financial Agency: D60
PCA: 42700
TC: 410
Agency Object: 6491

MAR 17 1999

RECORD REQUEST: SL 99 9366-14036

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Faye Gatton
Saint Mary's County Circuit Court
P. O. Box 676
Leonardtown, MD 20650

Receipt No.: GRATIS
Amt Received: 0.00
Charge: N
Amount Due: 0.00

Date Answered: 03/16/99

Thank you for your inquiry received on 03/11/99 concerning the record cited below.

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ST. MARY'S COUNTY
CIRCUIT COURT
(Ordinances and Resolutions, County)

MRB #6
page 199-200

MISSING PAGES.
These pages are missing from film and listed as not refilmed.

Prepared by: Donald A. Williams
Archival Assistant Supervisor

NO: 88 -05

SUBJ: LOCAL GOVERNMENT INSURANCE
TRUST: PROPERTY INSURANCE

11:16AM04/05/888 . CO.COM \$0.00

RESOLUTION

WHEREAS, On June 30, 1987 by Resolution 87-08 the Board of County Commissioners became a party to the Local Government Insurance Trust for purpose of minimizing the cost of comprehensive general liability, business automobile liability and physical damage, law enforcement liability, and public officials legal liability insurance claims and administration; and

WHEREAS, The Local Government Insurance Trust Agreement has been amended to approve the creation of separate insurance pools to provide coverage for casualty - related risks, each pool to be separately maintained and administered; and

WHEREAS, Before the property insurance pool may be established, two-thirds of the Trust's participants must approve the Amended and Restated Trust Agreement;

NOW, THEREFORE, BE IT RESOLVED By the Board of County Commissioners that St. Mary's County approves the Amended and Restated Trust Agreement dated March 1, 1988 and that the President of the Board is authorized to execute the Participant Approval and Participant Certificate.

THIS DATE: 3-22-88

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY MARYLAND

Carl M. Lohmeyer Jr.
Carl M. Lohmeyer Jr., President

W. Edward Bailey
W. Edward Bailey, Commissioner

Robert T. Jarboe
Robert T. Jarboe, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
Assistant County Attorney

Ret: Judy L. Casio 4-5-88

MARY R. BELL, CLERK

NO.: 88-06

SUBJ.: REPEAL AND REAUTHORIZATION OF
CABLE TELEVISION TAX

RESOLUTION

WHEREAS, The Board of County Commissioners of St. Mary's County desires to repeal Resolution 75-29 concerning taxes imposed on Cable Television Companies in St. Mary's County and to provide reauthorization of taxation for same as set forth in Section 10 of Chapter 267 of the Code of St. Mary's County, Maryland, and

WHEREAS, a public hearing was duly advertised and conducted on the 20th and 21st day of April, 1988 concerning the taxation of all Cable Television Companies in St. Mary's County,

NOW, THEREFORE, be it resolved by the Board of County Commissioners of St. Mary's County on the 1st day of July, 1988, a tax be levied against all existing and future Cable Television Companies in St. Mary's County, Maryland. Said tax levy is established by the Board of County Commissioners of St. Mary's County, Maryland in the amount of five percent (5%) of the annual gross revenues, as verified by a certified statement from a Certified Public Accountant, of each Cable Television Company operating in St. Mary's County, is subject to an annual review and revision, and shall be remitted to the Board of County Commissioners of St. Mary's County, Maryland or their duly authorized agent on or before ninety (90) days after the ending of their fiscal year. If the tax is remitted later than such ninetieth day, the operator or owner shall remit therewith a penalty charge equal to ten percent (10%) of the tax remitted plus interest at the rate of one and one-half percent (1 1/2%) for each month or portion thereof, for which payment is overdue.

NO.: 88-06

SUBJ.: REPEAL AND REAUTHORIZATION OF
CABLE TELEVISION TAX

-2-

THIS DATE:

05/03/88

BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr.
Carl M. Loffler, Jr.
President

Robert T. Jarboe
Robert T. Jarboe
Vice-President

W. Edward Bailey
W. Edward Bailey
Commissioner

John G. Lancaster
John G. Lancaster
Commissioner

Rodney Thompson
Rodney Thompson
Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

APPROVED AS TO LEGAL FORM AND
SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
Assistant County Attorney

Ret. Judy A. Cusic 5-10-88

MARY R. BELL, CLERK

RESOLUTION

A RESOLUTION to repeal Resolution 69-4, 75-38, 84-01 and 84-01A concerning taxes imposed and penalty charges on trailer parks, and to provide reauthorization of taxes and penalty charges including administration of the trailer park tax and penalty as set forth in Sections 1 through 4 of Chapter 267 of the Code of St. Mary's County, Maryland, and

WHEREAS, a public hearing was duly advertised and conducted on the 20th and 21st day of April, 1988 concerning the taxation and penalty charges on trailer parks in St. Mary's County,

BE IT APPROVED by the Board of County Commissioners of St. Mary's County, Maryland that Resolutions 69-4, 75-38, 84-01 and 84-01A be hereby repealed and that the following be approved effective July 1, 1988:

SECTION 1. There shall be payable a tax of ten percent (10%) per month upon any gross sum paid for services, fees, rental, leasing or use of any space or facility within the trailer park. The tax shall be collected by the operator or owner of the trailer park and shall be remitted by such operator or owner to the Board of County Commissioners of St. Mary's County, Maryland or their duly authorized agent no later than the twentieth day of the following month. If the tax is remitted later than such twentieth day, the operator or owner shall remit therewith a penalty charge equal to ten percent (10%) of the tax remitted plus interest at the rate of one and one-half percent (1 1/2%) for each month or portion thereof, for which payment is overdue.

SECTION 2. Every owner or operator of the trailer park shall keep complete accurate records of all payments and receipts for such tax collected; and shall also keep all invoices and such other pertinent records and documents as are necessary to determine the amount of tax due. Such records and related documents and registration records shall be available at all times during normal business hours for inspection and examination by the Board of County Commissioners of St. Mary's County, Maryland or their duly authorized representative agent.

SECTION 3. If any owner or operator fails to keep records required under item number two, the Board of County Commissioners of St. Mary's County, Maryland or their duly authorized agent may determine the amount of such tax and penalty due by surveying other spaces of the same general class or after an on-site survey, and performing a computation to determine the amount of tax due, including penalties and interest. There shall be a rebuttable presumption that said computation is correct.

SECTION 4. For purposes of tax computation the minimum per space rental is considered to be \$100.

THIS DATE:

05/03/88

BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler
Carl M. Loffler
President

Robert T. Jarboe
Robert T. Jarboe
Vice-President

W. Edward Bailey
W. Edward Bailey
Commissioner

John G. Lancaster
John G. Lancaster
Commissioner

Rodney Thompson
Rodney Thompson
Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

APPROVED AS TO LEGAL FORM AND
SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
Assistant County Attorney

Ret: Judy L. Cox 5-10-88 MARY R. BEIL CLERK

NO: 88-08

SUBJECT: Kline Drive and Miller Court
Special Taxing District Ordinance

ORDINANCE

2:49PM05/20/88A CD.COM \$0.00

WHEREAS, the County Commissioners of St. Mary's County, Maryland are empowered under the provisions of Section 151 of the Code of Public Laws of St. Mary's County, to construct and improve private roads after the approval of a petition of a majority of the property owners whose property benefits from said improvements; and

WHEREAS, the County Commissioners of St. Mary's County, Maryland have been petitioned by a majority of the property owners to be benefitted in the Prospect Hill Subdivision, requesting the County to reconstruct and improve certain streets in Prospect Hill Subdivision, which is located in the Third Election District of St. Mary's County, Maryland, and recorded among the Plat Records of St. Mary's County, Maryland, in Plat Book 3, Folio 115. The following streets, as shown on the aforementioned plat of said subdivision, shall be improved to the approximate limits indicated herein:

Kline Drive - from Knight Road to the end of Kline Drive at Miller Court and Miller Court from Kline Drive for a distance of approximately 275 feet.

WHEREAS, the County Commissioners of St. Mary's County, Maryland, held a public hearing on March 15, 1988 in order to consider said petition; and

WHEREAS, The County Commissioners of St. Mary's County, Maryland have determined to approve said petition in accordance with the provisions and reservations herein set forth.

NOW, THEREFORE, BE IT ORDAINED by the County Commissioners of St. Mary's County, Maryland, this TEN day of MAY, 1988, that the petition of the residents of Prospect Hill, for the reconstruction and improvement of the two streets in said subdivision as described above, be approved; and

IT IS FURTHER ORDAINED that the County Commissioners of St. Mary's County, Maryland, shall construct and improve said streets in accordance with specifications approved by the Department of Public Works and authorized by the County Commissioners.

IT IS FURTHER ORDAINED that upon completion of said construction and improvement, the County Commissioners of St. Mary's County, Maryland, shall accept said streets into the County System of Roads; and

IT IS FURTHER ORDAINED that the costs of said improvements and reconstruction shall be borne by the County and the lot owners in accordance with the following:

1. The lot owners are responsible for \$32,618.00 of the construction costs. This sum represents the property owners' estimated share of the cost required by the approved set of plans, said share being equivalent to the cost of improving the roads to a condition which would have been acceptable for inclusion within the County Road System at the time the Subdivision was recorded in November of 1959.

2. The lot owners are responsible for all design costs for work, performed by consultant engineers retained by the County for this project, with the exception of costs incurred for inspection of construction work.

3. The County is responsible for all in-house design and engineering costs.

4. The lot owners are responsible for all utility relocation costs.

5. The County shall be responsible for all costs associated with improving the roads to standards in excess of those required by the County at the time the subdivision was created, in particular, the costs of a bituminous concrete surface.

6. The inspection costs associated with the construction contract shall be borne by the County.

IT IS FURTHER ORDAINED that the cost of said construction and improvements attributable to those properties hereinafter named shall be paid over a twenty-year period by an annual benefit assessment levied against said properties; and

IT IS FURTHER ORDAINED that said annual benefit assessment shall be computed as follows:

1. The "total benefit assessment" shall represent total costs of reconstruction and improvements as described above, to be borne by the nine existing lot owners, or a greater number if a subdivision of any lot occurs on any of said lots in the future, so long as the newly created lots gain access to the roads constructed.

2. The "total benefit assessment" shall be divided by 20 to determine the "annual benefit assessment" to be levied against all of the lot owners for 20 years.

3. The "annual benefit assessment" shall be divided by the number of approved lots in existence in the subdivision on the first of May of each assessment year to determine the annual cost to each lot.

IT IS FURTHER ORDAINED that the County Commissioners of St. Mary's County, Maryland, shall certify the amount of each assessment to the Treasurer of St. Mary's County, Maryland, on or before May 1, of the year following completion of the construction; and

IT IS FURTHER ORDAINED that the Treasurer of St. Mary's County, Maryland shall place said annual benefit assessment on the State and County real estate tax bills for said "lots" for the next twenty (20) succeeding fiscal years, and that said annual benefit assessments shall be subject to such discount allowances and interest penalties and charges as may be provided by law; and

IT IS FURTHER ORDAINED that said annual benefit assessment shall constitute a first lien on said property, until paid, subject only to prior State and County taxes; and

IT IS FURTHER ORDAINED that said annual benefit assessment may be collected in the manner provided in Chapter 367, Laws of Maryland, 1978, of the Code of Public Local Laws of St. Mary's County, Maryland, or in any other manner provided by law; and

IT IS FURTHER ORDAINED that upon approval of this Ordinance by the County Commissioners, the County shall immediately assume responsibility for maintaining the above-described roads in said subdivision; and

IT IS FURTHER ORDAINED that the properties affected by this Ordinance are as follows:

Tax Map 40	Parcel 139
Tax Map 40	Parcel 50 - Lots 7-9
Tax Map 40	Parcel 186
Tax Map 40	Parcel 161
Tax Map 40	Parcel 121
Tax Map 40	Parcel 122
Tax Map 40	Parcel 154

NO: 88-08
Page 3 of 3

IT IS FURTHER ORDAINED that this Ordinance shall only be effective as aforesaid.

ATTEST:

COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND

Edward V. Cox
Edward V. Cox 5/17/88

Carl M. Loffler, Jr.
Carl M. Loffler, Jr. President

W. Edward Bailey
W. Edward Bailey, Commissioner

Robert Jarboe
Robert Jarboe, Commissioner

John V. Lancaster
John V. Lancaster, Commissioner

Jooney Thompson
Jooney Thompson, Commissioner

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
Assistant County Attorney

Ret: Judy Cusic

5-20-88

MARY R. BELL, CLERK

LIBER 006 PAGE 209

RESOLUTION

WHEREAS, THOMAS E CANAPP has made application to rezone 0.67 acres of land from R-2, Low Density Urban Residential, to C-2, Commercial. The land is located on the west side of Maryland Route 235 between Town Creek Drive and Gunston Drive, in California, Maryland, and is known as Parcel 10, Block 6, Tax Map 42, in the Eighth Election District of St. Mary's County. The matter is identified as ZONE #87-0622.

WHEREAS, following published notice and notification of property owners within 200 feet of the subject property by Certified Mail, the Planning Commission for St. Mary's County conducted a public hearing on the application on June 8, 1987.

WHEREAS, after deliberation, the Planning Commission, on July 27, 1987, by a unanimous vote, recommended to the Board of County Commissioners of St. Mary's County that said rezoning be approved.

WHEREAS, the County Commissioners, after publishing notice and notifying all property owners within 200 feet of the subject property by Certified Mail, conducted a public hearing on the application on February 23, 1988.

WHEREAS, the County Commissioners, in accordance with the provisions of Section 4.05(a) of Article 66B of the Annotated Code of Maryland and Section 70.05 of the St. Mary's County Zoning Ordinance, find as fact the following with regard to the above-referenced application:

I. Definition of Neighborhood

The immediate neighborhood may be defined as those parcels fronting on either side of Maryland Route 235, between Chancellors Run Road and Old Rolling Road. More generally, the property is located within the Urban Development District of the Lexington Park-Great Mills area.

II. Mistake in Original Zoning

There does not appear, on the record, to be sufficient evidence of a mistake in the original zoning of the property.

III. Change in the Neighborhood

Since the adoption of the Zoning Ordinance in 1974, the following commercial development has taken place in the defined neighborhood:

1. Dynamac Office Building
2. 7-11 Convenience Store
3. L. K. Farrell Realty Office Building
4. Warehouse building north of Maryland Manor Mobile Home Park
5. Patuxent Inn Motel
6. Hickory Hills Shopping Center
7. Skate Station Roller Rink
8. Liberty Car Wash
9. Super-8 Motel

1151PM05/24/88 CD.COM \$0.00

It is clear that the neighborhood is substantially commercial in character, and that a rezoning of the subject property to C-2 would be consistent with the neighborhood's anticipated development.

IV. Adequacy of Public Facilities

Due to the small size of this parcel, rezoning to Commercial will have no impact on public facilities.

No. Z-88-01

Subj: ZONE #87-0622
THOMAS E. CANAPP PROPERTY

(Page 2 of 2)

LIBER 006 PAGE 210
V. Relationship to Comprehensive Plan

There is no comprehensive plan for this area; however, as proposed, development would be in agreement with goals in the Plan in that the applicant proposes to share access to Route 235 with the existing access point on the adjoining property.

VI. Fiscal Impact on Government

Real estate taxes on the parcel will increase if it is zoned commercial.

VII. Suitability for Uses Under Existing and Proposed Zoning Classification

Since the site is surrounded by commercial uses, a major highway, and a proposed major highway, it is not a suitable site for a residence.

VIII. Compatibility with existing and Proposed Development

As noted, the property is surrounded on three sides by commercially used and zoned property. To the remaining side is the railroad right-of-way, which is slated to become a major road. As commercial property, the parcel would fit well with adjoining land uses.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, this 29TH day of MARCH, 1988, that the above-mentioned rezoning request is granted, and the subject property is hereby reclassified from R-2 to C-2, with the condition that there is no separate entrance to the property. Access to the site is through the adjoining property to the south.

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loeffler, Jr.
CARL M. LOEFFLER, JR., President

Edward W. Bailey
EDWARD W. BAILEY, Vice-President

Robert Jarboe
ROBERT JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Robney Thompson
ROBNEY THOMPSON, Commissioner

Attest:

Edward V. Cox
EDWARD V. COX
County Administrator

Approved as to Legal Sufficiency:

Joseph R. Densford
JOSEPH R. DENSFORD
Assistant County Attorney

The undersigned applicant hereby consents to the condition that there is no separate entrance to the subject property. Access to the site is through the adjoining property to the south. This condition shall run with and bind the subject property and shall be binding on the applicant, his personal representatives, heirs and assigns.

Thomas E. Canapp
THOMAS E. CANAPP, Applicant

Ret: Patricia R. Guy

SUBJ: PUBLIC FACILITIES BOND OF 1985
SUPPLEMENT

LIBER 006 PAGE 211

RESOLUTION NO. 88-11

RESOLUTION

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY for the purpose of supplementing the Resolution of the County adopted on September 17, 1985 authorizing the issuance of general obligation bonds of the County by designating certain new projects as additional projects authorized to be financed with the proceeds from the sale of such bonds.

RECITALS

9100AM05/27/888 CD.COM \$0.00

On September 17, 1985, the County Commissioners of St. Mary's County (the "County") adopted its Resolution (the "Authorizing Resolution") authorizing the issuance and sale of \$4,365,000 County Commissioners of St. Mary's County Public Facilities Bonds of 1985 dated October 1, 1985 (the "Bonds"), a portion of the proceeds of which were to be used to finance the construction, improvement or development of certain capital projects described in such Authorizing Resolution (the "Original Projects").

Section 12 of the Authorizing Resolution provides that if the proceeds received from the sale of the bonds exceed the amount actually expended or required for such Original Projects, the amount of such unexpended excess shall be set apart in a separate fund and applied to the payment of the next principal maturity of the Bonds or to the redemption of Bonds or to the purchase and cancellation of Bonds, unless a resolution is adopted by the Board of County Commissioners to provide for the expenditure of that excess for some valid purpose authorized by the Act.

The County has determined that a portion of the proceeds of the sale of the Bonds originally designated to be used to finance the costs of the Original Projects is no longer required for such purpose.

The County has determined that it is in its best interest to use \$ 300,774 of the proceeds of the Bonds to finance all or a portion of the costs of certain projects listed on Schedule A attached hereto.

1878 006 PAGE 212

The County has further determined that the projects being financed by the proceeds of the Bonds and listed on Schedule A attached hereto have been authorized by Chapter 705 of the Laws of Maryland of 1981 and have been approved by St. Mary's County Board of County Commissioners Approved Budget.

BE IT RESOLVED BY COUNTY COMMISSIONERS OF ST. MARY'S COUNTY:

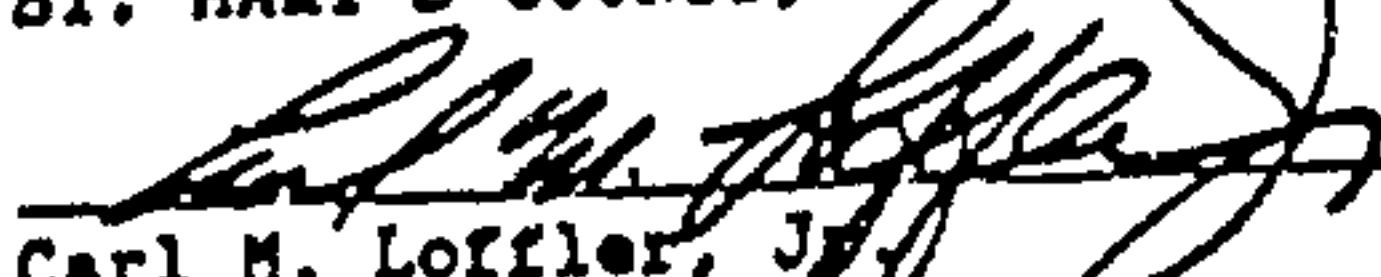
Section 1: The authorizing resolution adopted by the County Commissioners of St. Mary's County on September 17, 1985 (the "Authorizing Resolution") authorizing the issuance and sale of \$4,365,000 aggregate principal amount of County Commissioners of St. Mary's County Public Facilities Bonds of 1985, dated October 1, 1985 (the "Bonds") is hereby supplemented for the sole purpose of designating the projects described in Section 2 below as additional projects the costs of which are authorized to be financed with the proceeds of the sale of the Bonds.

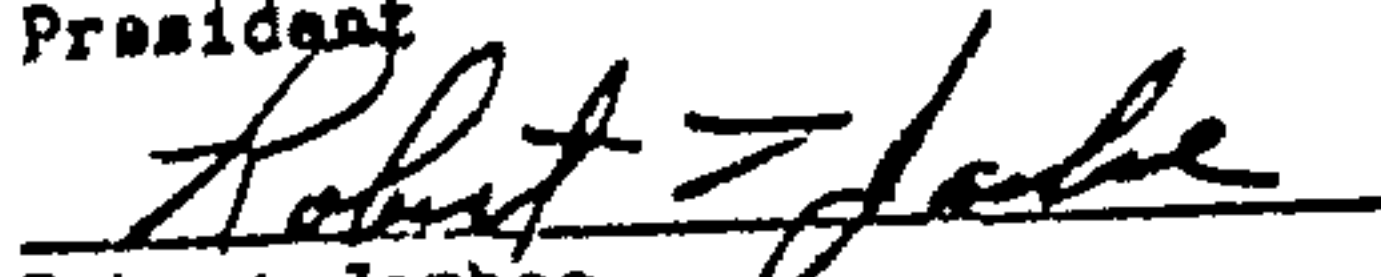
Section 2: The County hereby finds and determines that a portion of the proceeds from the sale of the Bonds designated to finance the construction, improvement or development of certain capital projects approved by the Authorizing Resolution is no longer required for such purpose. The County hereby designates \$ 300,774 from the proceeds of the sale of the Bonds to be used to finance the construction, improvement or development of the projects in the County set forth in Schedule A attached to and made a part of this Resolution. The designation of such additional projects authorized to be financed from the proceeds of the sale of the Bonds shall in no way limit the County from designating such further additional projects as permitted under the Authorizing Resolution and shall in no way modify, amend or rescind any other provisions of the Authorizing Resolution.


Section 3: This Supplement Resolution shall become effective immediately upon its passage.


ADOPTED this 24TH day of MAY, 1988.


BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND



Carl M. Loffler, Jr.
President



Robert Jarboe
Vice-President


W. Edward Bailey
Commissioner


John G. Lancaster
Commissioner


Rodney Thompson
Commissioner

ATTEST:

Edward V. Cox
County Administrator


Charles H. Wade, Jr.
Director of Finance

Description of Additional Projects Authorized
to be Financed with the Proceeds of the County
Commissioners of St. Mary's County Public
Facilities Bonds of 1985.

Day Care Center - North	\$ 3,289
Lexington Park Elem. School - Roof	\$ 87,145
Spring Ridge Middle School - Sewer	\$ 20,655
White Marsh Elem. School - Roof	\$ 72,580
Esperanza Middle School - HVAC	\$ 66,000
Green Holly School - Class Alteration	\$ 49,345
Loveville Office Remodeling	\$ 1,760
	\$300,774

Ret. Judy A. Cusic 5-27-88

MARY R. BELL, CLERK

SUBJ: PUBLIC FACILITIES BOND OF 1984
SUPPLEMENT

LIBER 006 PAGE 215

RESOLUTION NO. 88-10

9100AM05/27/88 CO.COM \$0.00

RESOLUTION

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY for the purpose of supplementing the Resolution of the County adopted on September 11, 1984 authorizing the issuance of general obligation bonds of the County by designating certain new projects as additional projects authorized to be financed with the proceeds from the sale of such bonds.

RECITALS

On September 11, 1984, the County Commissioners of St. Mary's County (the "County") adopted its Resolution (the "Authorizing Resolution") authorizing the issuance and sale of \$1,700,000 County Commissioners of St. Mary's County Public Facilities Bonds of 1984 dated October 1, 1984 (the "Bonds"), a portion of the proceeds of which were to be used to finance the construction, improvement or development of certain capital projects described in such Authorizing Resolution (the "Original Projects").

Section 12 of the Authorizing Resolution provides that if the proceeds received from the sale of the bonds exceed the amount actually expended or required for such Original Projects, the amount of such unexpended excess shall be set apart in a separate fund and applied to the payment of the next principal maturity of the Bonds or to the redemption of Bonds or to the purchase and cancellation of Bonds, unless a resolution is adopted by the Board of County Commissioners to provide for the expenditure of that excess for some valid purpose authorized by the Act.

The County has determined that a portion of the proceeds of the sale of the Bonds originally designated to be used to finance the costs of the Original Projects is no longer required for such purpose.

The County has determined that it is in its best interest to use \$ 43,756 of the proceeds of the Bonds to finance all or a portion of the costs of certain projects listed on Schedule A attached hereto.

LBFR 006 PAGE 216

The County has further determined that the projects being financed by the proceeds of the Bonds and listed on Schedule A attached hereto have been authorized by Chapter 705 of the Laws of Maryland of 1981 and have been approved by St. Mary's County Board of County Commissioners Approved Budget.

BE IT RESOLVED BY COUNTY COMMISSIONERS OF ST. MARY'S COUNTY:

Section 1: The authorizing resolution adopted by the County Commissioners of St. Mary's County on September 11, 1984 (the "Authorizing Resolution") authorizing the issuance and sale of \$1,700,000 aggregate principal amount of County Commissioners of St. Mary's County Public Facilities Bonds of 1984, dated October 1, 1984 (the "Bonds") is hereby supplemented for the sole purpose of designating the projects described in Section 2 below as additional projects the costs of which are authorized to be financed with the proceeds of the sale of the Bonds.

Section 2: The County hereby finds and determines that a portion of the proceeds from the sale of the Bonds designated to finance the construction, improvement or development of certain capital projects approved by the Authorizing Resolution is no longer required for such purpose. The County hereby designates \$ 43,756 from the proceeds of the sale of the Bonds to be used to finance the construction, improvement or development of the projects in the County set forth in Schedule A attached to and made a part of this Resolution. The designation of such additional projects authorized to be financed from the proceeds of the sale of the Bonds shall in no way limit the County from designating such further additional projects as permitted under the Authorizing Resolution and shall in no way modify, amend or rescind any other provisions of the Authorizing Resolution.

Section 3: This Supplement Resolution shall become effective immediately upon its passage.

ADOPTED this 24TH day of MAY, 1988.

BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND

Carl M. Loeffler, Jr.
Carl M. Loeffler, Jr.
President

Robert Jarboe
Robert Jarboe
Vice-President

W. Edward Bailey
W. Edward Bailey
Commissioner

John G. Lancaster
John G. Lancaster
Commissioner

Rodney Thompson
Rodney Thompson
Commissioner

ATTEST:
Edward V. Cox
Edward V. Cox
County Administrator

Charles H. Wade, Jr.
Charles H. Wade, Jr.
Director of Finance

Description of Additional Projects Authorized
to be Financed with the Proceeds of the County
Commissioners of St. Mary's County Public
Facilities Bonds of 1984.

Day Care Center - North	• 43,756
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Ret. Judy L. Cusic

5-27-88

MARY R. BELL, CLERK

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

RESOLUTION NO. 88-09

BY THE BOARD OF COUNTY COMMISSIONERS

May 24, 1988

A RESOLUTION

9:00AM 05/27/88 CD.COM \$0.00

ENTITLED

A RESOLUTION to authorize and provide for the issuance, sale and delivery by County Commissioners of St. Mary's County of its revenue bonds in an aggregate principal amount not to exceed \$2,700,000 to be designated "County Commissioners of St. Mary's County Economic Development Refunding Revenue Bonds (Exploration Partners Project), Series 1988", pursuant to the provisions of Sections 14-101 to 14-109, inclusive, of Article 41 of the Annotated Code of Maryland (1986 Replacement Volume and 1987 Supplement), in order to lend the proceeds thereof to Exploration Partners, a Maryland general partnership, solely for the purpose of refinancing the acquisition of a four-story pre-stressed concrete office building with insulated solar reflecting glass consisting of approximately 35,000 square feet which is used for research and development, engineering contractor support facilities and additional offices located north of the Patuxent Naval Air Station, Lexington Park, Maryland, adjacent to Immaculate Heart of Mary R.C. Church, on one side and land developed by Taylor Rental on the other side which was previously financed by revenue bonds issued by the County Commissioners of St. Mary's County; to authorize the acceptance of a letter of intent as evidence of the present intent of the Issuer to issue such revenue bonds; to make certain legislative findings concerning, among other things, the public benefit and purpose of the revenue bonds; TO PROVIDE THAT THE REVENUE BONDS AND THE INTEREST ON THEM SHALL BE PAYABLE SOLELY FROM REVENUES RECEIVED IN CONNECTION WITH THE FACILITIES AND FROM ANY OTHER MONEYS MADE AVAILABLE TO COUNTY COMMISSIONERS OF ST. MARY'S COUNTY FOR SUCH PURPOSE AND NEITHER THE REVENUE BONDS NOR THE INTEREST ON THEM SHALL EVER CONSTITUTE OR GIVE RISE TO ANY PECUNIARY LIABILITY OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY; to authorize the County Administrator, by order, to specify, prescribe, determine, provide for and approve all matters, details, forms, documents or procedures necessary or appropriate to the authorization, sale, security, issuance, delivery or

LIBER 006 PAGE 220

OLUTION NO. 88-09

payment of or for the revenue bonds; and generally to provide for and determine various matters in connection with the authorization, issuance, sale and delivery of the revenue bonds.

-2-

6919t:05/05/88
7685-20

RECITALS

Sections 14-101 to 14-109 inclusive, of Article 41 of the Annotated Code of Maryland (1986 Replacement Volume and 1987 Supplement) (the "Act") empower all the counties and municipalities of the State of Maryland (the "State") to issue limited obligation revenue bonds and to lend the proceeds of the sale of such bonds to one or more facility users (as defined in the Act) under an agreement to finance or refinance one or more facilities (as defined in the Act).

The Act declares it to be the legislative purpose to relieve conditions of unemployment in the State, to encourage the increase of industry and commerce and a balanced economy in the State, to assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State through, among other things, port development and the control reduction or abatement of pollution of the environment and the utilization and disposal of wastes (where proceeds of the bonds are used for any of these purposes), to promote economic development, to protect natural resources and encourage resource recovery, and generally to promote the health, welfare and safety of the residents of each of the counties and municipalities of the State.

Exploration Partners, a Maryland general partnership (the "Borrower") has submitted a letter of intent (the "Letter of Intent") to County Commissioners of St. Mary's County (the

"Issuer"), requesting the issuance of its revenue bonds in a principal amount not to exceed \$2,700,000 (the "Bonds") and the loan of the proceeds to the Borrower for the purpose of refunding the \$2,700,000 County Commissioners of St. Mary's County Economic Development Revenue Bonds (Exploration Partners Project), 1984 Series (the "1984 Series Bonds"), and thereby refinancing the costs of acquisition (within the meaning of the Act) of approximately 55,000 square foot, four-story, pre-stressed concrete office building with insulated solar reflecting glass (the "Facilities") located on the north side of the Patuxent Naval Air Station, Lexington Park, Maryland 20653, adjacent to Immaculate Heart of Mary R.C. Church on one side and land developed by Taylor Rental on the other side. The Letter of Intent indicates that the Facilities are leased by the Borrower to Veda Incorporated.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY:

SECTION 1. It is hereby found and determined as follows:

(a) The Facilities constitute "facilities", the Borrower constitutes a "facility applicant" and a "facility user", and the Lessee constitutes a "facility user", all as evidenced by the Letter of Intent.

(b) The accomplishment of the transactions contemplated and authorized by this Resolution, including (without limitation) the acquisition, construction, reconstruction,

equipping, expansion, extension, improvement, rehabilitation or remodeling (collectively, the "Acquisition") of the Facilities by the Borrower and the refinancing thereof as provided in this Resolution, will promote the declared legislative purposes of the Act by (i) sustaining jobs and employment opportunities, thereby relieving conditions of unemployment in the State and in the County; (ii) encouraging the increase of industry and commerce and a balanced economy in the State and in the County; (iii) promoting economic development in the State and in the County; and (iv) generally promoting the health and welfare of the residents of the State and of the County.

(c) The Act expressly authorizes, and it is hereby declared to be in the best interests of, the Issuer to refinance the Acquisition of the Facilities by lending the proceeds of the sale of the Bonds to the Borrower pursuant to a loan agreement between the Issuer and the Borrower. Accordingly, this Resolution and the other documents authorized hereby contain such provisions as the Issuer deems appropriate to refinance the Acquisition of the Facilities in this manner.

(d) NEITHER THE BONDS NOR THE INTEREST ON THEM SHALL EVER CONSTITUTE AN INDEBTEDNESS OR A CHARGE AGAINST THE GENERAL CREDIT OR TAXING POWERS OF THE ISSUER WITHIN THE MEANING OF ANY CONSTITUTIONAL PROVISION OR STATUTORY LIMITATION AND NEITHER SHALL EVER CONSTITUTE OR GIVE RISE TO ANY PECUNIARY LIABILITY OF THE ISSUER. THE BONDS SHALL NOT CONSTITUTE AN INDEBTEDNESS

TO WHICH THE FAITH AND CREDIT OF THE ISSUER ARE PLEDGED. THE BONDS AND THE INTEREST ON THEM SHALL BE LIMITED OBLIGATIONS OF THE ISSUER, AND THE PRINCIPAL OF AND INTEREST ON THE BONDS SHALL BE PAYABLE SOLELY FROM REVENUES RECEIVED IN CONNECTION WITH THE FINANCING OR REFINANCING OF THE FACILITIES AND FROM ANY OTHER MONEYS MADE AVAILABLE TO THE ISSUER FOR SUCH PURPOSE, INCLUDING (WITHOUT LIMITATION) ANY MONEYS REALIZED AS A RESULT OF ANY SECURITY FOR THE LOAN.

(f) As security for the Bonds, the Issuer may enter into an agreement with the holders of the Bonds for the purpose of assigning or pledging revenues received in connection with the refinancing of the Facilities. Except for certain rights of the Issuer to indemnification and to payments with respect to its administrative expenses, the entire amount of revenue derived from payments on the Loan is to be set apart and applied to the payment of the principal of and the interest on the Bonds.

(g) The proceeds of the sale of the Bonds will be paid directly to, and will be disbursed by, the trustee for the benefit of the holders of the Bonds or by the holders of the Bonds if no trustee is appointed. No moneys will be commingled with the Issuer's funds or will be subject to the absolute control of the Issuer, but only to such limited supervision and checks as are deemed necessary or desirable to insure that the proceeds of the sale of the Bonds are used to accomplish the

public purposes of the Act and this Resolution. The transactions contemplated by this Resolution do not constitute the acquisition of any physical public betterment or improvement of property for public use.

(h) The Issuer will acquire and retain no interest in the Facilities, either on its own behalf or for the purpose of creating any security for the Bonds (other than such interest as may be held by parties secured by a mortgage or deed of trust granted by the Borrower). Any such security interest in favor of the Issuer shall be assigned to the trustee for the benefit of the holders of the Bonds or to the holders of the Bonds if no trustee is appointed. The security for the Bonds shall be solely and exclusively the pledging and setting aside of the revenues received by the Issuer from the absolute, irrevocable and unconditional obligation of the Borrower to make the payments required by the loan agreement and any and all moneys realized as a result of any security for the Loan.

SECTION 2. It is hereby determined that the Board of County Commissioners of St. Mary's County is hereby authorized to accept on behalf of the Issuer, the Letter of Intent to evidence the Issuer's intent to issue the Bonds as provided in this Resolution.

SECTION 3. It is hereby determined that the Issuer shall issue, sell and deliver the Bonds, designated "County Commissioners of St. Mary's County Economic Development

Refunding Revenue Bonds (Exploration Partners Project), Series 1988", in an aggregate principal amount not to exceed \$2,700,000, pursuant to the Act and this Resolution.

SECTION 4. It is hereby determined that the best interests of the Issuer and the Borrower will be served by selling the Bonds to the purchaser designated by order of the County Administrator as provided herein at private (negotiated) sale and at such price at, above or below par as the County Administrator shall provide by order as provided herein. The Bonds of each series shall be sold at such times, on such dates and to such persons, firms or corporations (including banks or other financial institutions) as shall be determined by order of the County Administrator as provided herein.

SECTION 5. The proceeds of the sale of the Bonds will be lent by the Issuer to the Borrower and shall be used by the Borrower solely for the purpose of refinancing the costs of the Acquisition of the Facilities by refunding the outstanding principal amount of the 1984 Series Bonds. Payment of the necessary expenses of preparing, printing, selling and issuing the Bonds shall be paid by the Borrower. The Borrower shall manage, or provide for the management of, the Facilities so as to remain a facility user within the meaning of the Act for as long as any of the Bonds remain outstanding and unpaid.

SECTION 6. As permitted by the Act, the County Administrator, by order is hereby authorized and directed to

specify, prescribe, determine, provide for and approve all matters, details, forms, documents or procedures necessary or appropriate to the authorization, sale, security, issuance, delivery or payment of or for the Bonds, including (without limitation) the principal amount of the Bonds to be issued at any one time and from time to time; the rate or rates of interest thereon; the date or dates on which the Bonds shall mature; the prepayment and redemption provisions relating to the Bonds; provisions for the sinking fund; the trustee (if any) for the benefit of the holders of the Bonds; and all terms, provisions, form, content and substance of any loan agreement, bond agreement, trust indenture, deed of trust, mortgage, collateral security agreement, guarantee agreement or other financing or security agreement or statement relating to the Bonds; the preparation and distribution, in conjunction with the prospective purchasers of or underwriters for the Bonds of any series, of both preliminary and final official statements, placement memoranda or offering circulars in connection with the sale of the Bonds of any series, if such preliminary and final official statements placement memoranda or offering circular are determined to be necessary or desirable for the sale of the Bonds of such series; the form and contents of, and provisions for the execution and delivery of, a contract or contracts for the purchase and sale of the Bonds of any series (or portion thereof) (collectively, the

"Documents"); provided that all such matters, details forms, documents or procedures specified, prescribed, determined, provided for or approved by the County Administrator, by order, shall be within the scope of the transactions authorized by, and consistent with the terms of the Act and this Resolution. Any order issued pursuant to this Section 6 shall be deemed administrative in nature and shall be effective upon the date specified therein.

SECTION 7. (a) The President or Vice President of the Board of County Commissioners of the Issuer, by his or her manual or facsimile signature, shall execute the Bonds in the name and on behalf of the Issuer and deliver the Bonds to the purchasers thereof, and the corporate seal of the Issuer shall be impressed, or a facsimile thereof printed, on the Bonds and attested by the manual or facsimile signature of the County Administrator.

(b) The President or Vice President of the Board of County Commissioners of the Issuer shall execute, by his or her manual signature, deliver, in the name and on behalf of the Issuer, and cause the corporate seal of the Issuer, attested by the manual signature of the County Administrator, to be impressed upon, the Documents. Upon due execution by the President or Vice President of the Board of County Commissioners on behalf of the Issuer, the Bonds and the Documents shall become binding upon the Issuer in accordance with their respective terms, as authorized by the Act and this Resolution.

SECTION 8. (a) If any officer or employee of the Issuer who shall have signed or sealed the Bonds or any of the Documents shall cease to be such officer or employee before the delivery of the Bonds or any of the Documents, the signature or countersignature shall nevertheless be valid and sufficient for all purposes as if the officer or employee had remained in the office or position until delivery of the Bonds or Documents.

(b) The President or Vice President of the Board of County Commissioners of the Issuer, the County Administrator and all other officers and employees of the Issuer are hereby authorized to do any and all things, execute, acknowledge, seal and deliver such other and further instruments, supporting documents and certificates, and otherwise take all action, necessary, proper or expedient to consummate the transactions contemplated by this Resolution in accordance with the Act and this Resolution.

SECTION 9. The Borrower shall pay directly all costs, fees and expenses incurred by or on behalf of the Issuer in connection with the authorization, issuance, sale and delivery of the Bonds, including, without limitation, costs of printing, selling and issuing the Bonds, all legal expenses (including the fees of counsel to the purchasers thereof and bond counsel to the Issuer) and compensation to any person performing services by or on behalf of the Issuer in connection therewith (other than compensation of full-time employees of the Issuer).

insofar as such costs, fees and expenses are not paid from the proceeds of the Bonds.

SECTION 10. The Issuer may, from time to time and at any time, with the consent of the holder of the Bonds, adopt resolutions, as appropriate under the Act, supplemental to this Resolution for the purposes of modifying, altering, amending, adding to or rescinding, in any particular, any of the terms or provisions contained in this Resolution. Anything herein to the contrary notwithstanding, any such supplemental resolution which affects any obligations, rights, powers and authority of the Borrower under the Documents or requires or permits a revision of such agreements and documents shall not become effective unless and until the Borrower shall have consented to such supplemental resolution.

SECTION 11. Neither the Bonds nor the interest on them shall ever constitute, and no transaction contemplated by this Resolution shall ever give rise to, an indebtedness or a charge against the general credit or taxing powers of the Issuer within the meaning of any constitutional provision or statutory limitation nor shall ever constitute or give rise to any pecuniary liability of the Issuer. The Bonds shall not constitute an indebtedness to which the faith and credit of the Issuer are pledged.

SECTION 12. No covenant or agreement contained in this Resolution, the Bonds, the Documents or any other document

instrument or certificate executed, sealed or delivered in connection with the consummation of the transactions contemplated by this Resolution shall be deemed to be a covenant or agreement of any officer, agent or employee of the Issuer in his or her individual capacity; and no member of the Board of County Commissioners of the Issuer, or any official, agent or employee of the Issuer executing the Bonds or any of the aforesaid documents, instruments or certificates shall be subject to any personal liability or accountability by reason of the authorization, issuance, execution, sealing, acknowledgment or delivery of the same.

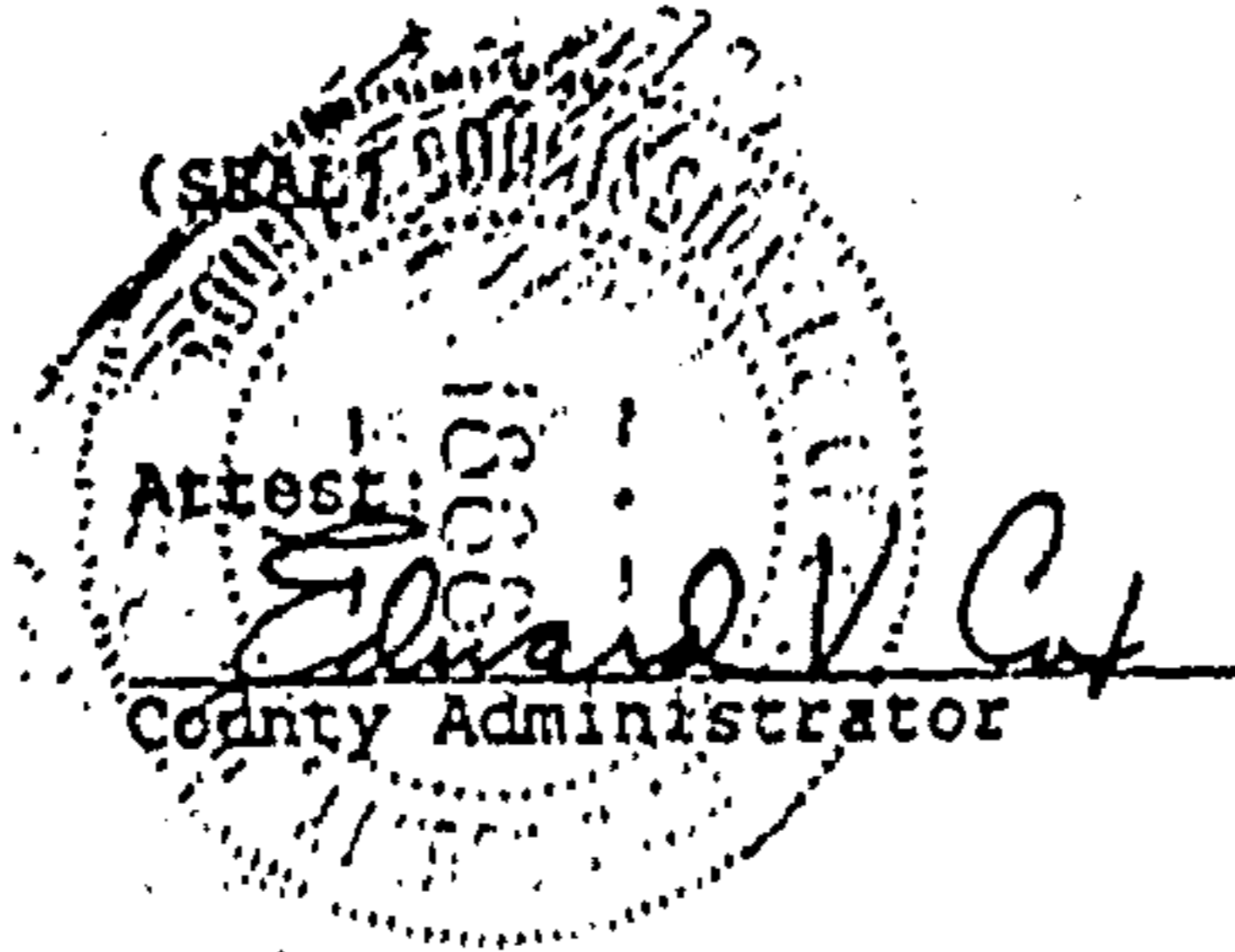
SECTION 13. The provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held or determined to be illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been adopted if such illegal, invalid, unconstitutional or inapplicable provision, sentence, clause section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted

herefrom; provided, however, notwithstanding anything contained in this Section, neither the full faith and credit nor the taxing powers of the Issuer shall be deemed pledged hereby and the Issuer shall not hereby incur any indebtedness or charge against the general credit or taxing powers of the Issuer within the meaning of any constitutional provision or statutory limitation, and the transactions authorized hereby shall not give rise to any pecuniary liability of the Issuer.

SECTION 14. The President or Vice President of the Board of County Commissioners of the Issuer and the County Administrator are hereby designated each to be an Authorized Officer of the Issuer for any and all purposes required or permitted by the Act, this Resolution or the Documents. The President or Vice President of the Board of County Commissioners of the Issuer are hereby further authorized to execute the order provided herein to be executed by the County Administrator and to take any and all actions and to make any and all determinations in such order as are herein provided to be taken or made by the County Administrator.

SECTION 15. This Resolution shall be effective immediately upon its adoption.

READ AND ADOPTED THIS 27th day of MAY, 1988.



COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

Carl W. Safford
President

Robert C. Jarboe
Vice President

McDermid Bailey
Commissioner

John B. Lancaster
Commissioner

[Signature]
Commissioner

6919t:05/05/88
7586-20

Ret. Office of the County Administrator
MAY 28 1988
MARY R. BELL, CLERK

ORDINANCE

8:41AM06/03/88B CO.COM \$0.00

WHEREAS, the 1988 Maryland General Assembly amended Article 24, Section 9-604 and Article 81, Section 411J of the Maryland Annotated Code authorizing the Board of County Commissioners of St. Mary's County, Maryland to improve and collect certain taxes of energy or fuel; and

WHEREAS, the Board of County Commissioners of St. Mary's County conducted a Public Hearing on May 17, 1988 to present to the public for comment, a proposed St. Mary's County energy tax; and

WHEREAS, the Board of County Commissioners of St. Mary's County believes it to be in the best interest of County citizens to impose an energy tax in St. Mary's County; and

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners that there is hereby imposed an energy tax in St. Mary's County effective July 1, 1988, subject to the following terms and conditions:

Section 1. Definitions.

(a) As used in this Ordinance, the following terms have the following meanings:

- (1) "Board" shall mean the Board of County Commissioners of St. Mary's County.
- (2) "County" shall mean, as the context requires, St. Mary's County.
- (3) "Person" shall mean any individual, corporation, company, association, firm, copartnership, or any group of individuals acting as a unit, and includes any trustee, receiver, assignee, or personal representative thereof.
- (4) "Consumption" shall mean the total customary units of energy or fuel sold to users.
- (5) "Director" shall mean the County Director of Finance, or his designee.
- (6) "Motor Vehicle" shall mean any self-propelled vehicle, including mobile equipment commonly used in connection with farming and construction work, such as tractors, bulldozers, and other similar equipment.

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- (7) "Sales Revenues" shall mean amounts billed for the sale, delivery or distribution of energy or fuel to users, including, by way of description and not limitation, the amounts billed for energy or fuel adjustments and service charges, but excluding finance charges, late payment charges, other government taxes or surcharges, and charges associated with the initial hook-up or reconnection to the vendor's system.
- (8) "User" shall mean any person who purchases or acquires for use, other than for resale, the energy or fuel taxed under this Ordinance.
- (9) "Vendor" shall mean any person or commercial business entity who sells, distributes, or delivers energy or fuel subject to the tax imposed under this Ordinance.

Section 2. Energy and Fuel Tax

(a) A tax is hereby imposed on the sale of electricity, natural gas, liquified petroleum gas, and fuel oil used or to be used in the County, subject to the following exceptions:

- (1) Fuels used by motor vehicles; and
- (2) Fuels used in the production of other forms of energy that are subject to this tax.

(b) The sale shall be deemed to have occurred at the time when evidence of sale is issued or employed by the vendor. The tax imposed under this Ordinance is not part of the actual charge for energy or fuel and is not to be considered operating revenue of the vendor.

(c) The tax shall be reflected in terms of an amount per customary unit of measure, and shall be computed by multiplying the tax rate per unit by the number of units of energy or fuel reflected in the energy or fuel bill.

(d) The following users shall qualify as exempt from taxation by the County for an energy or fuel tax, and shall not be billed for the tax by the energy or fuel vendor:

- (1) Any agency or instrumentality of the government of the United States of America.
- (2) Any agency or instrumentality of the government of the State of Maryland.

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(3) Any municipal corporation or agency or instrumentality of same in the County.

(e) The tax levied under this Ordinance on energy and fuel bills rendered during the period July 1, 1988 through June 30, 1989, is hereby imposed at the following rates:

- | | |
|-----------------------------|-----------------------|
| (1) Electricity | \$ 0.00214 per kwhr. |
| (2) Natural Gas | \$ 0.00000 per therm. |
| (3) Liquefied Petroleum Gas | \$ 0.02825 per gal. |
| (4) Fuel Oil | \$ 0.02510 per gal. |

(2) For any fiscal year beginning after June 30, 1988, the rates of tax levied will be established in the following manner:

- (1) On or before the preceding February 1, each vendor shall certify to the Director the revenues and consumption of energy or fuel oil for the prior calendar year.
- (2) The Director shall compute the proposed rates of taxation for the next fiscal year by multiplying the sums of the revenues for each classification of energy or fuel delineated in Subsection 1(e) by the percentage approved by the Board of County Commissioners, not to exceed 5%, and then dividing that product by the sums of consumption for each classification which rates shall be included in the proposed operating budget submitted by the Director.
- (3) In the event a vendor fails to make the certification required by Subsection 1(e)(1), the Director may make use of any reasonable data to establish proposed rates of taxation.
- (4) After the adoption of the operating budget, and no later than June 10th, the Director shall certify to each vendor the rates of taxation for the next fiscal year as set forth in the adopted budget.

(g) The tax shall not be imposed at more than one point in the transmission, distribution, manufacture, production, or supply system.

Section 3. Administrative Procedures

(a) Subject to the following exceptions, every vendor who makes any sale, distribution, or delivery of electricity, natural gas, liquefied petroleum gas, or fuel oil used or to be used in the County and subject to the tax under this Ordinance, shall itemize the tax on each bill and shall

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collect the tax from the user of said energy or fuel and report and remit the same to the County as herein provided. The vendor shall have the same rights against the user for the collection of this tax as he has for the collection of the energy or fuel bill.

(1) Heating fuel vendors may include the tax imposed under this ordinance as part of the price charged for fuel oil, without itemizing the tax. The fuel oil bill shall state clearly that the tax is included in the price. The tax shall be collected by the heating fuel vendor on behalf of the County. The heating fuel vendor shall have the same rights against the user for the collection of this tax as he has for the collection of the fuel bill.

(2) Any vendor outside the jurisdiction of the State of Maryland who sells energy or fuel subject to the tax but does not deliver said energy or fuel directly to the user may collect the tax. Where the selling vendor collects the tax, said vendor shall be required to itemize, collect, and remit the tax as required under this Ordinance. Where the selling vendor does not collect the tax, either the vendor that delivers the fuel or the user shall pay the tax to the Director within the time limits prescribed under this Ordinance.

(3) Any retail vendor who by prior arrangement with the Director has paid the energy tax to his supplier upon purchase, shall not be required to remit the tax collected upon sale of said energy to the user. The supplier in this case will remit the tax for said energy directly to the County, pursuant to Subsection 2(g).

(b) The taxes required to be collected under this Ordinance shall be deemed held in trust by the vendor required to collect them until remitted to the County as set forth herein.

(c) Every vendor or user required to remit the tax to the County shall be subject to the following record-keeping and resitting requirements:

(1) Every vendor shall file a return with the Director and pay the tax in monthly installments for periods ending the last

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day of each month. Every user required to pay the tax pursuant to Subsection 3(a)(2) shall file a return with the Director. Vendors and users shall submit both the return and the tax remittance to the Director within twenty-one (21) days from the last day of the month in which the sale occurs.

(2) Every vendor, or user responsible for direct tax remittance pursuant to Subsection 3(a)(2), shall keep all invoices, bills of lading, or other such pertinent records and documents as are necessary to determine the amount of taxes due or otherwise comply with the provisions of this Ordinance. Vendors shall maintain said records for a minimum of three (3) years. Such records and other documents of vendors shall be open at all times during regular business hours for inspection and examination by the Director or other duly authorized representatives, agents, or employees of the County.

(3) When any vendor or user fails to keep records or provide data from which the tax imposed under this Ordinance may be accurately computed, the Director may make use of any reasonable alternative for determining the amount of tax due and owed based on estimates of the amount of fuel or energy used or consumed. Such determinations by the Director shall be presumed valid.

(4) When any vendor, or user responsible for direct tax remittance pursuant to Subsection 3(a)(2), shall, as appropriate, cease doing business or otherwise dispose of his business or shall terminate his residence status in the County, any tax payable hereunder to the County shall become immediately due and payable and such vendor or user shall immediately make a report and pay any tax due.

(d) The Board shall prescribe and furnish the vendor or user with the revenues and consumption recap forms pursuant to Subsection 2(f)(1), and the monthly return forms pursuant to Subsection 3(c)(1), which forms shall be the only pertinent documentation acceptable to the Director.

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Section 4. Interest and Penalties

(a) Any vendor or user required to pay the tax pursuant to Section 3 who fails to remit to the Director the taxes imposed under this Ordinance shall be liable for the taxes due.

(b) Whenever a vendor or user required to pay the tax pursuant to Section 3 fails to remit the taxes due within the time prescribed for payment, the vendor or user shall be assessed the amount of the taxes due plus interest at two-thirds percent (2/3%) per month or fraction thereof and penalty of one percent (1%) per month or fraction thereof until paid.

(c) The Board may proceed to collect delinquent and unpaid taxes by suit or distraint.

Section 5. Tax Credit and Refund Program.

(a) Any person shall be eligible for a refund of taxes paid under this Ordinance where such person who has paid said tax is eligible in the tax year for a tax credit under Section 9-102 or Section 9-104 of the Tax Property Article, Annotated Code of Maryland, as amended from time to time, or who is eligible for weatherization or energy assistance from the State of Maryland. Any claim or refund under this Section shall be filed with the Director within three (3) years from the date of the payment of the tax on forms provided by the Director. The Director may require such information as he deems reasonably necessary to determine the claim for refund.

(b) Claims shall be administered through submission of the appropriate form(s) prescribed by the Director. Eligible claimants shall apply for the standard refund of \$33 per year, \$44 per year, or \$55 per year at a 3%, 4% or 5% tax rate, respectively, or for a refund of actual taxes paid after the required documentation has been submitted to and approved by the Director.

(c) Any claimant denied a refund in whole or in part under this Section shall be notified in writing of said disallowance and shall be entitled to a hearing before the Director or his designee upon written request, said hearing to be held within ninety (90) days of such request.

(d) Any claimant dissatisfied with the results of a hearing held under Subsection 5(b) shall have the right to appeal to the Maryland Tax Court. Said claimant may appeal the final action of the Maryland Tax Court to the courts of this State as provided for by law.

(e) The Board may proceed with any civil or criminal action deemed appropriate to address instances of fraudulent claims for tax credit or refunds under this Section.

Section 6. Powers of the Director.

(a) In addition to the powers granted the Director heretofore in this Ordinance, the Director is hereby authorized and empowered:

- (1) To make, adopt, and amend such rules and regulations as deemed necessary or proper to fully collect the tax imposed under this Ordinance.
- (2) To audit the records of any vendor to assure compliance with the provisions of this Ordinance.
- (3) To compromise disputed claims in connection with the tax imposed under this Ordinance.
- (4) To allow credits to be applied against taxes remitted by a vendor for taxes written off and deemed uncollectable by the vendor.
- (5) To delegate any of his powers, duties and functions in connection with the collection of the tax imposed under this Ordinance as deemed necessary and appropriate.
- (6) To extend for good cause shown, the time required of vendors for filing under Subsection 3(c), for such period of time as the Director may deem reasonable.

Section 7. Severability.

(a) The provisions of this Ordinance are hereby declared to be severable and in the event that any section, paragraph, sentence, clause, phrase or word of this Ordinance is declared invalid, illegal, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining sections, paragraphs, sentences, clauses phrases, or words of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid, unconstitutional or inapplicable section, paragraph, sentence, clause, phrase, or word had not been included herein and if the person or circumstances to which the Ordinance or part hereof inapplicable had been specifically exempted herefrom.

Section 8. Effect of Adoption.

(a) This Ordinance shall take effect on July 1, 1988.

(b) The above and preceding is adopted to have the full force and effect of law in St. Mary's County.

THIS DATE:

May 31, 1988

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loeffler
Carl M. Loeffler,
President

Robert T. Jarboe
Robert T. Jarboe
Vice-President

W. Edward Bailey
W. Edward Bailey
Commissioner

John G. Lancaster
John G. Lancaster
Commissioner

Rodney Thompson
Rodney Thompson
Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Theodore P. Weiner
Theodore P. Weiner
County Attorney

Ret: Judy R. Cuare JUN 03 1988

MARY R. BELL, CLERK

No. Z-88-02

Subj: ZONE #87-0435
J. L. MILLISON
(FOX LUMBER COMPANY)

1888 006 PAGE 242

RESOLUTION

2:03PM06/03/88A CD.COM \$0.00

WHEREAS, J. L. MILLISON has made application to rezone 20.9 acres of land owned by him from I-1, Industrial, to C-2, Commercial. The land is located on the west side of Maryland Route 5 in Mechanicsville, Maryland, and is shown as part of Parcel 56, Block 21, on Tax Map 9, in the Fifth Election District of St. Mary's County. The matter is identified as ZONE #87-0435.

WHEREAS, following published notice and notification of property owners, within 200 feet of the subject property, by Certified Mail, the Planning Commission for St. Mary's County conducted a public hearing on the application on June 22, 1987.

WHEREAS, after deliberation, the Planning Commission, on Sept. 14, 1987, by a unanimous vote, recommended to the Board of County Commissioners of St. Mary's County that said rezoning be approved on the condition that access be limited to one (1) entrance on old Maryland Route 5, and one (1) entrance on new Maryland Route 5.

WHEREAS, the County Commissioners, after publishing notice and notifying all property owners, within 200 feet of the subject property by Certified Mail, conducted a public hearing on the application on November 17, 1987.

WHEREAS, the County Commissioners, in accordance with the provisions of Section 4.05(a) of Article 66B of the Annotated Code of Maryland and Section 70.05 of the St. Mary's County Zoning Ordinance, find as fact the following with regard to the above-referenced application:

I. Definition of Neighborhood

The neighborhood for this parcel is the land on either side of Maryland Route 5 for a depth of about 1/4 mile, between the Maryland Route 5 intersection with Maryland Route 235 and the Maryland Route 5 intersection with Mechanicsville-Chaptico Road.

II. Mistake in Original Zoning

There was no evidence in the record that the original zoning (AR, Agricultural-Residential) was incorrect.

III. Change in Character of the Neighborhood

The applicant's attorney was correct in stating that the courts have upheld the principle that the burden of proving a change in the character of the neighborhood is lessened in a case where "downzoning" is requested, which is the case here.

The applicant noted that the character of the neighborhood was becoming more commercial and residential than industrial. Though there is an industrial salvage yard adjacent to the site, this location, at the entrance to the County, is not where industrial uses should be encouraged.

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IV. Population Change

Between 1980 and 1987, the population of the Fifth Election District increased from 7,376 (Census count) to 7,922 (estimate), an increase of 7.4%.

V. Adequacy of Public Facilities

The only public facilities the development of this property would affect are highways. It is impossible to accurately determine the increased traffic because of the wide range of uses which could be placed on either site.

However, the Institute of Traffic Engineers has published general estimates of traffic generation by broad category. The rates can only be compared in the category of "trips per 1,000 sq. ft. of floor area" between the Light Industrial use and the Commercial use, which, it is assumed, will be a shopping center of about 250,000 sq. ft.

The shopping center generates 10 times the amount of traffic over the course of the day as the same sized industrial facility. However, this increased impact is substantially reduced when peak travel hour rates are compared. The shopping center generates 2.1 vehicles per 1,000 sq. ft. during the A.M. peak (7 A.M. to 9 A.M.) while the industrial facility generates 1.11 vehicles. During the evening peak (4 P.M. to 6 P.M.), the industrial use generates 1.18 vehicles compared to the commercial use which generates 4.8 vehicles per 1,000 sq. ft. If both uses contained 250,000 sq. ft. of buildings, then, the commercial use would generate 250 additional vehicles during the morning peak and about 850 additional vehicles during the evening peak. These vehicle counts will be further mitigated by the location of two public roads which serve the property.

VI. Present and Future Transportation Patterns

Route 5 is four lanes with no traffic stoplights for several miles in each direction. Highways of this type can accommodate 2,000 vehicles per hour per lane under good conditions. According to information developed by the Comprehensive Plan consultants, Route 5 has an additional capacity for 15,000 per day in this location. Thus, it appears that development of a shopping center on this site can be handled by existing roads.

VII. Relationship to Comprehensive Plan

The County is currently involved with the replacement of the old Comprehensive Plan with a new one. However, there is a need for additional commercial development in the northern area of the County in order to generate real estate taxes to help offset the negative cost/benefit tax situation which occurs in areas where there is a disproportionate amount of housing over non-residential buildings.

VIII. Fiscal Impact on Government

The taxes for industrial and commercial development would be similar.

IX. Suitability for Uses under Existing and Proposed Zoning

Given the location of major highways on two sides, a salvage yard on the third side, and an excavating company office on the other side, this is a desirable location for either land use. However, the County should avoid allowing additional development of certain types of industrial operations on this main street into the County.

No. Z-88-02

Subj: ZONE #87-0435
J. L. MILLISON
(FOX LUMBER COMPANY)

(Page 3 of 3)

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NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, this 24th day of MAY, 1988, that the abovementioned rezoning request is granted and the subject property is hereby reclassified from I-1 to C-2, subject to the condition that there shall be a limit of one (1) entrance on old Maryland Route 5 and one (1) entrance on new Maryland Route 5.

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

[Signature]
CARL M. LOFFLER, Mayor, President

[Signature]
ROBERT T. JARBOE, Vice-President

[Signature]
W. EDWARD BALLEW, Commissioner

[Signature]
JOHN G. LANCASTER, Commissioner

[Signature]
RODNEY THOMPSON, Commissioner

ATTEST:

[Signature]
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

[Signature]
JOSEPH R. DENSFORD
Assistant County Attorney

THE UNDERSIGNED APPLICANT hereby consents to the condition that there shall be a limit of one (1) access to old Maryland Route 5 and one (1) access to new Maryland Route 5. This condition shall be binding on the applicant, his personal representatives, heirs and assigns, and shall run with and bind the subject property.

[Signature]
J. L. MILLISON, Applicant

Ret: Judge Curie

JUN 03 1988

MARY R. BELL, CLERK

RESOLUTION NO. 88-13

SUBJECT: 1988-1989 Operating and Capital Budgets, Fire and Rescue Capital Revolving Fund, Special Assessments Fund, Recreation and Parks Enterprise Fund, and the County's Property Tax Rate

RESOLUTION

WHEREAS, Chapter 27, Section 6 of the Code of Public Local Laws of St. Mary's County authorizes and empowers the Board of County Commissioners to adopt the Annual Budget and Appropriation Act by June 1 of each year and impose a property tax rate for the ensuing fiscal year.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Mary's County, Maryland that the County's Operating Budget is approved in the amount of \$47,457,967; the Capital Budget in the amount of \$5,994,808; Fire and Rescue Capital Revolving Fund in the amount of \$-0-; the Recreation and Parks Enterprise Fund in the amount of \$372,186; the Wicomico Shores Enterprise Fund in the amount of \$529,360; the Special Assessment Fund in the amount of \$177,904; and the County's Property Tax Rate is hereby assessed at \$2.28 per \$100.00 of assessed valuation.

THIS DATE:

May 31, 1988

BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loeffler, Jr.
Carl M. Loeffler, Jr., President

Robert Jarboe
Robert Jarboe, Vice-President

W. Edward Bailey
W. Edward Bailey, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

ATTEST:

Charles H. Wade, Jr.
Charles H. Wade, Jr.
Director of Finance

9:21AM 06/06/88 CO.COM \$0.00

APPROVED AS TO LEGAL SUFFICIENCY:

Theodore P. Weiner
Theodore P. Weiner
County Attorney

Rest: Judy Currie

MARY R. BELL, CLERK

JUN 06 1988

006 246

RESOLUTION NO: 88-14

SUBJECT: FIRE TAX

RESOLUTION

WHEREAS, Chapter 49 of the Code of Public Local Laws of St. Mary's County, Maryland authorizes and directs the Board of County Commissioners of St. Mary's County, Maryland to levy a fire tax of not more than fourteen cents (\$.14) on every \$100.00 of assessed valuation of all real personal property in the Election Districts wherein the question of levying said Fire Tax has been submitted to and approved by a referendum of the legally qualified voters; and

WHEREAS, In Election Districts 1, 2, 3, 4, 5, 6, 8 and 9, the Fire Tax has been voted upon and approved by the legally qualified voters:

Election District 1	\$.09
Election District 4	\$.11
Election District 5	\$.11
Election District 6	\$.11
Election District 8	\$.11

THIS DATE:

May 31, 1988

BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler
Carl M. Loffler, President

Robert Jarboe
Robert Jarboe, Vice-President

W. Edward Bailey
W. Edward Bailey, Commissioner

John E. Lancaster
John E. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

9:21AM 06/06/88 CD.COM \$0.00

ATTEST:

Theodore P. Weiner
Theodore P. Weiner
County Attorney

Ret: Judy Currie

JUN 06 1988

MARY R. BELL, CLERK

NO: 88-15
SUBJ: MULT-SERVICE CENTER
BUILDING FINANCING

LIBER 006 PAGE 247

A RESOLUTION of the County Commissioners of St. Mary's County (the "County") approving the participation of the County in the financing and construction of a multi-service center building (the "Project") to be used by various agencies of the State of Maryland (the "State") through, among other things, the leasing of the site on which the Project is to be located (the "Project Site") from the County to the St. Mary's County Building Authority Commission (the "Commission") and the leasing of the Project and the subleasing of the Project Site to the State; providing for the execution and delivery of a Ground Lease between the County and the Commission and a Project and Maintenance Agreement between the County and the State, approving a Lease Agreement between the Commission and the State, a Certificate of Participation Trust Agreement between the Commission and The First National Bank of Maryland (the "Trustee"), an Indemnity Mortgage from the Commission to the Trustee and a Certificate of Participation Purchase Agreement between the Trustee and Alex. Brown & Sons, Incorporated to be accepted and confirmed by the Commission and the State; and generally providing for and determining various matters in connection with the design, construction and leasing of the Project and the Project Site and the execution and delivery of such documents in order to consummate such transaction. RE-23498789/008 CU.COM \$0.00

RECITALS

Pursuant to Chapter 475 of the Laws of Maryland of 1983, as amended by Chapter 226 of the Laws of Maryland of 1984 and Chapter 416 of the Laws of Maryland of 1986 (the "Act"), the St. Mary's County Building Authority Commission (the "Commission") was created as an instrumentality of the County Commissioners of St. Mary's County (the "County") for the purposes of acquiring real property within St. Mary's County, constructing, reconstructing, renovating, rehabilitating, expanding or equipping improvements on such real property and entering into leases of such property with the State and the County.

Pursuant to the Act, the County intends to enter into a ground lease with the Commission (the "Ground Lease") whereby the Commission will acquire a leasehold interest in a parcel of land consisting of approximately 6.64 acres of land located adjacent to the Governmental Center in Leonardtown, Maryland (the "Project Site") for the purpose of constructing thereon a building for the use of various agencies of the State of Maryland (the "State") providing services to residents of the County (the "Project");

-1-

The State has agreed to lease the Commission's interest in the Project Site and the Project by the payment of rental payments as set forth in and subject to the provisions of a Lease Agreement (the "Lease Agreement") between the Commission and the State.

Funds to provide for the payment of the acquisition and construction of the Project are to be obtained through an offering of certificates of participation (the "Certificates") in the Lease Agreement, which Certificates will provide the holders thereof with a proportionate interest in the rental payments to be made by the State to the Commission under the Lease Agreement.

In order to implement such offering of the Certificates, the Commission will assign its rights to receive all of the State's rental payments to the Trustee pursuant to a Trust Agreement (the "Trust Agreement") between the Commission and The First National Bank of Maryland, as trustee (the "Trustee").

In addition, in order to provide additional security for the Certificates, the Commission will grant to the Trustee for the benefit of the holders of the Certificates an Indemnity Mortgage (the "Mortgage") with respect to the Commission's interest in the Project and the Project Site.

The Certificates will be purchased and reoffered to the public by Alex. Brown & Sons Incorporated (the "Underwriter") pursuant to a Certificate of Participation Purchase Agreement (the "Purchase Agreement") between the Underwriter and the Trustee, to be confirmed and accepted by the Commission.

The Certificates shall be payable solely from the rental payments to be made by the State and the other revenues derived from the Project and the Project Site which may be obtained by the Trustee under the Mortgage, as more fully provided in the Trust Agreement. The Certificates shall never constitute an indebtedness or charge against the credit of the Commission or the general credit or taxing power of the County within the meaning of any constitutional or statutory limitation and shall never constitute or give rise to any pecuniary liability of the Commission or the County.

In consideration of service payments to be made by the State, the County will agree to provide maintenance and operation services for the Project pursuant to a Project and Maintenance Agreement between the County and the State.

The County has determined that the acquisition of the Project and a leasehold interest in the Project Site by the Commission and the leasing thereof to the State will facilitate the provision of services of various State agencies to residents of the County and is in the best interests of the County. The County has therefore determined to assist and participate in, and to approve the participation of the Commission in, the consummation of the transactions necessary to construct and finance the Project as provided in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY COUNTY COMMISSIONERS OF ST. MARY'S COUNTY:

Section 1. Capitalized terms that are defined in the title or recitals of this Resolution shall have the meanings provided in the title or recitals.

Section 2. The (i) leasing from the County to the Commission of the Project Site pursuant to the Ground Lease; (ii) the acquisition and construction of the Project by the Commission, (iii) the lease of the Project Site and the Project to the State pursuant to the Lease Agreement (iv) the public offering of Certificates issued under the provisions of the Trust Agreement in order to finance the Project, (v) the purchase of the Certificates by the Underwriter pursuant to the Purchase Agreement, (vi) the granting to the Trustee of a security interest in the Project and the Project Site pursuant to the Mortgage, and the operation and maintenance of the Project by the County pursuant to the Project and Maintenance Agreement will accomplish the public purposes of the Act and are hereby approved.

Section 3. The forms, terms and provisions of the Ground Lease, the Project and Maintenance Agreement, the Lease Agreement, the Trust Agreement, the Mortgage and the Purchase Agreement presented to this meeting and hereby directed to be filed among the permanent records of the County are hereby approved and authorized in all respects.

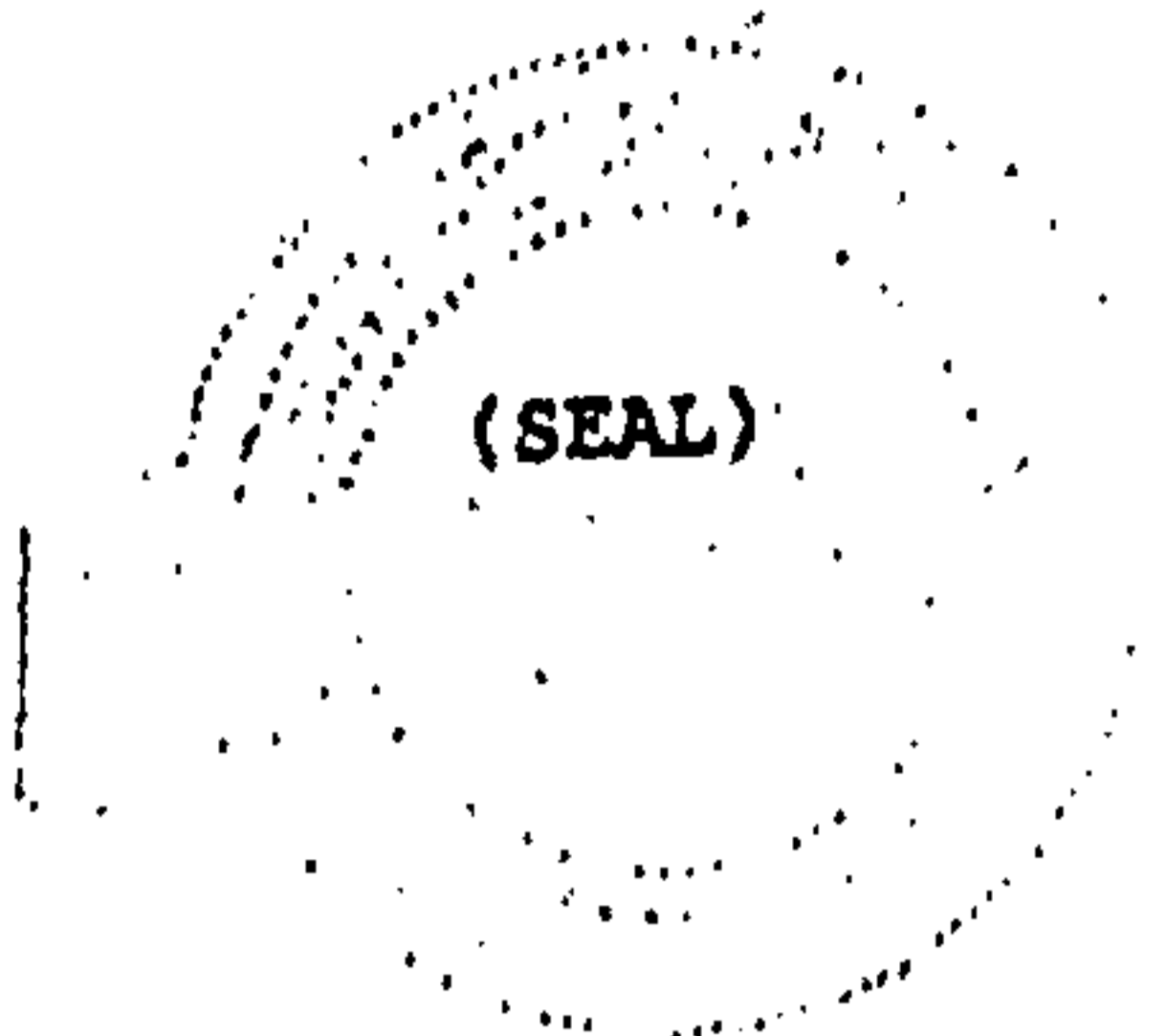
Section 4. The issuance, sale and delivery of the Certificates in accordance with the Resolution of the Commission of even date herewith (the "Commission Resolution") are hereby approved. The fixing of the final terms of the Certificates upon the execution and delivery of the Trust Agreement by the Commission in accordance with the Commission Resolution is hereby specifically approved.

Section 5. The President of the Board of County Commissioners of St. Mary's County, the Vice President of the Board of County Commissioners of St. Mary's County or the County Administrator of the County is hereby authorized and directed to execute and deliver the Ground Lease and the Project and Maintenance Agreement in substantially the forms presented to this meeting, together with such changes, omissions, insertions and revisions as such officer or officers shall deem necessary or desirable, execution by such officer or officers to constitute conclusive evidence of the approval of the the Ground Lease and the Project and Maintenance Agreement, as the case may be, by such officer or officers and the County.

Section 6. The President of the Board of County Commissioners of St. Mary's County, the Vice President of the Board of County Commissioners of St. Mary's County or the County Administrator of the County is hereby authorized and directed on behalf of the County to take any and all action necessary to effect the transactions authorized hereby and to approve, execute and deliver all documents, certificates, agreements or other instruments as such officer or officers deem necessary or desirable in connection therewith.

Section 7. This Resolution shall become effective immediately upon its passage.

ADOPTED this 7th day of June, 1988.



COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

Carl M. Saffers
President

Robert F. Jahn
Vice President

ATTEST:

Edward V. Cuff

William H. Barber
Commissioner

John S. Lawrence
Commissioner

[Signature]
Commissioner

Dil. July 1988 June 9, 1988 Mary R. Bell, Clerk

No. 88-16

Subj: FINE SCHEDULE FOR
CIVIL ZONING VIOLATIONS
LBUR 006 PAGE 252

RESOLUTION

WHEREAS, the Maryland General Assembly has enacted a law establishing certain procedures by the local legislative body to provide civil penalties regarding zoning violations; and

WHEREAS, certain of these zoning violations may be considered civil violations and do not impose criminal sanctions on those so charged; and

WHEREAS, the Board of County Commissioners must establish a schedule of fines for civil zoning violations;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED that the following civil violation penalty schedule is adopted for St. Mary's County:

- (1) For failure to obtain prior approval from a Board or Commission when required by law or ordinance - \$500.00
- (2) For failure to adhere to the conditions of an approved plan or permit which was approved by Board or Commission - \$400.00
- (3) For proceeding without an appropriate permit - \$200.00
- (4) For violating the terms, regulations, or conditions of a permit or for any other minor infraction of the St. Mary's County Zoning Ordinance - \$50.00.
- (5) Each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises, or part thereof, where anything in violation of this Ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith, and who have assisted in the commission of any such violation, shall be guilty of a separate offense, and, upon conviction thereof, shall be fined as herein provided.

BE IT FURTHER RESOLVED AND ORDAINED that this Resolution does not prevent the Board of County Commissioners from bringing greater charges or other remedies as per Section 71.04 of the St. Mary's County Zoning Ordinance against anyone violating the said Ordinance, as allowed by existing law.

The terms of this Resolution shall become effective on the 7th day of June, 1988.

This date: JUNE 7TH, 1988

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler
CARL M. LOFFLER, President

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Robert T. Jarhof
ROBERT T. JARHOF, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Rodney Thompson
RODNEY THOMPSON, Commissioner

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

10:23AM 06/09/88 CD.COM 40.00

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
Assistant County Attorney

Dir. Judy Cassin June 9, 1988 Mary R. Bell, Clerk

No. 88-03

Subj: ZONE #86-1087 - LEONARD COPSEY
SITE OF "DRIFT INN" SIGN

LIBER 006 PAGE 253

RESOLUTION

WHEREAS, LEONARD COPSEY has made application to rezone approximately one-half (1/2) acre of land on the east side of Maryland Route 5 in Mechanicsville, south of "D.J.'s", where the "Drift Inn" sign is located, from AR, Agricultural-Residential, to CL, Commercial-Limited. The property is located in the Fifth Election District of St. Mary's County, Maryland, on Tax Map 61, Block 23, Parcel 29. The matter is identified as ZONE #86-1087.

WHEREAS, following publication of notice and notification of all property owners within 200 feet of the subject property by certified mail, the St. Mary's County Planning Commission conducted a public hearing on the request on September 22, 1986.

WHEREAS, following deliberation, the Planning Commission, on February 8, 1988, by a unanimous vote, recommended to the Board of County Commissioners of St. Mary's County that designation of the subject property as CL be approved.

WHEREAS, the Board of County Commissioners, after publication of notice and notification of all property owners within 200 feet of the subject property by certified mail, conducted a public hearing on the request on May 10, 1988.

WHEREAS, after deliberation, the County Commissioners, in accordance with the provisions of Section 4.05(a) of Article 66B of the Maryland Annotated Code and Section 70.05 of the St. Mary's County Zoning Ordinance, find as fact the following with regard to the request:

- I. Change in Character of Neighborhood:
There have been several land use changes in the neighborhood of the subject property, including the Commercial and Industrial zoning of the Fox Lumber Company, the establishment of the D.J.'s drive-in and the construction of the Morgan Professional Building.
- II. Adequacy of Public Facilities:
The rezoning of the subject property to CL will have no adverse impact on public facilities, due to its overall size.
- III. Mistake in Original Zoning:
The failure to zone this property as CL constitutes a mistake in the original zoning, since its use for commercial signs was well established in 1974 and the property was purchased from the State in 1969 for this purpose.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, this 7TH day of June, 1988, that the above-mentioned rezoning request is granted and the property is hereby reclassified from AR to CL.

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Carl M. Löffler, Jr.
CARL M. LOFFLER, JR., President

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Robert Jarboe
ROBERT JARBOE, Commissioner

John C. Lancaster
JOHN C. LANCASTER, Commissioner

Rodney Thomson
RODNEY THOMPSON, Commissioner

ATTEST:
Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:
Joseph R. Densford
JOSEPH R. DENSFORD
Assistant County Attorney

2:05PM06/09/88A CD.COM \$0.00

Dil. Judge Cassie June 9, 1989 Mary P. Bell, Clerk

RESOLUTION NO. BA-88-01

SUBJ:

BUILDING AUTHORITY APPROVAL
OF FINANCING FOR MULTI-
SERVICE CENTER (STATE OFFICE
BUILDING) AND CONSTRUCTION

A RESOLUTION of the St. Mary's County Building Authority Commission (the "Commission") approving the participation of the Commission in the financing and construction of a multi-service center building (the "Project") to be used by various agencies of the State of Maryland (the "State") through, among other things, the leasing of the site on which the Project is to be located (the "Project Site") from County Commissioners of St. Mary's County (the "County") and the leasing of the Project and the subleasing of the Project Site to the State; providing for the execution and approval of a Certificate of Participation Trust Agreement between the Commission and The First National Bank of Maryland (the "Trustee"), a Ground Lease between the County and the Commission, a Lease Agreement between the Commission and the State, an Indemnity Mortgage from the Commission to the Trustee and a Certificate of Participation Purchase Agreement between the Trustee and Alex. Brown & Sons, Incorporated to be accepted and confirmed by the Commission and the State; acknowledging a Preliminary Official Statement and an Official Statement in connection with the offering of the Certificates; and generally providing for and determining various matters in connection with the design, construction and leasing of the Project and the execution and delivery of such documents in order to consummate such transaction.

914JW06/17/00A CO.COM

10.00

RECITALS

Pursuant to Chapter 475 of the Laws of Maryland of 1983, as amended by Chapter 226 of the Laws of Maryland of 1984 and Chapter 416 of the Laws of Maryland of 1986 (the "Act"), the St. Mary's County Building Authority Commission (the "Commission") was created as an instrumentality of the County Commissioners of St. Mary's County (the "County") for the purpose of acquiring real property within St. Mary's County, constructing, reconstructing, renovating, rehabilitating, expanding or equipping improvements on such real property and entering into leases of such property with the State and the County.

Pursuant to the Act, the Commission intends to enter into a ground lease with the County (the "Ground Lease") whereby the Commission will acquire a leasehold interest in a parcel of land consisting of approximately 6.64 acres of land located adjacent to the Governmental Center in Leonardtown, Maryland (the "Project Site") for the purpose of constructing thereon a building for the use of various agencies of the State of Maryland (the "State") providing services to residents of the County (the "Project");

-1-

72284/06/06/88
7686-13

The State has agreed to lease the Commission's interest in the Project Site and the Project by the payment of rental payments as set forth in and subject to the provisions of a Lease Agreement (the "Lease Agreement") between the Commission and the State.

Funds to provide for the payment of the acquisition and construction of the Project are to be obtained through an offering of certificates of participation (the "Certificates") in the Lease Agreement, which Certificates will provide the holders thereof with a proportionate interest in the rental payments to be made by the State to the Commission under the Lease Agreement.

In order to implement such offering of the Certificates, the Commission will assign its rights to receive all of the State's rental payments to the Trustee pursuant to a Trust Agreement (the "Trust Agreement") between the Commission and The First National Bank of Maryland, as trustee (the "Trustee").

In addition, in order to provide additional security for the Certificates, the Commission will grant to the Trustee for the benefit of the holders of the Certificates an Indemnity Mortgage (the "Mortgage") with respect to the Commission's interest in the Project and the Project Site.

The Certificates will be purchased and reoffered to the public by Alex. Brown & Sons Incorporated (the "Underwriter") pursuant to a Certificate of Participation Purchase Agreement (the "Purchase Agreement") between the Underwriter and the Trustee, to be confirmed and accepted by the Commission. A Preliminary Official Statement dated June 1, 1988 describing the Certificates and the Project and containing information regarding the Commission, the State and the County has been distributed in connection with the proposed sale of the Certificates, and an Official Statement in form similar to the Preliminary Official Statement will be delivered in connection with the public offering of the Certificates.

The Certificates shall be payable solely from the rental payments to be made by the State and the other revenues derived from the Project and the Project Site which may be obtained by the Trustee under the Mortgage, as more fully provided in the Trust Agreement. The Certificates shall never constitute an indebtedness or charge against the credit of the Commission or the general credit or taxing power of the County within the meaning of any constitutional or statutory limitation and shall never constitute or give rise to any pecuniary liability of the Commission or the County.

1989 006 2:07:56

The Commission has determined that the acquisition of the Project and the Project Site and the leasing thereof to the State will facilitate the provision of services of various State agencies to residents of the County and is in the best interests of the County. The Commission has therefore determined to assist and participate in the consummation of the transactions necessary to construct and finance the Project as provided in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY ST. MARY'S COUNTY BUILDING AUTHORITY COMMISSION:

Section 1. Capitalized terms that are defined in the title or recitals of this Resolution shall have the meanings provided in the title or recitals.

Section 2. The (i) leasing by the Commission of the Project Site from the County pursuant to the Ground Lease, (ii) the acquisition and construction of the Project by the Commission, (iii) the lease of the Project Site and the Project to the State pursuant to the Lease Agreement, (iv) the public offering of Certificates issued under the provisions of the Trust Agreement in order to finance the Project, (v) the purchase of the Certificates by the Underwriter pursuant to the Purchase Agreement, and (vi) the granting to the Trustee of a security interest in the Project and the Project Site pursuant to the Mortgage will accomplish the public purposes of the Act and are hereby approved.

Section 3. The forms, terms and provisions of the Ground Lease, the Trust Agreement, the Lease Agreement, the Mortgage and the Purchase Agreement presented to this meeting and hereby directed to be filed among the permanent records of the Commission are hereby approved and authorized in all respects.

Section 4. The issuance, sale and delivery of the Certificates of Participation (St. Mary's County State Multi-Service Center Project) are hereby approved. The Certificates shall be issued in fully registered form in an aggregate principal amount not to exceed \$10,000,000, which principal amount shall be repaid (either in serial maturities or in sinking fund installments) on June 1 and December 1 in each year, beginning on June 1, 1990 and ending on June 1, 2013, subject to redemption as provided in the Certificates. The Certificates shall bear interest at an average effective interest rate not to exceed 9.5% per annum. The Chairman, Vice Chairman or any member of the Commission is hereby specifically authorized to approve the final terms of the Certificates within the limits set forth in this Section, which terms shall be fixed by the Commission upon the execution and delivery of the Trust Agreement in accordance with Section 6 below.

Section 5. The Commission acknowledges the Preliminary Official Statement dated June 1, 1988 and ratifies its distribution by the Underwriter in connection with the sale of the Certificates and further approves the preparation of an Official Statement substantially in the form of the Preliminary Official Statement for delivery in connection with the public offering of the Certificates by the Underwriter.

Section 6. The Chairman, Vice Chairman or any member of the Commission is hereby authorized and directed to execute and deliver the Trust Agreement, the Ground Lease, the Lease Agreement and the Mortgage and to confirm and accept the Purchase Agreement in substantially the forms presented to this meeting, together with such changes, omissions, insertions and revisions as such officer or officers shall deem necessary or desirable, execution by such officer or officers to constitute conclusive evidence of the approval of the Trust Agreement, the Ground Lease, the Lease Agreement, the Mortgage and the Purchase Agreement, as the case may be, by such officer or officers and the Commission.

Section 7. The Chairman, the Vice Chairman or any Member of the Commission is hereby authorized and directed on behalf of the Commission to take any and all action necessary to effect the transactions authorized hereby and to approve, execute and deliver all documents, certificates, agreements or other instruments as such officer or officers deem necessary or desirable in connection therewith.

USER 006 PAGE 258

Section 8. This Resolution shall become effective immediately upon its passage.

ADOPTED this 7th day of June, 1988.

ST. MARY'S COUNTY BUILDING AUTHORITY COMMISSION

(SEAL)

Chairman

John B. Noll
Vice Chairman

ATTEST:

Joseph R. Dwyer

Charles H. Wade
Member

Frank Mend
Member

Edward V. Coy
Member

72284:06/06/88
7686-13

Ret: Judge Cural

JUN 09 1988

MARY R. BELL, CLERK

NO.: 88-17

SUBJ.: Abatement of Certain
Personal and Real
Property Taxes

11:34AM06/27/880 CD.COM \$0.00

RESOLUTION

WHEREAS, property taxes were levied and assessed against those named on Schedule A attached hereto and made part hereof, and

WHEREAS, it is the duty of the Collector of Taxes to make an effort to collect unpaid taxes by requesting the County Attorney to institute proceedings to enforce the payment of said taxes, and

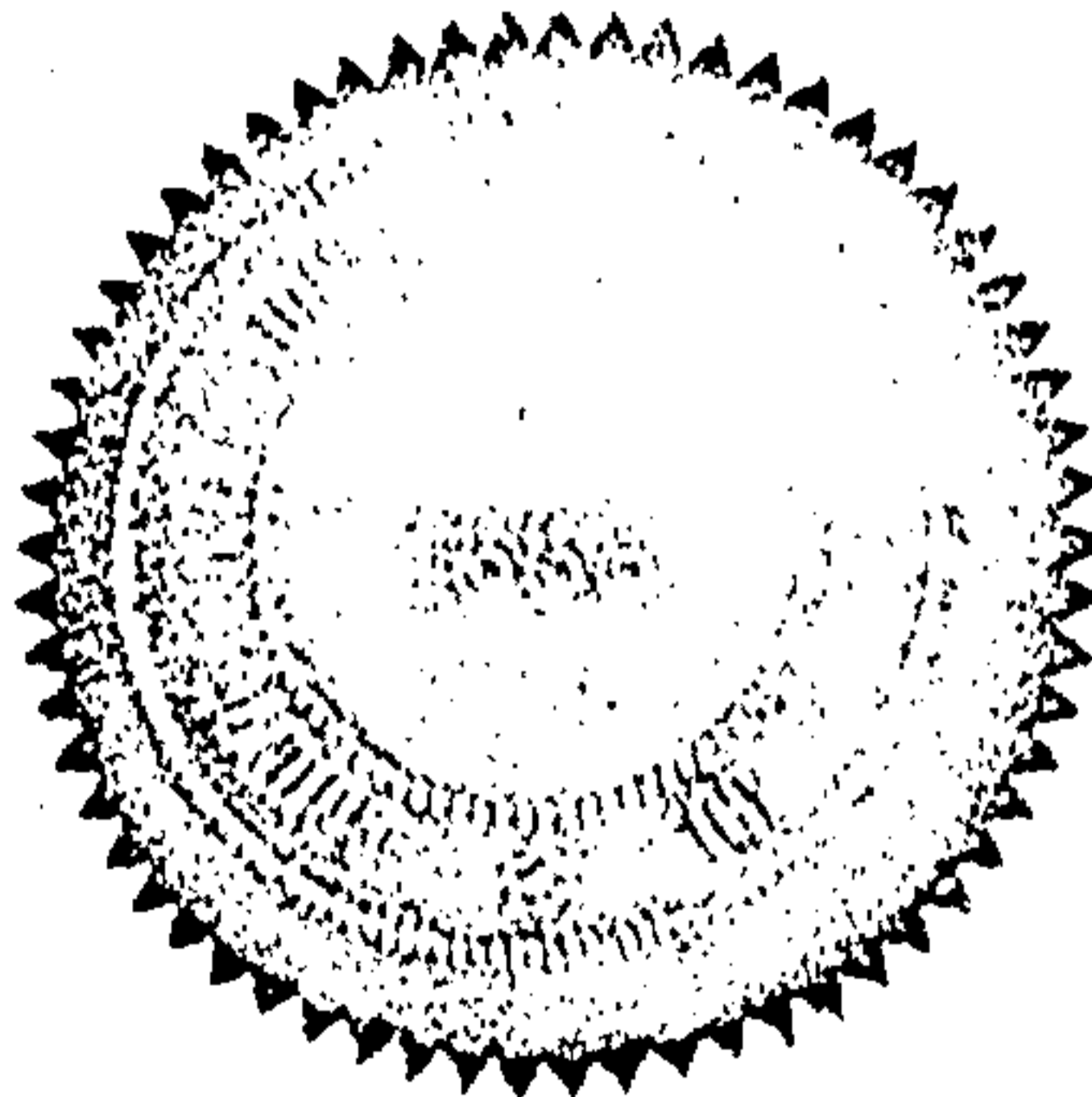
WHEREAS, under the provisions of Article 81, Section 210 if it is certain that any judgment in any such suit would be uncollectable, the Collector is relieved of the duty to bring proceedings, and

WHEREAS, those taxpayers listed on Schedule A have been thoroughly investigated, and it has been determined that the taxes levied against the persons are uncollectable for reasons such as moved away leaving no property against which taxes could be collected, or failed in business with no assets out of which the personal property could be collected.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the taxes levied and assessed against the persons listed on Schedule A attached hereto as part hereof, be and the same are hereby fully abated and the County Assessor is hereby authorized to remove said taxes from the tax rolls by service of a copy of this Resolution upon him.

This Date: June 21, 1988

BY ORDER OF THE BOARD OF
COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND



Carl M. Loffler, Jr., President

Robert Jarboe
Robert Jarboe, Vice-President

W. Edward Bailey
W. Edward Bailey, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

Attest:

Edward V. Cox
Edward V. Cox
County Administrator

Approved as to Legal Form and
Sufficiency:

Joseph R. Densford
Joseph R. Densford
Assistant County Attorney

AUTHORIZATION TO WRITE-OFF UNCOLLECTIBLE TAXES

St. Mary's County,
County/Baltimore City

June 8, 1988
Date

In accordance with Tax Property Article - Title 4-401 of the Annotated Code of Maryland, you are hereby authorized to write-off the following taxes. One of the following conditions exists in regard to these unpaid taxes:

- A. The County/City has taken deed to the property, or
- B. The Office of Law has determined that the claim for taxes has been barred by the statute of limitations or is otherwise uncollectible, or
- C. It has been administratively determined that the taxes are uncollectible.
- D. The following condition exists in regard to the unpaid taxes. Most amounts are for personal property taxes for businesses which are no longer in operation. See memorandum.

John J. Fawcett
Authorized Official of Local Governing Body

Kathleen N. Alley
Collector of State Taxes

FY	Jurisdiction/District	Account No.	Name	Fire Tax	Assessment County	Tax County	Assessment State	Tax State	Description (Real or Personal)	Reason (See Above)
1982	See Attached			500.44	528,560	10518.36	1,022,260	2146.75		D
1981		957.94	1,413,630	28131.26	2,295,790	4821.16				
1980		718.87	1,209,430	24067.66	1,886,040	3772.08				
1979		115.07	342,660	6819.06	433,940	867.89				
1978		138.96	484,310	10412.74	605,450	1210.91				
1977		148.37	358,710	7712.41	498,870	1147.42				
1976		268.48	394,190	9460.68	580,310	1334.73				
1975		77.94	274,400	6997.39	329,680	692.33				
1974		236.89	367,245	9364.74	510,930	1072.97				
1973		53.95	160,660	4096.89	171,460	360.08				
1972		68.65	252,240	5801.52	271,870	570.93				
1971		125.55	326,150	7501.45	377,400	679.32				
1970		216.68	232,680	5351.64	383,370	690.08				
1969		225.85	225,950	5196.85	380,030	760.06				
1968	132.98	132,980	3058.54	257,980	438.57					
1967	29.13	29,130	568.04	50,400	85.68					
1966	38.75	43,140	841.34	62,660	93.99					
1965	46.52	48,120	938.34	62,660	86.62					
1964	38.30	82,160	1602.13	82,160	123.25					
1963	99.23	137,790	2687.00	137,790	206.70					
Totals:				4238.55	131128.04	21161.52				

UNCOLLECTIBLE TAXES

YEAR	ACCOUNT #	NAME	COUNTY TAX	STATE TAX	FIRE TAX	TOTAL TAX	
1980	C-11	DONOVANS HEALTH ST.	\$ 141.29	\$ 15.70	\$ 7.10	\$ 164.09	
	C-15	DON MEGBY PONTIAC	5,645.23	1,104.38	283.68	7,033.29	
	C-55	AIR CURRENTS CORP.	86.37	8.72	-	95.09	
	C-65	DESIGN WORLD UNLTD.	46.37	5.88	2.33	54.58	
	C-255	TECHNICAL SERVICES, INC.	91.14	9.16	4.58	104.88	
	C-259	JOHN J. WHITE, INC.	35.62	3.58	-	39.20	
	C-284	HOLLYWOOD GEN. STORE	131.34	25.20	-	156.54	
	C-306	MD. STOVE SALES, INC.	1,213.50	238.92	-	1,452.42	
	C-328	TRI-CO. SALES & AUCTION	547.05	107.84	-	654.89	
	C-349	LAND & SEA CONSTRUCTION	155.42	15.62	-	171.04	
	C-377	R.R.R. & G., INC.	879.78	88.42	-	968.20	
	C-390	TERM-SERV., INC.	169.55	17.04	-	186.59	
	C-395	SHAMROCK STABLES, INC.	127.16	23.24	6.39	156.79	
	C-166	SO. MD. DISPOSAL, INC.	1,581.65	218.96	79.48	1,880.09	
	C-435	TEAM, INC.	369.74	59.66	18.58	447.98	
	C-444	VAN HOOZIER SALES	4,774.21	905.42	239.91	5,919.54	
	C-448	MCCLUNG-LOGAN EQUIP.	380.09	38.20	-	418.29	
	C-455	ALLSTON EXCAVATING, INC.	5,001.87	502.70	-	5,504.57	
	C-456	LA DONA, LTD.	9.15	.92	-	10.07	
	C-458	FOWLER LUMBER CO., INC.	815.10	81.92	-	897.02	
	C-461	ROLLINS KITCHENS, INC.	994.40	185.52	49.97	1,229.89	
	1980	CERTIFICATIONS TOTAL		\$23,196.03	\$3,657.00	\$692.02	\$27,545.05
	1981	C-120	SPARLINGS, INC.	\$ 923.96	\$ 168.84	\$ -	\$ 1,092.80
		C-134	M & A LIMITED, INC.	227.26	60.00	-	287.26
		C-149	COLONIAL MERCHANDISING	3.98	.76	-	4.74
		C-213	ALLSTON EXCAVATING	2,931.07	309.31	-	3,240.38
		C-214	DON MEGBY PONTIAC	3,659.61	743.19	183.90	4,586.70
		C-217	LA DONA, LTD.	8.16	.26	-	9.02
		C-221	CONCRETE SPECIALISTS, INC.	235.82	24.89	-	260.71
		C-252	NATIONAL MUSIC SER.	9.95	1.05	-	11.00
		C-361	ROLLINS KITCHENS	948.63	186.82	47.67	1,183.12
C-392		DESIGN WORLD UNLTD.	111.28	14.82	5.59	131.69	
C-373		TERM-SERV., INC.	406.91	42.94	-	449.85	
C-399		HOLLYWOOD GEN. STORE	315.22	63.50	-	378.72	
C-405		M & M IMPROVEMENTS	45.85	4.84	2.30	52.99	
C-407		JOHN J. WHITE, INC.	85.49	9.02	-	94.51	
C-426		DONOVANS HEALTH STUDIO	339.10	39.56	17.04	395.70	
C-427		EDDIE BACONS GLASS CO.	441.78	54.94	22.20	518.92	
C-432		SHAMROCK STABLES, INC.	305.19	58.56	15.34	379.09	
C-433		VAN HOOZIER SALES	11,458.10	2,281.66	575.78	14,315.54	
C-453		ARRENNELL CORPORATION	616.10	108.13	-	724.23	
C-454		LAND & SEA CONSTRUCTION	373.01	39.36	-	412.37	
C-465		PORTA-SPACE, INC.	36.82	3.89	-	40.71	
C-481		MCCLUNG-LOGAN EQUIPMENT	1,994.38	210.46	-	2,204.84	
1981		CERTIFICATIONS TOTAL		\$25,477.67	\$4,427.40	\$869.82	\$30,774.89
1982		C-159	KING'S-MAMMOTH, INC.	\$ 2,653.86	\$ 891.24	\$146.70	\$ 3,691.80
	C-180	ROLLINS KITCHENS, INC.	1,897.27	373.63	104.87	2,375.77	
	C-208	BOWLES MASONRY, INC.	83.18	8.78	-	91.96	
	C-338	M & S INVESTMENT, INC.	3,012.86	317.94	166.54	3,497.34	
	C-340	NATIONAL MUSIC SERVICE	19.90	2.10	-	22.00	
	C-342	TEN AREA CHARTER SERVICE	311.24	33.89	17.20	362.33	
	C-434	CARPET MAINTENANCE SER.	2.99	.32	-	3.31	
	C-479	VERONA HOUSING, INC.	925.55	97.67	51.16	1,074.38	
	C-335	FOWLER LUMBER CO., INC.	-	221.09	-	221.09	
	06022901	D & M, INC. (R/E)	378.70	39.96	-	418.66	
1982	CERTIFICATIONS TOTAL		\$ 9,285.55	\$ 1,986.62	\$ 486.47	\$ 11,758.64	

UNCOLLECTIBLE TAXES

YEAR	ACCOUNT #	NAME	COUNTY TAX	STATE TAX	FIRE TAX	TOTAL TAX	
1979	C-51	TIDEWATER VET. HOSPITAL	145.12	14.44	-	159.56	
	C-189	CED ASSOCIATES, INC.	274.97	27.36	-	302.33	
	C-221	WISE WESTERN, INC.	590.94	107.20	29.40	727.54	
	C-280	SHAMROCK STABLES, INC.	148.34	24.88	7.38	180.60	
	C-292	SOUTHERN MD. AUTOMOTIVE	243.01	48.48	-	291.49	
	C-308	LAND & SEA CONSTRUCTION	174.07	17.32	-	191.39	
	C-315	H & H AUTO CLINIC, INC.	207.63	23.66	10.33	241.62	
	C-329	SANI-SERVA SYSTEM, INC.	343.91	34.22	-	378.13	
	C-330	JOHN J. WHITE, INC.	45.83	4.56	-	50.39	
	C-354	BRICKS, BLOCKS, & ROCKS, INC.	84.42	8.40	4.20	97.02	
	C-377	DECK CONSTRUCTION, INC.	113.57	15.50	-	129.07	
	C-395	BISHOP FUNERAL HOME, P.A.	1,170.22	125.34	-	1,295.56	
	C-420	MOCLUNG-LOGAN EQUIPMENT CO.	250.24	24.90	-	275.14	
	C-433	WALNUT EQUIPMENT LEASING CO.	27.14	2.70	-	29.84	
	1979	CERTIFICATIONS TOTAL		\$ 3,819.41	\$ 478.96	\$ 51.31	\$ 4,349.68
	1978	C-2	BURY, MEEHAN, KOVACH & HEPPEL	574.48	53.84	-	628.32
C-87		DUJAN, INC.	581.58	77.92	27.05	686.55	
C-104		JOHN J. WHITE, INC.	56.55	5.26	-	61.81	
C-142		A B C TAX SERVICE, INC.	13.33	1.24	-	14.57	
C-143		HUTCHINSON & SON, INC.	266.60	49.58	-	316.18	
C-206		PELL CONSTRUCTION CO., INC.	393.88	36.64	-	430.52	
C-208		PILKERTON'S WELDING	82.78	7.70	3.85	94.33	
C-245		J.J.J. SO. MD. HOME BUILDERS	20.21	2.02	-	22.23	
C-249		POTOMAC GAS COMPANY	581.36	54.40	-	635.76	
C-272		COMPUGRAPHIC CORPORATION	59.77	5.56	-	65.33	
C-297		ROBBY CORNER, INC.	235.00	39.30	10.93	285.23	
C-306		TRI-COUNTY SALES & AUCTION	816.14	148.64	-	964.78	
C-309		ARTIC SHEETMETAL, INC.	2.37	.22	-	2.59	
C-311		CHAPMAN DEVELOPMENT CO., INC.	201.89	18.78	9.39	230.06	
C-318		SHAMROCK STABLES, INC.	147.92	22.18	6.88	176.98	
C-328		MOCLUNG-LOGAN EQUIPMENT CO.	415.17	38.62	-	453.79	
C-329		MIDDLE DEPT. INSPECTION AGENCY.	4.95	.46	-	5.41	
C-352		SHIP SHAPE MAINTENANCE CO.	291.54	27.12	-	318.66	
C-386		TELEMED CORPORATION	186.19	17.32	-	203.51	
C-392		BISHOP FUNERAL HOME, P.A.	1,396.21	138.78	-	1,534.99	
C-398	H & H AUTO CLINIC, INC.	198.23	21.18	9.22	228.63		
C-418	SO. MD. DISPOSAL, INC.	873.55	81.26	40.63	995.44		
1978	CERTIFICATIONS TOTAL		\$ 7,399.70	\$ 848.02	\$ 107.95	\$ 8,355.67	
1977	C-35	JOHN J. WHITE, INC.	146.63	15.69	-	162.32	
	C-108	C. R. MOORE, INC.	76.97	8.23	-	85.20	
	C-154	HOLLYWOOD HARMONEERS, INC.	14.19	1.52	-	15.71	
	C-200	LAND & SEA CONSTRUCTION, INC.	294.12	31.46	-	325.58	
	C-259	PELL CONSTRUCTION CO., INC.	352.60	37.72	-	390.32	
	C-280	CHAPMAN DEVELOPMENT CO., INC.	203.82	21.80	9.48	235.10	
	C-286	LAZY K HUNTING PRESERVE, INC.	140.61	15.04	-	155.65	
	C-289	MELVIN CONSTRUCTION CO., INC.	656.40	79.14	-	735.54	
	C-292	PATIENT MOTOR SALES, INC.	1,749.46	374.30	81.37	2,205.13	
	C-294	PILKERTON'S WELDING	88.15	9.43	-	97.58	
	C-296	SHAMROCK STABLES, INC.	197.80	26.82	9.20	233.82	
	C-305	GENERAL EQUIPMENT LEASING	122.55	13.11	-	135.66	
	C-331	TRI-COUNTY SALES & AUCTION	584.37	104.37	-	688.74	
	C-333	BAY DISTRICT TITLE & ESCROW	65.15	6.97	3.03	75.15	
	1977	CERTIFICATIONS TOTAL		\$ 4,692.82	\$ 745.60	\$ 103.08	\$ 5,541.50

UNCOLLECTIBLE TAXES

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YEAR	ACCOUNT #	NAME	COUNTY TAX	STATE TAX	FIRE TAX	TOTAL TAX
1976	C-5	ENVIRONMENTAL CONTROL	\$ 219.12	\$ 21.00	-	\$ 240.12
	C-12	ADES OF LEXINGTON, INC.	3,785.76	677.99	\$ 157.74	4,621.49
	C-100	BEACON REALTY, INC.	17.52	1.68	-	19.20
	C-110	LESTER KRAFT & SONS, INC.	105.60	10.12	4.40	120.12
	C-117	C.R. MOORE, INC.	98.40	9.43	-	107.83
	C-159	CHAPMAN DEVELOPMENT	232.32	22.26	9.68	264.26
	C-188	REGAL CONSTRUCTION CO.	132.00	12.65	-	144.65
	C-207	LARK CO., INC.	52.08	4.99	-	57.07
	C-230	GUENTHER CONSTRUCTION	553.44	53.04	-	606.48
	C-277	SO. MD. BOAT CLUB, INC.	10.56	1.01	.44	12.01
	C-285	TRI-CO. SALES & AUCTION	219.60	39.01	-	258.61
	C-286	THE VICTORIA CORPORATION	173.52	19.69	-	193.21
	C-317	MELVIN CONSTRUCTION CO.	782.16	74.96	-	857.12
	C-346	HUTCHINSON & SON, INC.	186.96	35.83	-	222.79
	C-356	MCCLUNG-LOGAN EQUIPMENT	155.76	14.92	-	170.68
	C-357	SO. MD. DISPOSAL, INC.	2,215.68	272.25	92.32	2,580.25
1976	CERTIFICATIONS TOTAL		\$ 8,940.48	\$ 1,270.83	\$ 264.58	\$ 10,475.89
1975	C-12	CHAPMAN DEVELOPMENT	306.26	25.22	12.01	343.49
	C-356	R.R.R. & G., INC.	3,160.98	260.32	-	3,421.30
	C-1252	ICE EQUIPMENT CO., INC.	26.27	2.16	-	28.43
	C-1357	IDEAL CLEANERS, INC.	86.19	7.10	-	93.29
	C-1361	SO. MD. AIRWAYS, INC.	181.56	14.95	-	196.51
	C-1455	CAPITAL BAKERS, INC.	51.26	4.75	2.01	58.02
	C-1510	HEEL 'N TOE OF LEX. PARK	265.71	43.72	10.42	319.85
	C-1521	AVENUE LEASING OF ST. MARY'S	39.53	3.26	-	42.79
	C-1541	EQUIPMENT RENTAL CORP.	14.28	1.18	.56	16.02
	C-1549	GENERAL EQUIPMENT LEASING	60.69	5.00	-	65.69
1975	CERTIFICATIONS TOTAL		\$ 4,192.73	\$ 367.66	\$ 25.00	\$ 4,585.39
1974	C-137	ST. AND. EST. ASSN.	10.46	.86	.41	11.73
	C-741	PINEY POINT WATER CO.	331.50	27.30	-	358.80
	C-767	BELLE STORES, INC.	2,191.27	313.82	85.54	2,580.63
	C-802	ATLANTIS MARITIME, INC.	46.92	3.86	1.84	52.62
	C-809	R.R.R. & G., INC.	1,844.16	151.87	-	1,996.03
	C-820	CHAPMAN DEVELOPMENT	384.29	31.65	15.07	431.01
	C-1263	RICHARD W. LEPPER, P.A.	536.52	44.18	21.04	601.74
	C-1271	SELECT-O-MATION, INC.	231.03	19.03	-	250.06
	C-1291	EQUIPMENT RENTAL CORP.	16.83	1.39	.66	18.88
	C-1344	IDEAL CLEANERS, INC.	98.43	8.11	-	106.54
	C-1355	LARK CO., INC.	135.66	11.17	-	146.83
	C-1377	SO. MD. DISPOSAL, INC.	39.02	3.21	1.53	43.76
1974	CERTIFICATIONS TOTAL		\$ 5,856.09	\$ 616.45	\$ 126.09	\$ 6,598.63
1973	C-316	CHAPMAN DEVELOPMENT	265.20	21.84	10.40	297.44
	C-785	JOHN H. O'BRIEN, INC.	70.13	5.78	2.75	78.66
	C-798	VINCENT ET VINCENT, INC.	72.42	5.96	2.84	81.22
	C-1218	TRIPLE R, INC.	279.23	24.76	10.95	314.94
	C-1251	ST. AND. EST. ASSN.	11.99	.99	.47	13.45
	C-1271	R.R.R. & G., INC.	2,002.01	164.87	-	2,166.88
	C-1276	EQUIPMENT RENTAL CORP.	348.08	28.67	13.65	390.40
1973	CERTIFICATIONS TOTAL		\$ 3,049.06	\$ 252.87	\$ 41.06	\$ 3,342.99
1972	C-646	DAMERON BUTCHER SHOP	691.15	70.75	-	761.90
	C-1057	EQUIPMENT RENTAL CORP.	250.47	22.87	10.89	284.23
	C-1061	TOUCHDOWN CLUB, INC.	113.85	10.40	4.95	129.20
	C-1064	J.T. HAYDEN, JR., INC.	1,120.56	102.31	-	1,222.87
	C-1095	JOHN H. O'BRIEN, INC.	71.53	6.53	3.11	81.17
	C-1132	RICHARD W. LEPPER, P.A.	585.81	53.49	25.47	664.77
	C-1167	LEX. PARK DENTAL LAB.	184.00	16.80	8.00	208.80
	C-1168	R.R.R. & G., INC.	1,727.76	157.75	-	1,885.51
1972	CERTIFICATIONS TOTAL		\$ 4,745.13	\$ 440.90	\$ 52.42	\$ 5,238.45

UNCOLLECTIBLE TAXES

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YEAR	ACCOUNT #	NAME	COUNTY TAX	STATE TAX	FIRE TAX	TOTAL TAX
1971	C-13	PATUXENT WATER CO., INC.	\$ 1,327.10	\$ 103.86	\$ 57.70	\$ 1,488.66
	C-235	R.R.R. & G., INC.	931.50	72.90	-	1,004.40
	C-648	LORD CALVERT, INC.	989.69	131.45	43.03	1,164.17
	C-913	D. GARNER & SON, INC.	143.06	14.44	6.22	163.72
	C-1001	R. E. CHAKALES & ASSOC.	3,128.00	244.80	-	3,372.80
1970	C-18506	PARK PONTIAC, INC.	3,642.74	555.08	158.38	4,356.20
	C-18527	PATUXENT WATER CO., INC.	1,327.10	103.86	57.70	1,488.66
1969	C-15405	CENTER GARDENS MNGT.	5.75	.50	.25	6.50
	C-15578	RICHARD'S, INC.	191.36	23.60	8.32	223.28
	C-15879	PATUXENT WATER CO., INC.	1,327.10	115.40	57.70	1,500.20
	C-15902	PARK PONTIAC, INC.	3,656.54	617.96	158.98	4,433.48
1968	C-14817	PARK PONTIAC, INC.	3,058.54	438.57	132.98	3,630.09
1967	C-15841	WESTERN RETAIL, INC.	568.04	85.68	29.13	682.85
1966	C-16153	WESTERN RETAIL, INC.	551.66	71.40	28.29	651.35
1965	C-17295	PATUXENT DRUG, INC.	757.77	69.95	38.86	866.58
1964	C-14459	PATUXENT STORAGE	11.51	.89	.59	12.99
	C-14494	19 CORAL PLACE NORTH, INC.	6.63	.51	.34	7.48
	C-14499	MCGUIRE & ROLFE, INC.	728.72	56.06	37.37	822.15
	C-14513	CONSOLIDATED MARINE	584.22	44.94	-	629.16
	C-14534	HALIBUT, INC.	58.50	4.50	-	63.00
1963	C-15106	HALIBUT, INC.	76.05	5.85	-	81.90
	C-15127	SOUTHEASTERN STORAGE	16.19	1.25	-	17.44
	C-15261	CONSOLIDATED MARINE	584.22	44.94	-	629.16
	C-15273	MODERN CLEANERS	126.26	9.71	6.48	142.45
	C-15286	BAY HARBOR DEVELOPMENT	75.66	5.82	-	81.48
	C-15289	PATUXENT STORAGE	17.16	1.32	.88	19.36
	C-15293	LINSAN DRUGS, INC.	761.67	58.59	39.06	859.32
	C-15295	MCGUIRE & ROLFE, INC.	1,029.79	79.22	52.81	1,161.82
1963 THRU 1971 CERTIFICATIONS TOTAL			\$ 25,682.53	\$ 2,963.05	\$ 915.07	\$ 29,560.65

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UNCOLLECTIBLE TAXES

YEAR	ACCOUNT #	NAME	COUNTY TAX	STATE TAX	FIRE TAX	TOTAL TAX	
1980	9001909-0	BOYD, JAY	14.93	2.00		16.93	
	9001369-6	CLARKE, J.	59.70	12.00		71.70	
	9000334-8	GREEN, G.	28.66	3.36		32.02	
	9001098-0	HALL, E.	190.64	19.16		209.80	
	9001866-3	LONG, J. & QUADE, T.	9.95	1.00		10.95	
	9001863-9	LYALL, C.	9.95	1.00		10.95	
	9001117-0	MD. INT. RACEWAY	13.93	1.40		15.33	
	9001925-2	ROACH, N.	9.55	.96		10.51	
	0801238-5	AUD, J.	9.95	1.00	.50	11.45	
	0805595-5	BISHOFF, M.	25.87	2.60	1.30	29.77	
	0805094-5	BROMLEY, E.	402.98	61.00	20.25	484.23	
	0802431-6	GREER, J.	95.52	9.60	4.80	109.92	
	1980	LOCAL PERSONAL PROPERTY TOTALS		\$ 871.63	\$ 115.08	\$ 26.85	\$ 1,013.56
	1981	9000010-1	ALDRED, A.	31.84	6.51		38.35
9002005-6		ALEXANDER, ESPEY	4.48	.95		5.43	
9001988-0		BENNETT, A.	10.95	2.10		13.05	
9001429-3		BORZI, J.	1.99	.21		2.20	
9001545-1		BOWLES, E.	14.93	3.15		18.08	
9002006-4		BOWLES, J.	1.99	.21		2.20	
9001438-2		BROWN, KEVIN	1.99	.21		2.20	
9001541-9		BRUGGER, ANELL	1.99	.21		2.20	
9001932-5		EASTER, B.	144.28	17.85		162.13	
9002000-5		GASS, R.	9.95	2.10		12.05	
9001473-0		HOWARD, T.	1.99	.21		2.20	
9002027-7		LANSINGER, J.	1.99	.21		2.20	
9002018-8		MEEKINS, GARY E.	1.99	.42		2.41	
9001410-2		MIESOWITZ, M.	1.99	.21		2.20	
9001991-0		NORRIS, R.	1.99	.21		2.20	
9001995-3		NORRIS, R.	1.99	.21		2.20	
9001388-2		REYNOLDS, CHARLES	1.99	.21		2.20	
9002078-1		SCRIBER, W.	1.99	.21		2.20	
9002013-7		STRONG, C.	34.83	4.20		39.03	
9001808-6		SUNRISE CLUB, INC.	616.90	67.20		684.10	
9002015-3		SWEPCO CORPORATION	1.99	.21		2.20	
9001358-0		THOMPSON, G.	1.99	.21		2.20	
9002024-2		VERNON, E.	1.99	.21		2.20	
9002074-9		WILLIAMS, R.	1.99	.21		2.20	
0801245-8		BARRETT, H.	1.99	.21	.10	2.30	
0805582-3		BURKE, R.	1.99	.21	.10	2.30	
0806103-3		GUY, J.	517.40	54.60	26.00	598.00	
0806106-8		HESS, C.	1.99	.21	.10	2.30	
0806108-4		HICKS, N.	29.45	5.38	1.48	36.31	
0803969-0		KINCH, C.	931.32	192.78	46.80	1,170.90	
0806369-9		MILLER, H.	3.98	.42	.20	4.60	
0806355-9		NOLAN, L.	3.98	.84	.20	5.02	
0802494-4		NOLAN, V.	24.88	4.20	1.25	30.33	
0802463-4		LANSBERG, A.	19.90	2.10	1.00	23.00	
0806128-9	PULLIAM, C.	135.12	14.26	6.79	156.17		
0806176-9	STORRS, B.	81.59	10.92	4.10	96.61		
1981	LOCAL PERSONAL PROPERTY TOTALS		\$ 2,653.59	\$ 393.76	\$ 88.12	\$ 3,135.47	
1982	9001954-6	NORRIS, J.	223.88	23.63		247.51	
	9002080-3	SMITH, G.	39.80	7.35		47.15	
	9001808-6	SUNRISE CLUB, INC.	398.00	42.00		440.00	
	9001220-7	WHEATON, D.	139.30	17.64		156.94	
	9002044-7	WILLIAMS, E.	179.10	18.90		198.00	
	0802477-4	MATTHEWS, J.	39.80	4.20	2.20	46.20	
	0805635-8	MATTINGLY, W. & NEWTON, A.	39.80	4.20	2.20	46.20	
	0802494-4	NOLAN, V.	11.94	1.26	.66	13.86	
	0802498-7	OLIVER, L.	119.40	33.60	6.60	159.60	
	0806557-8	QUINN, T. & MARINELLI, M.	41.79	4.41	2.31	48.51	
	0802547-9	TRIMBLE, R.		2.94		2.94	
	1982	LOCAL PERSONAL PROPERTY TOTALS		\$ 1,232.81	\$ 160.13	\$ 13.97	\$ 1,406.91

UNCOLLECTIBLE TAXES

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YEAR	ACCOUNT #	NAME	COUNTY TAX	STATE TAX	FIRE TAX	TOTAL TAX	
1979	9001797-7	BARNES, R.	\$ 20.10	\$ 2.00	\$	\$ 22.10	
	9000238-4	DEMKO, J.	10.05	1.00		11.05	
	9001418-8	DEVAULT, R.	20.10	2.00		22.10	
	9001798-5	FRUCHTMAN, C.	12.06	2.40		14.46	
	9001454-4	GEYER, C. & HANCOCK, E.	30.15	6.00		36.15	
	9000332-1	GRANT, R.	13.67	1.36		15.03	
	9000334-8	GREEN, G.	12.06	1.40		13.46	
	9001582-6	MARCHETTI, A.	20.10	2.00		22.10	
	9000515-4	MATTINGLY, J.	402.00	40.00		442.00	
	9001607-5	MILES, V.	58.29	6.60		64.89	
	9001624-5	MUELLER, D.	221.10	25.00		246.10	
	9001070-0	NORTON, G.	18.09	1.80		19.89	
	9000639-8	RANDOLPH, P.	130.85	13.02		143.87	
	9001140-5	ROLLINS, J.	30.15	6.00		36.15	
	9001647-4	RYE, R.	16.08	1.60		17.68	
	9001295-9	SCHOENBAUER, R.	30.15	6.00		36.15	
	9001176-6	SPRINGER, C.	463.51	50.48		513.99	
	9001695-4	TICE, H.	40.20	8.00		48.20	
	9001715-2	WAMROLD, M.	8.54	1.71		10.25	
	9001243-6	WOEBKE, R.	110.55	14.00		124.55	
	9000830-7	WOOD, E.	50.25	8.00		58.25	
	0805094-5	BROMLEY, E.	407.03	61.00	20.25	488.28	
	0805376-6	CLARK, P.	60.30	6.00	3.00	69.30	
	0801277-6	CLIFFORD, J.	47.24	9.40	2.35	58.99	
	0801293-8	DAVIS, T.	33.37	6.64	1.66	41.67	
	0803940-2	DIEHL, B.	122.61	20.40	6.10	149.11	
	0803889-9	ETHEREDGE, J.	20.10	2.00	1.00	23.10	
	0802431-6	GREER, J.	40.20	4.00	2.00	46.20	
	0805346-4	JOHNSON, G.	160.20	23.90	7.97	192.07	
	0802464-2	LANTZ, A.	123.01	24.10	6.12	153.23	
	0802516-9	RICCARDI, T.	13.27	1.32	.66	15.25	
	0802533-9	SMITH, G.	182.91	18.20	9.10	210.21	
	0805375-8	STENGER, N.	26.13	2.60	1.30	30.03	
	0803941-0	TEES, R.	40.20	8.00	2.00	50.20	
	0805280-8	WORSTER, V.	5.03	1.00	.25	6.28	
	1979	LOCAL PERSONAL PROPERTY TOTAL		\$ 2,999.65	\$ 388.93	\$ 63.76	\$ 3,452.34
	1978	9000012-8	ALLAN, J.	2.80	.53		3.33
		9001797-7	BARNES, R.	21.50	2.00		23.50
		9001264-9	COMBS, P. & T.	4.30	.40		4.70
		9001418-8	DEVAULT, R.	21.50	2.00		23.50
		9000259-7	DORSEY, W. & RUE, J.	6.45	.60		7.05
		9001783-7	EDGAR, D.	41.39	4.70		46.09
		9000278-3	EGELL, B.	6.45	.60		7.05
		9001454-4	GEYER, C. & HANCOCK, E.	32.25	6.00		38.25
		9001077-8	GOTTSHALK, F.	2.15	.20		2.35
		9000332-1	GRANT, R.	14.62	1.36		15.98
		9000334-8	GREEN, G.	12.90	1.40		14.30
		9001029-8	HOFFMAN, L.	3.23	.60		3.83
9001038-7		JARMAN, M.	51.60	9.60		61.20	
9001042-5		JONES, T.	2.15	.20		2.35	
9000454-9		KNOTT, J.	2.15	.20		2.35	
9000460-3		LANCASTER, G.	5.38	.50		5.88	
9001099-9		LONG, P. & F.	2.15	.20		2.35	
9000496-4		MACK, R.	559.00	78.00		637.00	
9000515-4		MATTINGLY, J.	430.00	40.00		470.00	
9001017-4		MERTZ, D.	5.38	1.00		6.38	
9001607-5		MILES, V.	26.88	2.50		29.38	
9001624-5		MUELLER, D.	236.50	25.00		261.50	
9001056-5		MURPHY, R.	2.15	.20		2.35	
9001083-2		ORWIG, D.	9.68	.90		10.58	
9000862-5		PALMER, P. & AUSTIN R.	2.15	.20		2.35	
9001108-1		PAPPAS, E.	3.23	.60		3.83	
9000598-7		PHILLIPS, E.	2.15	.20		2.35	
9000612-6		POMERLEAU, A.	2.15	.20		2.35	
9000639-8		RANDOLPH, P.	139.97	13.02		152.99	
9001140-5		ROLLINS, J.	32.25	6.00		38.25	
9001647-4	RYE, R.	17.20	1.60		18.80		

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<u>YEAR</u>	<u>ACCOUNT #</u>	<u>NAME</u>	<u>COUNTY TAX</u>	<u>STATE TAX</u>	<u>FIRE TAX</u>	<u>TOTAL TAX</u>
1978	9001691-1	SHEVARY, V.	\$ 4.73	\$.88		\$ 5.61
	9001704-7	SOMERVILLE, J.	2.15	.20		2.35
	9001176-6	SPRINGER, C.	495.79	50.48		546.27
	9001198-7	TREJO, J.	2.15	.20		2.35
	9000781-5	TRIKOSKA, R.	4.30	.40		4.70
	9001212-6	TWORK, T.	2.15	.20		2.35
	9001715-2	WAMKOLD, M.	9.14	1.71		10.85
	9001753-5	WEST, P.	4.30	.80		5.10
	9001243-6	WOEBKE, R.	118.25	14.00		132.25
	9000852-8	ZIESING, F. & WILSON R.	2.15	.20		2.35
	0803892-9	BELLERE, T. & CLARK, N.	30.10	5.60	1.40	37.10
	0801250-4	BOWLER, G.	41.38	4.50	1.93	47.81
	0803904-6	BROWN, J.	2.15	.20	.10	2.45
	0801263-6	BURNETT, A.	2.15	.20	.10	2.45
	0805342-1	CHAKLES, N. & J.	26.88	5.00	1.25	33.13
	0801293-8	DAVIS, T.	35.69	6.64	1.66	43.99
	0803940-2	DIEHL, B.	131.15	20.40	6.10	157.65
	0803889-9	ETHERIDGE, J.	21.50	2.00	1.00	24.50
	0803891-0	FORD, T.	2.15	.20	.10	2.45
	0802429-4	GOLDBLOOM, D. & ANDERSON, B.	43.00	4.00	2.00	49.00
	0802431-6	GREER, J.	43.00	4.00	2.00	49.00
	0803965-8	HOULE, P.	2.15	.20	.10	2.45
	0805347-2	JOHNSON, R.	2.15	.20	.10	2.45
	0805279-4	JOHNSON, V.	2.68	.50	.13	3.31
	0803971-2	KIRK, J.	2.15	.20	.10	2.45
	0805296-4	KOEHLER, C.	2.68	.50	.13	3.31
	0803973-9	KUCHTA, T.	12.90	1.20	.60	14.70
	0802463-4	LANSBERG, A.	44.61	4.15	2.08	50.84
	0802464-2	LANTZ, A.	131.58	24.10	6.12	161.80
	0803894-5	LAWSON, H.	10.75	2.00	.50	13.25
	0803911-9	LONG, C.	2.15	.20	.10	2.45
	0802471-5	LYNCH, J.	2.15	.20	.10	2.45
	0802486-3	MOORE, MALISSA	19.35	1.80	.90	22.05
	0802516-9	RICCARDI, T.	14.19	1.32	.66	16.17
	0805091-0	SPEER, R. & FEE, M.	2.15	.20	.10	2.45
	0805375-8	STENGER, N.	27.95	2.60	1.30	31.85
	0805379-0	TAZELEAR, S.	2.15	.20	.10	2.45
	0805280-8	WORSTER, V.	5.38	1.00	.25	6.63
1978	LOCAL PERSONAL PROPERTY TOTAL		\$ 3,013.04	\$ 362.89	\$ 31.01	\$ 3,406.94
1977	9001032-8	BANEY, L.	2.15	.46		2.61
	9000071-3	BLAYLOCK, R.	5.38	1.15		6.53
	9000145-0	CHARD, S.	10.75	1.15		11.90
	9001105-7	CORDELL, R.	2.15	.23		2.38
	9000259-7	DORSEY, W. & RUE, J.	6.45	.69		7.14
	9001046-8	GARNER, D.	2.15	.46		2.61
	9000332-1	GRANT, R.	14.62	1.56		16.18
	9001003-4	HARP, R.	23.65	2.53		26.18
	9001024-7	HOFFMAN, F.	2.15	.23		2.38
	9000336-4	JOHNSON, R.	49.45	7.59		57.04
	9000425-5	JONES, M.	32.25	6.90		39.15
	9000433-6	KEISTER, L.	2.15	.23		2.38
	9000457-3	LACEY, K.	122.34	14.31		136.65
	9000467-0	LATHAM, J.	16.13	3.45		19.58
	9000853-6	LUMPKINS, C.	399.26	42.71		441.97
	9000515-4	MATTINGLY, J.	430.00	46.00		476.00
	9001004-2	MCBREATHY, N.	21.50	4.60		26.10
	9001039-5	MULLINS, D.	3.23	.69		3.92
	9000598-7	PHILLIPS, E.	2.15	.23		2.38
	9000639-8	RANDOLPH, P.	139.97	14.97		154.94
	9001140-5	ROLLINS, J.	32.25	6.90		39.15
	9000699-1	SHOTWELL, F.	43.00	4.60		47.60
	9001176-6	SPRINGER, C.	495.79	58.05		553.84
	9001198-7	TREJO, J.	2.15	.23		2.38
	9001233-9	WILLETT, V. & WHITE, M.	2.15	.23		2.38
	9001243-6	WOEBKE, R.	118.25	16.10		134.35
	9001256-8	ZIEGLER, P.	64.50	4.60		69.10

UNCOLLECTIBLE TAXES

<u>YEAR</u>	<u>ACCOUNT #</u>	<u>NAME</u>	<u>COUNTY TAX</u>	<u>STATE TAX</u>	<u>FIRE TAX</u>	<u>TOTAL TAX</u>	
1977	0803923-2	BEAVERS, C.	\$ 32.25	\$ 6.10	\$ 1.50	\$ 39.85	
	0801293-8	DAVIS, T.	35.69	7.64	1.66	44.99	
	0802429-4	GOLDBLOOM, D. & ANDERSON, B.	43.00	4.60	2.00	49.60	
	0802431-6	GREER, J.	43.00	4.60	2.00	49.60	
	0803971-2	KIRK, J.	2.15	.23	.10	2.48	
	0803973-9	KUCHTA, T.	12.90	1.38	.60	14.88	
	0802464-2	LANTZ, A.	132.97	27.88	6.19	167.04	
	0802471-5	LYNCH, J.	2.15	.23	.10	2.48	
	0802489-8	MULLINS, J.	380.12	77.12	17.68	474.92	
	0802493-6	NICHOLAS, R.	2.15	.46	.10	2.71	
	0802516-9	RICCARDI, T.	14.19	1.52	.66	16.37	
	0803939-9	SMITH, L.	2.15	.23	.10	2.48	
	0805091-0	SPEER, R. & FEE, M.	2.15	.23	.10	2.48	
	0802565-7	WHITE, Z.	268.75	28.75	12.50	310.00	
	1977	LOCAL PERSONAL PROPERTY TOTAL		\$ 3,019.59	\$ 401.82	\$ 45.29	\$ 3,466.70
	1976	9000014-4	ALVEY, C.	30.00	5.75		35.75
9000016-0		AMANN, P.	18.36	1.76		20.12	
9000040-3		BANNISTER, A.	10.80	2.07		12.87	
9000053-5		BAYLISS, D.	3.00	.58		3.58	
9000062-4		BENJAMIN, P.	2.40	.23		2.63	
9000115-9		BURKE, W.	2.40	.23		2.63	
9000176-0		COLLINS, C.	10.80	2.07		12.87	
9000259-7		DORSEY, W. & RUE, J.	7.20	.69		7.89	
9000260-0		DOUGLAS, R.	2.40	.46		2.86	
9000262-7		DRAUGHAN, E.	4.80	.92		5.72	
900268-6		DULANEY, R.	2.40	.23		2.63	
9000276-7		EAGLE, D.	2.40	.46		2.86	
9000317-8		GEORGE, G.	4.20	.81		5.01	
9000335-6		GREENWELL, M.	62.40	5.98		68.38	
9000425-5		JONES, M.	36.00	6.90		42.90	
9000434-4		KEISTER, R.	26.40	2.53		28.93	
9000467-0		LATHAM, J.	18.00	3.45		21.45	
9000471-9		LAWS, D.	3.60	.69		4.29	
9000503-0		MARINI, M.	2.40	.23		2.63	
9000550-2		MORGAN, J.	7.20	.69		7.89	
9000639-8		RANDOLPH, P.	156.24	14.97		171.21	
9000667-3		RUPP, L.	2.40	.46		2.86	
9000745-9		SWANN, D.	3.00	.58		3.58	
9000758-0		THOMAS, C.	2.40	.23		2.63	
9000762-9		THOMPSON, C.	2.40	.23		2.63	
9000844-7		YATES, M.	3.00	.58		3.58	
0801243-1		BARKER, P.	19.20	2.99	.80	22.99	
0802431-6		GREER, J.	24.00	2.30	1.00	27.30	
0802546-0		TOTH, F.	50.40	4.83	2.10	57.33	
1976		LOCAL PERSONAL PROPERTY TOTAL		\$ 520.20	\$ 63.90	\$ 3.90	\$ 588.00
1975		02700	BERRY, B.	108.38	10.50	4.25	123.13
	04720	BURCH, R.	6.38	1.05	-	7.43	
	05245	BUTLER, J., JR.	53.55	4.62	-	58.17	
	05285	BUTYN, R.	2.55	.21	.10	2.86	
	07600	COMBS, R.	652.04	88.35	-	740.39	
	07610	COMBS, R.	11.48	1.89	.45	13.82	
	08030	COPSEY, B.	93.46	8.59	-	102.05	
	08490	COUSIN, D.	2.55	.21	-	2.76	
	10800	DICKERSON, J.	2.55	.21	-	2.76	
	11275	DOUGLAS, R.	2.55	.42	-	2.97	
	13330	FORD, J., JR.	2.55	.21	-	2.76	
	18620	KEISTER, R.	28.05	2.31	-	30.36	
	18800	KIRBY, J.	161.93	22.47	6.35	190.75	
	20290	LOCHE, E.	2.55	.42	-	2.97	
	20790	LUBBERS, R.	879.75	109.20	34.50	1,023.45	

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YEAR	ACCOUNT #	NAME	COUNTY TAX	STATE TAX	FIRE TAX	TOTAL TAX
1975	23575	MORGAN, J.	\$ 7.65	\$.63	\$ -	\$ 8.28
	28420	RANDOLPH, P.	166.01	13.67	-	179.68
	30275	SAUER, E.	2.55	.21	-	2.76
	30425	SCARBOROUGH FAIR ANTIQUES	7.65	1.26	-	8.91
	31950	SMYTHERS, R.	2.55	.21	.10	2.86
	34380	TODD, C.	183.35	22.85	7.19	213.39
	36035	WARD, C.	2.55	.42	-	2.97
	60711100	ROSENBERG, S. (R/E)	422.03	34.76	-	456.79
1975	LOCAL PERSONAL PROPERTY TOTAL		\$ 2,804.66	\$ 324.67	\$ 52.94	\$ 3,182.27
1974	13330	FORD, J., JR.	2.55	.21	-	2.76
	01230	AUD, F.	2.55	.21	-	2.76
	02440	BELL, J.	2.55	.21	.10	2.86
	02650	BENTEL, S.	2.55	.21	-	2.76
	02700	BERRY, B.	108.38	10.50	4.25	123.13
	03650	BOHNER, O.	10.20	.84	.40	11.44
	03680	BOND, J.	6.38	1.05	-	7.43
	04370	BROWN, G.	2.55	.21	-	2.76
	04775	BURNETT, J.	12.75	1.05	.50	14.30
	05285	BUTYN, R.	2.55	.21	.10	2.86
	09040	CROSBY, T.	12.75	2.10	.50	15.35
	09325	CURTIS, E.	2.55	.21	-	2.76
	09470	CUTCHEMBER, V.	2.55	.21	-	2.76
	13400	FRANCIS, L.	5.74	.47	.23	6.44
	16150	HATCH, M.	90.53	13.23	3.55	107.31
	16165	HAUSKNECHT, F.	45.90	3.78	1.80	51.48
	16515	HELTON, J.	223.13	19.95	8.75	251.83
	17435	HORTON, J.	589.05	148.26	23.10	760.41
	18800	KIRBY, J.	161.93	22.47	6.35	190.75
	18860	KNUCKLES, J., JR.	277.95	29.40	10.90	318.25
	19380	LANKFORD, J.	2.55	.21	.10	2.86
	20300	LOGANA, D.	2.55	.21	-	2.76
	20790	LUBBERS, R.	879.75	109.20	34.50	1,023.45
	25620	PATERNO, R.	2.55	.21	-	2.76
	26115	PHELPS, A.	25.50	2.10	1.00	28.60
	26600	POISSON, P.	2.55	.21	.10	2.86
	28420	RANDOLPH, P.	191.25	15.75	-	207.00
	28575	REBARCHICK, R.	63.75	8.40	2.50	74.65
	30425	SCARBOROUGH FAIR ANTIQUES	7.65	1.26	-	8.91
	31950	SMYTHERS, R.	2.55	.21	.10	2.86
	32325	STAFFORD, T.	25.50	2.10	1.00	28.60
	33825	SYRER, F.	2.55	.21	-	2.76
	36270	WATTS, R.	5.10	.42	-	5.52
	36725	WENDLING, W., III	15.56	1.76	-	17.32
36765	WENDLING, M.	9.95	1.28	-	11.23	
36850	WHITLEY, R.	2.55	.42	-	2.97	
1593850	STAFFORD, T., JR. (R/E)	279.67	23.03	10.97	313.67	
0711100	ROSENBERG, S. (R/E)	422.03	34.76	-	456.79	
1974	LOCAL PERSONAL PROPERTY TOTALS		\$ 3,508.65	\$ 456.52	\$ 110.80	\$ 4,075.97
1973	01230	AUD, F.	2.55	.21	-	2.76
	01870	BARRIER, P.	3.83	.32	.15	4.30
	03680	BOND, J.	2.55	.21	-	2.76
	04210	BRAUM, N.	2.55	.42	-	2.97
	07100	COGAR, J., SR.	2.55	.21	.10	2.86
	08900	CRAWFORD, J.	2.55	.42	-	2.97
	08950	CRDM, R.	2.55	.21	.10	2.86
	12550	ERION, D.	6.38	.53	.25	7.16
	14925	GREENWELL, A.	3.83	.32	-	4.15
	16160	HAYDEN, E.	31.88	4.20	-	36.08
	17160	HOBGOOD, H.	69.87	10.69	2.74	83.30
	18860	KNUCKLES, J., JR.	114.75	18.90	4.50	138.15
	20400	LOFLEUR, R.	2.55	.21	.10	2.86
	21000	MAHLER, T.	2.55	.42	-	2.97

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YEAR	ACCOUNT #	NAME	COUNTY TAX	STATE TAX	FIRE TAX	TOTAL TAX
1973	25050	O'BRIEN, J.	\$ 31.88	\$ 3.15	\$ 1.25	\$ 36.28
	28420	RANDOLPH, P.	238.43	19.64	-	258.07
	28575	REBARCHICK, R.	63.75	8.40	2.50	74.65
	29390	ROGERS, F., SR.	2.55	.21	-	2.76
	31950	SMYTHERS, R.	2.55	.21	.10	2.86
	32325	STAFFORD, T.	25.50	2.10	1.00	28.60
	33525	SULLIVAN, K.	2.55	.21	.10	2.86
	36075	WATERS, W.	7.65	1.26	-	8.91
	0711100	ROSENBERG, S.	422.03	34.76	-	456.79
1973	LOCAL PERSONAL PROPERTY TOTALS		\$ 1,047.83	\$ 107.21	\$ 12.89	\$ 1,167.93
1972	01230	AUD, F.	2.30	.21	-	2.51
	00940	ARAVANIS, P.	2.30	.21	-	2.51
	04570	BUCKNER, R.	74.75	7.35	-	82.10
	14925	GREENWELL, A.	3.45	.32	-	3.77
	15625	HAMMAKER, E.	23.00	2.10	-	25.10
	17460	HULL, G.	9.20	1.68	.40	11.28
	18400	JONES, C.	36.80	6.51	-	43.31
	18750	KENDRICK, N.	23.00	2.10	1.00	26.10
	19075	LAFLEUR, H.	2.30	.21	-	2.51
	19815	LEA, C.	23.00	4.20	-	27.20
	19820	LEA, C.	2.30	.21	-	2.51
	21565	MARINI, M.	2.30	.21	-	2.51
	23250	MOLLER, W.	2.30	.21	-	2.51
	25620	PARSHALL, W.	2.30	.32	-	2.62
	28620	REEDER, F.	25.30	2.31	1.10	28.71
	30750	SCHULDT, W.	108.79	11.26	4.73	124.78
	32300	SPRINGER, W.	207.00	34.65	9.00	250.65
	34700	TICE, M.	92.00	16.80	-	108.80
	34730	TICE, H.	5.75	1.05	-	6.80
	34740	TICE, H.	27.60	3.36	-	30.96
0711100	ROSENBERG, S. (R/E)	380.65	34.76	-	415.41	
1972	LOCAL PERSONAL PROPERTY TOTAL		\$ 1,056.39	\$ 130.03	\$ 16.23	\$ 1,202.65
1971	02725	BERTRAND, W., SR.	69.00	7.20	-	76.20
	10000	DEAN, C.	6.90	.54	-	7.44
	11375	DREWES, J.	34.50	2.70	-	37.20
	12225	EAKIN, G.	23.00	1.80	-	24.80
	13350	FOSTER, M.	2.30	.36	-	2.66
	14925	GREENWELL, A.	3.45	.27	-	3.72
	17380	HOPKINS, G.	11.50	1.80	.50	13.80
	17405	HOPKINS, G.	23.00	3.60	1.00	27.60
	17450	HUGHES, J.	2.30	.18	.10	2.58
	17750	HYDE, J., SR.	2.30	.18	-	2.48
	20175	LEWIS, Y.	28.75	3.60	-	32.35
	21575	MATTARE, J.	11.50	.90	-	12.40
	30730	SCHOLTEN, R.	4.60	.36	-	4.96
	35040	TRIMBLE, R.	2.30	.18	-	2.48
	35675	VASPER, D.	391.00	59.40	17.00	467.40
	36025	WALSH, A.	2.30	.36	-	2.66
0711100	ROSENBERG, S. (R/E)	363.40	28.44	-	391.84	
1971	LOCAL PERSONAL PROPERTY TOTAL		\$ 982.10	\$ 111.87	\$ 18.60	\$ 1,112.57

UNCOLLECTIBLE TAXES

YEAR	ACCOUNT #	NAME	COUNTY TAX	STATE TAX	FIRE TAX	TOTAL TAX
1970	04200	BRADY, G.	\$ 2.30	\$.36	\$ -	\$ 2.66
	12375	EXROOS, R.	13.80	2.16	.60	16.56
	23085	MILLER, L.	2.30	.18	-	2.48
	0711100	ROSENBERG, S. (R/E)	263.40	28.44	-	291.84
1969	12375	EXROOS, R.	13.80	2.40	.60	16.80
	23085	MILLER, L.	2.30	.20	-	2.50
1966	01254	BADEN, R.	81.90	6.30	-	88.20
	06275	CARTER, B.	3.90	.60	-	4.50
	20280	LIVINGSTON, G.	189.35	14.57	9.71	213.63
	12268	O'BAKER, A. (R/E)	14.53	1.12	.75	16.40
1965	17266	KAPP, J.	9.75	.90	.50	11.15
	18675	KENNEDY, E.	21.45	1.98	-	23.43
	15565	MATTINGLY, G.	136.50	12.60	7.00	156.10
	26130	PERRYMAN, C.	3.12	.29	.16	3.57
	38800	ZIMMERMAN, N.	9.75	.90	-	10.65
1964	32100	SPICER, H.	29.25	2.25	-	31.50
	31325	STANNERD, H.	54.60	4.20	-	58.80
	37750	WOOD, C.	9.75	.75	-	10.50
	38080	WOODBURN, A.	118.95	9.15	-	128.10
1964 THRU 1970 LOCAL PERSONAL PROPERTY TOTAL			\$ 1,080.70	\$ 89.35	\$ 19.32	\$ 1,189.37

Ret: Judy Currie

JUN 27 1988

MARY R. BELL, CLERK

NO: 88-18
SUBJECT: Delinquent Commercial and
Non-Commercial Property
Tax Interest and Penalties
1:29PM07/01/880 CD.COM \$0.00

ORDINANCE

AN ORDINANCE to repeal Ordinance 84-21 of the Code of St. Mary's County and to reauthorize, as set forth in the Tax - Property Article, Section S14-603 and S14-702, of the Maryland Annotated Code, the Board of County Commissioners of St. Mary's County, Maryland, (hereinafter referred to as County Commissioners), to impose and collect after October 1 of each year, an interest rate and a tax penalty rate for overdue taxes on commercial property and a separate interest rate and separate tax penalty rate for overdue taxes on non-commercial property; and

WHEREAS, following due public notice the County Commissioners conducted a public hearing on June 14, 1988 to gather public input on the need and advisability of imposing such additional penalties and interest for non-payment of commercial and non-commercial real property taxes; and

WHEREAS, following deliberation the County Commissioners have concluded that such additional penalties and interest are necessary and in the public interest in order to encourage and promote the prompt payment of commercial and non-commercial real property taxes in St. Mary's County.

NOW, THEREFORE, be it resolved and ordained by the Board of County Commissioners of St. Mary's County, Maryland, that there is imposed on commercial real property an interest charge of one percent (1%) per month and a penalty of three percent (3%) of the amount of taxes overdue and in arrears after October 1 of each year; and on non-commercial real property an interest charge of one percent (1%) per month and a penalty of three percent (3%) of the amount of taxes overdue and in arrears after October 1 of each year, commencing on October 1, 1988.

NO: 88-18

SUBJ: Delinquent Commercial and
Non-Commercial Property
Tax Interest and Penalties

THIS DATE:

JUNE 28, 1988

BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler
Carl M. Loffler, President

Robert Jarboe
Robert Jarboe, Vice-President

W. Edward Bailey
W. Edward Bailey, Commissioner

John G. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

ATTEST:

Edward V. Cox

Edward V. Cox
County Administrator

Charles M. Wade, Jr.

Charles M. Wade, Jr.
Director of Finance

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford

Joseph R. Densford
Assistant County Attorney

Ret. J. Judy Currie

MARY R. BELL, CLERK

JUL 0 1 1988

No. 288-04

006 274

Subj: ZONE #86-1809
O'BRIEN/TENNYSON PROPERTY

RESOLUTION

WHEREAS, MICHAEL P. O'BRIEN has made application to rezone 6.0138 acres of land from C-1, Commercial, and R-1, Rural-Residential, to C-2, Commercial. The land is located on the northeast corner of Maple Road and State Route 235 in California, Maryland, and is known as Parcel 14 on Tax Map 35C in the Eighth Election District of St. Mary's County. The matter is identified as ZONE #86-1809.

WHEREAS, following published notice and notification of property owners within 200 feet of the subject property by Certified Mail, the Planning Commission for St. Mary's County conducted a public hearing on the application on March 23, 1987.

WHEREAS, after deliberation, the Planning Commission, on Aug. 10, 1987, by a unanimous vote, recommended to the Board of County Commissioners of St. Mary's County that said rezoning be denied on the basis of the proximity of the subject property to residential property and the lack of evidence as to the traffic situation.

WHEREAS, the County Commissioners, after publishing notice and notifying all property owners within 200 feet of the subject property by Certified Mail, scheduled a public hearing on the application on January 5, 1988, and Feb. 23, 1988, based on the lack of adequate notice to interested persons.

WHEREAS, the County Commissioners, in accordance with the provisions of Section 4.05(a) of Article 66B of the Annotated Code of Maryland and Section 70.05 of the St. Mary's County Zoning Ordinance, find as fact the following with regard to the above-referenced application:

2:41PM07/01/880 CO.COM \$0.00

I. Definition of Neighborhood

The immediate neighborhood may be defined as those properties extending along both sides of Maryland Route 235 between Millstone Landing Road and North Town Creek Road. More generally, the property is located within the Urban Development District of the Lexington Park - Great Mills area.

II. Mistake in Original Zoning

There is no basis in the record to conclude that a mistake was made in the original zoning.

III. Change in the Neighborhood

The following commercial changes have taken place in the neighborhood which would justify rezoning the subject property from R-1 and C-1 to C-2: development of the Super 8 Motel, Patuxent Inn, Hickory Hill Shopping Center, Hewitt Service Station, and Liberty Car Wash. The development pattern of the defined neighborhood is now predominantly commercial in character.

IV. Adequacy of Public Facilities

A. Water and Sewer

Water is available on the opposite side of Maple Road. Sewer is available from the opposite side of Route 235.

B. Roads

Based on the Traffic Impact Study prepared by Street Traffic Studies, Ltd., dated November 6, 1987, the subject property could be fully developed without adversely affecting traffic in the vicinity of the site.

Aside from potential road improvements, the application would not adversely impact public facilities. Water and sewer are available at the site.

LNCR 006 PAGE 275

No. 788-04

Subj: ZONE #86-1809
O'BRIEN/TENNYSON PROPERTY

(Page 2 of 2)

V. Relationship to Comprehensive Plan

The Comprehensive Plan encourages the concentration of population and services in specified activity centers, one of which is Lexington Park. This business improvement would encourage local residents to provide for their consumer needs in fewer traffic trips as well as helping to limit the sprawl of development outside the urban development areas.

VI. Fiscal Impact on Government

Increased property taxes will result from the commercial development of the property.

VII. Suitability for Uses under Existing and Proposed Zoning Classification

The property is suitable for multi-family residential use or commercial development.

VIII. Compatibility with Existing and Proposed Development


The combination of commercial uses within the location is particularly compatible with the tendency to provide the more heavily developed areas of the County with nearby consumer facilities to reduce the number of traffic necessary to accomplish consumer needs. Adjacent residential uses will be protected by the requirement that an eight (8) foot high solid fence be constructed thirty-five feet back from the boundary of the subject property or the top of the bank, whichever is further from the property line, and that the remaining portion of the property between the fence and the property line be left undisturbed.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, this 28TH day of JUNE, 1988, that the above-mentioned rezoning request is granted and the subject property is hereby reclassified to C-2.

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND


CARL M. LOFFLER, JR., President



W. EDWARD BAILEY, Commissioner


ROBERT JARBOE, Commissioner

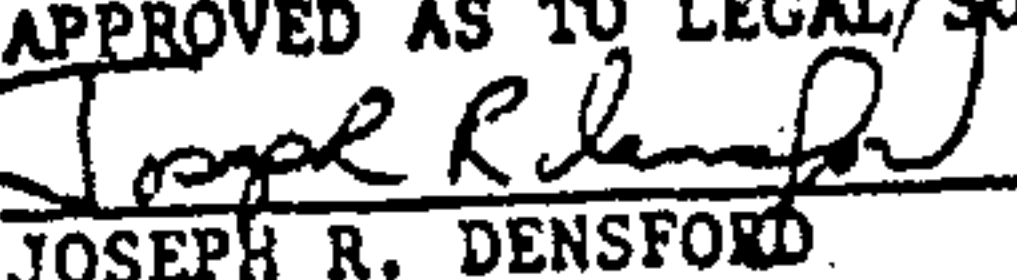

JOHN G. LANCASTER, Commissioner


RODNEY THOMPSON, Commissioner

ATTEST:


EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:


JOSEPH R. DENSFORD
Assistant County Attorney

The undersigned Applicant hereby acknowledges and agrees to the following conditions of the foregoing rezoning approval, which shall be binding on the personal representatives, heirs and assigns of the property owner and shall run with and bind the subject property:

Adjoining residential property, an eight (8) feet high solid fence shall be constructed thirty-five feet from the property line or the top of the bank, whichever is further from the property line.


MICHAEL P. O'BRIEN, Applicant

Ret. Judy Currie JUL 01 1988

MARY R. BELL, CLERK

RESOLUTION

WHEREAS, the 1986 Maryland General Assembly amended Article 81, Section 411F of the Maryland Annotated Code authorizing the Board of County Commissioners of St. Mary's County to impose a public accommodations tax on certain persons for certain room rentals; and

WHEREAS, the Board of County Commissioners of St. Mary's County conducted a Public Hearing on May 20, 1986 to present to the public for comment a proposed public accommodations tax; and

WHEREAS, the Board of County Commissioners of St. Mary's County believes it to be in the best interest of county citizens to impose a public accommodations tax; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County that a public accommodations tax adopted June 10, 1986 as Ordinance 86-14 shall be imposed effective August 1, 1988 subject to the following terms and conditions:

Section 1. Definitions - the following words have the meanings indicated.

"Board" means the Board of County Commissioners of St. Mary's County.

"County" means, as the context requires, St. Mary's County.

"Hotel, motel, apartment, cottage, or other similar place" means any public or private hotel, inn, hostelry, tourist home or house, motel, rooming house, apartment house, cottage, or other similar lodging place, offering sleeping accommodations or space for one (1) or more persons at any time, and the owner and operator thereof, which for compensation holds out to furnish or furnished sleeping accommodations or space to any transient.

"Room or building rental" means the total charge made by any hotel, motel, apartment, cottage, or other similar place for sleeping accommodations or space furnished the transient. If the charge includes any amount for services or accommodations in addition to that of the use of sleeping space, the portion of the total charge which represents only room or building rental shall be distinctly set out and billed to the transient as a separate item.

"Person" means any individual, corporation, company, association, firm, copartnership, or any group of individuals acting as a unit, and includes any trustee, receiver, assignee, or personal representative thereof.

"Transient" means any person who, for any period of not more than four (4) consecutive months, obtains sleeping accommodations or space, either at his own expense or at the expense of another, in any hotel, motel, apartment, cottage, or other similar place for which there is a room or building rental.

Section 2. Administration

- A. The Board hereby imposes a tax on the amount paid for room or building rental by or for a transient at a hotel, motel, apartment, cottage, or other similar place providing sleeping accommodations.
- B. The tax shall be at the rate of five percent (5%) of the room or building rental effective July 1, 1988.
- C. The Board may provide a tax exemption for classes of sleeping accommodation places.

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on March 24

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WHEREAS
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of Section 4.05(a)
70.05 of the St. Mary's
regard to the above-

I. Defin
The
extending along both sides
and North Town Creek Road
Urban Development District

II. Mistake
There is no
made in the original zoning.

III. Change in the
The following
development which would justify rezoning
of the Super 8 Motel,
Hewitt Service Station, and Liberty
defined neighborhood is now predominant.

IV. Adequacy

NO: 88-19
SUBJ: PUBLIC ACCOMMODATIONS TAX

- D. (1) Each person who receives any payment for room or building rental on which a tax is levied under this section shall collect the amount of tax imposed from the transient or person on whom it is levied or from the person paying for the room or building rental at the time payment is made.
- (2) The taxes required to be collected under this resolution shall be deemed held in trust by the person required to collect them until remitted as required by this resolution or as later set forth by the Board.
- E. (1) The person collecting the tax shall make out a report upon forms and setting forth information the Board prescribes and requires, showing the amount of room or building rental charges that have been collected and the tax required to be collected; and the person shall sign and deliver the report to the Board, with a remittance of the tax required hereunder.
- (2) The reports and remittances shall be made on or before the 21st day of each month, covering the sales and the amount of tax collected during the preceding calendar month.
- F. (1) If a person fails or refuses to remit to the Board of tax required to be collected and paid under this section, within the time and in the amount specified in this section, there shall be added to the tax by the Board interest at the rate of 1/2 percent per month on the amount of the tax for each month or portion thereof from the date upon which the tax is due, as provided in this section.
- (2) If the tax remains delinquent and unpaid for a period of one (1) month from the date it is due and payable, there shall be added to the tax by the Board a penalty of ten (10%) percent of the amount of the tax.
- (3) The Board may proceed to collect delinquent and unpaid taxes by suit or distraint.
- G. (1) From the total proceeds collected from the tax by the Board, from time to time, from hotels, motels, apartments, cottages, municipalities, or other similar places, the Board shall deduct a reasonable sum or percentage from the cost of imposing and collecting the tax and credit this deduction to the general funds of the county.
- (2) That portion of the remainder of the total proceeds which came from payments made by a hotel, motel, apartment, cottage, municipality, or other similar place located in whole or in part within the corporate limits of Leonardtown shall be paid over without qualification or condition to the Commissioners of Leonardtown.
- (3) The remaining portion of the total proceeds shall be credited to the general funds of the county.
- (4) Distribution of these several payments shall be made periodically by the Board, not less than fifteen (15) days nor more than thirty (30) days following the last day of each month during the year.

NO: 88-19
SUBJ: PUBLIC ACCOMMODATIONS TAX.

- H. (1) The Retail Sales Tax Division of the Comptroller's office shall supply to the Board information in aid of verification of liability for the tax.
- (2) The Retail Sales Tax Division may make a reasonable charge for this assistance, which shall be paid by the Board and treated as a part of the reasonable costs of collecting the tax.
- I. (1) The Board may adopt rules and regulations not inconsistent with this section and deemed necessary to provide for an orderly, systematic, and thorough collection and distribution of the tax imposed in this section.
- (2) If and as applicable, the laws and the rules and regulations in effect as to the retail sales tax and the State use tax in Maryland shall be adopted and followed by the Board in adopting a rule or regulation.
- J. The Board may determine whether a person collecting the tax is eligible to receive a collection fee to cover the person's expenses in the collection and remittance of the tax.
- K. (1) (i) The Board in order to protect the revenues to be obtained under this section may require any person collecting the tax to file with the Board a surety bond issued by a surety company authorized to do business in this State and approved by the State Insurance Commissioner as to solvency and responsibility, in such amount or amounts from time to time as the Board may fix to secure the payment of the tax due or which may become due from the person collecting the tax.
- (ii) If the Board determines that the person is to file such a bond, the Board shall give notice to the person to that effect specifying the amount of bond required.
- (iii) The person collecting the tax shall file the bond within five (5) days after receiving the notice unless within that period the person requests in writing a hearing before the Board, at which hearing the necessity, propriety, and amount of the bond shall be determined by the Board.
- (iv) This determination is final and shall be complied with within fifteen (15) days after the person collecting the tax receives notice thereof.
- (2) (i) In lieu of the bond required by paragraph (1) of this subsection, securities approved by the Board or cash in such amount as the Board prescribes may be deposited, which shall be kept in the custody of the Board.
- (ii) The Board at any time without notice to the depositor of the securities or cash may apply them to any tax due, and for that purpose the securities may be sold by the Board at public or private sale without notice to the depositor of the securities.

NO: 88-19
SUBJ: PUBLIC ACCOMMODATIONS TAX

Section 3. Effect of Adoption

The above and preceding is adopted to have the full force and effect of law in St. Mary's County.

This Date:
July 5, 1988

BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND

Carl M. Löffler
Carl M. Löffler, Esq., President

Robert Jarboe
Robert Jarboe, Vice-President

W. Edward Bailey
W. Edward Bailey, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
County Attorney

Ret. July 13 1988

JUL 13 1988

MARY R. BELL, CLERK

LIBER 006 PAGE 280

No. : 88- 20

Subj: Closing of Park Place
(County Route 3140)
Town Creek Subdivision, Section 5-A

R E S O L U T I O N

WHEREAS, The Board of County Commissioners of St. Mary's County, Maryland has been petitioned to close a portion of Park Place (also known as County Route 3140) in Section 5-A of Town Creek Manor Subdivision in the Eighth Election District of St. Mary's County, approximately two hundred fifty (250) feet from its intersection with Boaz Street.

WHEREAS, The section of Park Place which the Board of County Commissioners has been requested to close was conveyed to it by deed dated September 11, 1969 from A. Leola Dean and recorded among the Land Records of St. Mary's County, Maryland at Liber DBK No. 166 Folio 51.

WHEREAS, The aforementioned section of Park Place has been dedicated to public use, as set forth on a plat of subdivision for Town Creek Manor, Section 5-A recorded among the Land Records of St. Mary's County, Maryland at Liber CBG No. 5 Folio 101.

WHEREAS, The Board of County Commissioners conducted a public hearing on the petition to close the aforementioned section of Park Place on June 7, 1988 in accordance with Article 25, Section 135 et seq. of the Annotated Code of Maryland.

WHEREAS, The Board of County Commissioners, after due deliberation and consideration of the petition and evidence presented at the public hearing, deems it to be in the public interest to formally close the aforementioned section of Park Place as a public street.

3:03PM 07/26/88 CO.COM \$0.00

NOW, THEREFORE, BE IT RESOLVED By the Board of County Commissioners of St. Mary's County, Maryland this 19th day of July 1988 that the aforementioned section of Park Place (also known as County Route 3140) is hereby declared closed as a public street, effective this date.

BE IT FURTHER RESOLVED That the St. Mary's County Department of Public Works is hereby directed to delete the aforementioned section of Park Place from the County Road System.

BE IT FURTHER RESOLVED That the County Attorney is hereby directed to prepare quitclaim deeds to convey to adjoining landowners their respective interests to the centerline of the aforementioned section of Park Place, according to the Real Property Article, Section 2-114 of the Annotated Code of Maryland.

THIS DATE:
July 19, 1988

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr.
Carl M. Loffler, Jr., President

W. Edward Bailey
W. Edward Bailey, Commissioner

Robert T. Jarboe
Robert T. Jarboe, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

ATTEST:
Edward V. Cox
Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:
Joseph R. Densford
Joseph R. Densford
Assistant County Attorney

Ret. Judy Case

JUL 26 1988

R. BELL, CLERK

ORDINANCE

AN ORDINANCE to authorize St. Mary's County to enter into a Participation Agreement with the Department of Transportation of Maryland for the purpose of securing the payment of the principal and interest on the bonds to be issued by the Department of Transportation of Maryland pursuant to Sections 3-301 to 3-309, inclusive, of the Transportation Article of the Annotated Code of Maryland, as amended to the effective date hereof, hereinafter designated as Department of Transportation - First Issue, Eleventh Series; and to authorize St. Mary's County to participate in the proceeds of the Bonds; and to authorize the Commissioners of St. Mary's County to take such further action as may be necessary and proper to consummate the execution and delivery of said Participation Agreement and the issuance and sale of the Bonds.

8:47AM 07/29/88 CO.COM \$0.00

WHEREAS

Pursuant to Sections 3-301 to 3-309, inclusive, of the Transportation Article of the Annotated Code of Maryland, as amended to the effective date hereof (the "Act"), the Department of Transportation of Maryland (the "Department") is authorized to issue bonds in order to enable the counties of the State to accelerate programs of road construction and reconstruction, to provide local participating funds for federally aided transportation projects; to make major road repairs as necessary to eliminate damage caused to county roads by severe and unforeseen weather conditions, and to provide funds generally to finance the capital cost of transportation facilities;

WHEREAS

St. Mary's County (the "County") has notified the Department of its desire to participate in the sale of Department of Transportation - County Transportation Bonds - First Issue, Eleventh Series (the "Bonds") to be used during the fiscal year beginning July 1, 1988.

WHEREAS

The Department has approved the County's participation in the proceeds of the Bonds in an amount not to exceed \$1,300,000.

WHEREAS

Section 3-307 to the Act requires that the Department and the County enter into an agreement as more particularly described therein (the "Participation Agreement");

WHEREAS

The County has determined that it would be in the public interest to enter into such an agreement and participate in the proceeds of the Bonds in order to provide the County with funds to undertake road and transportation projects for which there is a current need but for which funds are not currently available.

NO: 88-21

LNEN 006 PAGE 283

SUBJ: MARYLAND TRANSPORTATION BONDS
FIRST ISSUE, ELEVENTH SERIES

PAGE 2 OF 2 - ORDINANCE

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

SECTION I

That the participation Agreement to be entered into between the County and the Department in substantially the form attached hereto and made a part of Exhibit A be and it is hereby approved; and that the COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, be and are hereby authorized and directed to execute the Participation Agreement shall constitute conclusive evidence of their approval of the final form thereof.

SECTION II

That the COUNTY COMMISSIONERS OF ST. MARY'S COUNTY and other officers of the County are hereby authorized to take such other and further action as may be necessary and proper to consummate the transaction contemplated by the Participation Agreement, including the issuance and sale by the Department of the Bonds.

SECTION III

That the County is hereby authorized to participate in the proceeds of the Bonds in an aggregate principal amount not to exceed \$1,300,000.

SECTION IV

AND BE IT FURTHER ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND THAT THIS ORDINANCE SHALL BECOME EFFECTIVE ON THE 26 DAY OF July, 1988.

ADOPTED THIS 26th DAY OF JULY, 1988.

BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffley, Jr.
Carl M. Loffley, Jr., President

Robert T. Jarboe
Robert T. Jarboe, Vice-President

W. Edward Bailey
W. Edward Bailey, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox, County Administrator

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
THIS 7 DAY OF JULY, 1988.

Theodore P. Weiner
Theodore P. Weiner, County Attorney

Ret. Judy Cusic
JUL 29 1988

MARY R. BELL, CLERK

LIBER 006 PAGE 284

NO : 88-22
SUBJ: RETIREMENT PROGRAM FOR
VOLUNTEER FIREMEN AND
RESCUE SQUADSMEN
AMENDMENT NO. 1
(LENGTH OF SERVICE PROGRAM
FOR VOLUNTEER FIREMEN AND
RESCUE SQUADSMEN)

RESOLUTION

WHEREAS, on November 14, 1979 the Board of County Commissioners adopted Resolution No. 79-68 establishing a retirement program for volunteer firemen and rescue squadsmen; and

WHEREAS, H. B. 751, Chapter 214, of the 1988 Legislative Session amended Article 25, Section 13C of the Annotated Code of Maryland authorized the changing of the name of the program to Length of Service Program; and

WHEREAS, the Board of County Commissioners has enthusiastically endorsed the establishment of a Length of Service system for volunteer firemen and rescue squadsmen as an incentive and reward to the many generous and dedicated members of the County's fire departments and rescue squads.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that Resolution No. 79-68 is hereby amended to change all references to Retirement System to Length of Service Program, effective July 1, 1988.


12:42 PM 08/24/88 CD.COM 90.00


THIS DATE:

August 16, 1988

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND


Carl M. Loffler, Jr., President



W. Edward Bailey, Commissioner


Robert T. Jarboe, Commissioner



John G. Lancaster, Commissioner


Rodney Thompson, Commissioner

ATTEST:


Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY AND FORM:


Theodore P. Weiner
County Attorney

Ret. Judy Cruise

AUG 24 1988

MARY R. BELL, CLERK

1988 006 225

NO: 88-23
SUBJ: TAXATION CREDIT -
SEVENTH DISTRICT OPTIMIST
YOUTH FOUNDATION, INC.

RESOLUTION

12122PM10/03/88A 03.COM 00.00

WHEREAS, Article - Tax - Property, Section 9-320 of the Annotated Code of Maryland (1986 Volume and 1986 Supplement) permits the governing bodies of the several jurisdictions mentioned therein to grant and to authorize tax credits; and

WHEREAS, the 1987 Maryland General Assembly enacted H.B. 190, Chapter 70, by adding to Article - Tax - Property, Section 9-320 of the Annotated Code of Maryland which reads:

"The governing body of St. Mary's County may grant, by law, a property tax credit under this section against county property tax imposed on:

Real property that is owned by the Seventh District Optimist Youth Foundation, Inc."

NOW, THEREFORE BE IT RESOLVED, that the Board of County Commissioners grants a credit against local taxation only for real and tangible property owned by the Seventh District Optimist Youth Foundation, Inc., and used exclusively for community or civic purposes for as long as the conditions exist which caused the enactment of Article-Tax-Property, Section 9-320.

This Date:
September 20, 1988

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler
Carl M. Loffler, President

W. Edward Bailey
W. Edward Bailey, Commissioner

Robert T. Jarboe
Robert T. Jarboe, Commissioner

John C. Lancaster
John C. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Theodore P. Wolner
Theodore P. Wolner
County Attorney

OCT 03 1988

MARY R. BELL, CLERK

RESOLUTION

WHEREAS, House Bill 1497 was passed by the Maryland House of Delegates on April 4, 1974 and passed by the Maryland Senate on April 6, 1974 and signed by Governor Marvin Mandel on May 31, 1974; and

WHEREAS, House Bill 1497 has become Chapter 814 of Acts of 1974; and

WHEREAS, Resolution 74-27 was adopted on July 2, 1974, Resolution 74-2 was adopted on November 13, 1974, Resolution 76-30 was adopted on June 16, 1976 and Resolution 79-18 was adopted on February 28, 1979, by the County Commissioners of St. Mary's County to require compliance with Subsection (B) of House Bill 1497; and

WHEREAS, the income derived from the Impact Fee shall be used to defray the additional cost of St. Mary's County for additional educational, water, sewerage, road, recreation, sanitation, or similar facilities; and

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland now wish to amend the policy and procedures pertaining to the Impact Fee on an interim basis until a formal study is completed, after which, new, comprehensive regulations regarding Impact Fees will be adopted.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that Resolution 74-27, Resolution 74-42, Resolution 76-30 and Resolution 79-18 are rescinded effective this date and in lieu thereof of the Board of County Commissioners hereby requires compliance with the provisions of Article 25, Section 10D-1 (House Bill 1497) as follows:

1. Every person, firm, partnership, corporation, or other legal entity which obtains a Building Permit for a residential dwelling unit is required to pay Three Thousand (\$3,000) Dollars for each residential dwelling unit.

2. Proceeds from the Three Thousand (\$3,000) Dollar Impact Fee are to be utilized as follows:

1. Two Hundred (\$200.00) Dollars for roads;
2. Three Hundred (\$300.00) Dollars for Parks and Recreation facilities;
3. Two Thousand, Five Hundred (\$2,500) Dollars for school facilities.

3. Interim Procedures for Collection of Impact Fee:

OCT 07 1988

MARY R. BELL, CLERK

Any dwelling unit for which a Building Permit is obtained after October 4, 1988 shall be subject to the following Impact Fee Schedule:

1. Payment of Five Hundred (\$500.00) Dollars is required prior to the issuance of a Building Permit;
2. If a permanent Certificate of Use and Occupancy is not issued on or before April 1, 1989, an additional Impact Fee of Two Thousand Five Hundred (\$2,500) Dollars shall be paid prior to the issuance of a permanent Certificate of Use and Occupancy.

However, if a valid Impact Fee Agreement is recorded prior to October 4, 1988, which provides for a lesser impact fee than the Five Hundred (\$500.00) noted in Item 1, above, because the Recreation and Parks Fee has not been applied because park land was provided, that lesser fee shall be substituted for the Five Hundred (\$500.00) Dollar fee.

If the consultant employed by St. Mary's County to develop an Impact Fee Ordinance determines that the impact of a new dwelling on educational facilities is less than Two Thousand, Five Hundred (\$2,500) Dollars, the difference between the impact of the new dwelling on education and the Two Thousand, Five Hundred (\$2,500) Dollars identified herein, shall be refunded to the person who paid the fee on a particular lot.

This Date: October 4, 1988

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loeffler, Jr.
Carl M. Loeffler, Jr., President

W. Edward Bailey
W. Edward Bailey, Commissioner

Robert T. Jarboe
Robert T. Jarboe, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

Approved as to Legal Sufficiency:

Joseph R. Densford
Joseph R. Densford, Esq.
Assistant County Attorney

Rest: Judy Cusic

OCT 07 1988

MARY R. BELL

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Page 1 of 2
NO. BA-88-02

SUBJ: St. Mary's County
Building Authority
Commission

RESOLUTION

A RESOLUTION of the St. Mary's County Building Authority Commission for the purpose of supplementing Resolution No. 1 of the St. Mary's County Building Authority Commission adopted on July 15, 1986 authorizing the issuance of its limited obligation bonds by providing for the expenditure of excess proceeds of the sale of such bonds.

RECITALS 8:54AM10/14/88 CD.COM \$0.00

On July 15, 1986, the St. Mary's County Building Authority Commission (the "Commission") adopted its Resolution No. 1 (the "Authorizing Resolution") authorizing the issuance and sale of \$5,360,000 St. Mary's County Building Authority Commission Bonds of 1986 (the "Bonds") dated July 15, 1986, a portion of the proceeds of which were to be used to finance the costs of acquiring and constructing a nursing home facility to be leased by the County Commissioners of St. Mary's County (the "County") pursuant to a Lease Agreement dated as of July 15, 1986 between the Commission and the County.

Section 12 of the Authorizing Resolution provides that if the funds available from the sale of the Bonds exceed the amount actually expended or required for the public purposes described in Section 1 of the Authorizing Resolution, the amount of such unexpended excess shall be set apart in a separate fund and applied to the payment of the next principal maturity of the Bonds or to the redemption of Bonds or to the purchase and cancellation of Bonds, unless a resolution is adopted by the Commission to provide for the expenditure of that excess for some other valid purpose authorized by the Act (defined in the Authorizing Resolution). Any investment earnings on the proceeds of the sale of the Bonds shall be used or applied by the Commission for the public purposes described in Section 1 of the Authorizing Resolution.

The Commission has determined that it is in its best interest to use \$100,000.00 (One Hundred Thousand Dollars) of the proceeds of the Bonds to provide for the payment of the principal of, redemption premium, if any, and the interest on the Bonds as the same become due and payable.

BE IT RESOLVED BY ST. MARY'S COUNTY BUILDING AUTHORITY COMMISSION, THAT:

Section 1: The authorizing resolution adopted by St. Mary's County Building Authority Commission on July 15, 1986 (the "Authorizing Resolution") authorizing the issuance and sale of \$5,360,000 St. Mary's Building Authority Commission Nursing Home Bonds of 1986 (the "Bonds") dated July 15, 1986 is hereby supplemented for the sole purpose of providing for the expenditure of the excess proceeds of the sale of the Bonds to pay the principal of, redemption premium, if any, and interest on the Bonds as the same become due and payable. The designation of the expenditure of such excess funds shall in no way modify, amend or rescind any other provisions of the Authorizing Resolution.

Section 2: This Resolution shall become effective immediately upon its passage.

ADOPTED this 10th day of October, 1988.

ST. MARY'S COUNTY BUILDING
AUTHORITY COMMISSION

Theodore P. Weiner
Theodore P. Weiner
Chairman

Edward V. Cox
Edward V. Cox
Secretary

Charles H. Wade, Jr.
Charles H. Wade, Jr.
Member

John B. Morris, Jr.
John B. Morris, Jr.
Member

I hereby certify that the above resolution of the St. Mary's County Building Authority Commission was adopted by such Commission on October 10, 1988.

Margaret J. Johnson
Clerk

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
Assistant County Attorney

Reit: Judy Case

OCT 14 1988

MARY R. BELL, CLERK

89-26

1988 006 290

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY
APPROVAL OF RESOLUTION OF ST. MARY'S COUNTY
METROPOLITAN COMMISSION

Resolution of the County Commissioners of St. Mary's County, approving the passage and the adoption of a Resolution adopted on October 11, 1988 by the St. Mary's County Metropolitan Commission, which Resolution authorized and provided for the issuance and sale of Six Million Four Hundred Thousand Dollars (\$6,400,000) "St. Mary's County Metropolitan Commission Bonds of 1988" (the "Bonds"); approving and concurring in the form of the Bonds; authorizing the County to execute the form of endorsement which evidences the guarantee of the Bonds; pledging the full faith and credit of the County to the payment of the principal of and interest on such Bonds, when due; and generally relating to the issuance of such Bonds and the form thereof.

214 1PM 10/18/88E CD.COM \$0.00

RECITALS

On October 11, 1988, St. Mary's County Metropolitan Commission (the "Commission") adopted a resolution (the "Commission Resolution") entitled as follows:

RESOLUTION OF ST. MARY'S COUNTY METROPOLITAN COMMISSION providing for the issuance and sale, upon the full faith and credit of County Commissioners of St. Mary's County, of Six Million Four Hundred Thousand Dollars (\$6,400,000) aggregate principal amount of Bonds (the "Bonds") under the provisions of Sections 113-1 to 113-28, inclusive, of the Code of

Public Local Laws of St. Mary's County (1978 Edition, as amended, being Article 19 of the Code of Public Local Laws of Maryland), as enacted by Chapter 369 of the Laws of Maryland of 1978 and amended by various Laws of Maryland, including Chapter 417 of the Laws of Maryland of 1979 and Chapters 84 and 87 of the Laws of Maryland of 1981, the Bonds to be designated "St. Mary's County Metropolitan Commission Bonds of 1988" and to be issued and sold for the purpose of providing funds for the design, construction, establishment, purchase or condemnation of various water and sewerage capital projects in St. Mary's County; prescribing the form and tenor of the Bonds and the terms and conditions for the issuance and sale thereof at public sale, including the form of the notice of sale; prescribing the terms and conditions of the Bonds and all other details incident to the issuance, sale and delivery of Bonds; providing for the disbursement of the proceeds of the Bonds; providing for the levy and collection of assessments, taxes and charges to the extent necessary to provide for the payment of the interest on the Bonds and to pay the principal when due on the Bonds; providing for any necessary action by the Commission in connection with the levy and collection of taxes by the County in accordance with the guarantee of the County to be endorsed on the Bonds; and generally relating to the issuance, sale, delivery and payment of the Bonds.

The Commission Resolution authorized and provided for the issuance and sale of Bonds, in fully registered form to be designated "St. Mary's County Metropolitan Commission Bonds of 1988" in the aggregate principal amount of \$6,400,000.

The Board of County Commissioners of St. Mary's County, Maryland has considered the Commission Resolution and has determined that this Board approves and concurs in the passage of the Commission Resolution.

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The Board of County Commissioners desires to authorize its officers to execute the form of endorsement which evidences the guarantee of County Commissioners of St. Mary's County to pay the principal of and interest on the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY COUNTY COMMISSIONERS OF ST. MARY'S COUNTY:

Section 1: Acting pursuant to Section 113-6 of the Code of Public Local Laws of St. Mary's County (1978 Edition, as amended, being Article 19 of the Code of Public Local Laws of Maryland), County Commissioners of St. Mary's County, a body politic and corporate and a political subdivision of the State of Maryland (the "County"), hereby concurs in the judgment of the Commission as set forth by the terms of the Commission Resolution.

The County accordingly approves the issuance and sale of Bonds of the Commission designated St. Mary's County Metropolitan Commission Bonds of 1988 in an aggregate principal amount of \$6,400,000 upon the terms and conditions set forth in the Commission Resolution, all of which terms, conditions, covenants and undertakings are hereby approved by the County and are adopted by the County as and for its own.

Section 2: The form of endorsement which evidences the guarantee by the County, on the full faith and credit of

the County, of the payment of the principal of and interest on the St. Mary's County Metropolitan Commission Bonds of 1988 shall be as set forth in Section 4 of the Commission Resolution. The endorsement shall be signed and executed in the manner set forth in Section 5 of the Commission Resolution.

Section 3: The full faith and credit and unlimited taxing power of the County are hereby irrevocably pledged to the levy and collection of ad valorem taxes upon all the assessable property within the corporate limits of the County in rate and amount sufficient to provide for the payment of the principal of and interest on the St. Mary's County Metropolitan Commission Bonds of 1988 issued in the aggregate principal amount of \$6,400,000 as and when such taxes may become necessary in order to provide sufficient funds to meet the debt service requirements on the Bonds. If the ad valorem taxes prescribed in Section 113-7 of the Code of Public Local Laws of St. Mary's County described in the Commission Resolution are insufficient to pay the principal of and interest on the Bonds, when due, the County hereby covenants and agrees with each of the owners or holders, from time to time, of the Bonds, in each and every fiscal year in which any such Bonds are outstanding, to levy and collect ad valorem taxes upon all the assessable property within the corporate limits of the County in rate and amount sufficient to provide for the payment of such principal and interest, when due, together with accrued interest to the date of payment.

Section 4: This Resolution shall take effect on the date of its adoption.

Adopted: October 11, 1988

SEAL

ATTEST:

Edward V. Caf
County Administrator

COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY

[Signature]
President

[Signature]
Vice President

[Signature]
Commissioner

[Signature]
Commissioner

[Signature]
Commissioner

1183a:10/06/88
7606-26

Ret. Judy Casie

OCT 18 1988

MARY R. BELL, CLERK

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COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

RESOLUTION NO. 89-25

ISSUANCE OF GENERAL OBLIGATION BONDS

A RESOLUTION of County Commissioners of St. Mary's County authorizing the issuance and sale of One Million, Three Hundred Seventy-Five Thousand Dollars (\$1,375,000) aggregate principal amount of serial maturity, general obligation bonds under the provisions of Chapter 705 of the Laws of Maryland of 1981, the bonds to be designated "County Commissioners of St. Mary's County Public Facilities Bonds of 1988", the net proceeds of the sale thereof to be used and applied for the public purpose of financing the construction, improvement or development of certain capital projects in St. Mary's County as provided in Chapter 705, including road improvements, public buildings, sewer projects, school projects, landfills and airport improvements; prescribing the form and tenor of the bonds and the terms and conditions for the issuance and sale thereof at public sale, including the form of the notice of sale; prescribing the terms and conditions of the bonds and all other details incident to the issuance, sale and delivery of the bonds; providing for the disbursement of the proceeds of the bonds; authorizing the preparation and distribution of a preliminary and final official statement in connection with the sale of the bonds; providing for the levy and collection of any taxes necessary for the prompt payment of the maturing principal of and interest on the bonds, and providing that the full faith and credit and taxing power of County Commissioners of St. Mary's County shall be irrevocably pledged to the payment of such principal and interest; and generally relating to the issuance, sale, delivery and payment of the bonds.

BE IT RESOLVED BY COUNTY COMMISSIONERS OF ST. MARY'S COUNTY 24 APR 10 1988 CO.COM 60.00

COUNTY:

Section 1. Pursuant to the authority of Chapter 705 of the Laws of Maryland of 1981 (the "Act"), County Commissioners of St. Mary's County, a body politic and corporate and political subdivision of the State of Maryland

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(the "County"), hereby determines to borrow money and incur indebtedness for the public purpose of providing funds to pay a portion of the costs of financing the construction, improvement or development of the following capital projects set forth on pages 117-118 of St. Mary's County Board of County Commissioners Approved Budget for 1988-1989, adopted on May 31, 1988, and a portion of the costs of issuing the Bonds allocable to such projects, in the aggregate amount of \$1,375,000:

Road Improvements	\$ 154,000
Public Buildings	670,000
Airport Development	162,000
Schools:	
Great Mills High School Roof Renovation	100,000
Greenview Knolls School Addition	60,000
Landfills	229,000
	<u>\$1,375,000</u>

Section 2. To evidence the borrowing and indebtedness authorized in Section 1 of this Resolution, the County, acting pursuant to the authority of the Act, hereby determines to issue and sell, upon its full faith and credit, its serial maturity, general obligation bonds in the aggregate principal amount of One Million, Three Hundred Seventy-Five Thousand Dollars (\$1,375,000), to be designated "County Commissioners of St. Mary's County Public Facilities Bonds of 1988" (the "Bonds").

Section 3. The Bonds shall be dated November 1, 1988, and shall be issued as fully registered bonds without coupons in the denominations of \$5,000 or any integral multiple thereof and shall be numbered consecutively from one upward in the

order of their maturity. The Bonds shall mature, subject to prior redemption as hereinafter provided, in annual serial installments on November 1, as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
1991	\$60,000	1998	\$100,000
1992	65,000	1999	105,000
1993	70,000	2000	110,000
1994	75,000	2001	120,000
1995	80,000	2002	130,000
1996	85,000	2003	140,000
1997	90,000	2004	145,000

Section 4. (a) The Bonds which mature on or before November 1, 1998, shall not be subject to redemption prior to their maturities. The Bonds which mature on or after November 1, 1999, shall be subject to redemption beginning November 1, 1998, as a whole at any time or in part on any interest payment date, in any order of maturities, at the option of the County, at a redemption price, expressed as a percentage of the principal amount of the Bonds to be redeemed as set forth in the table below, together with interest accrued to the date fixed for redemption:

<u>Redemption Period (both dates inclusive)</u>	<u>Redemption Price</u>
November 1, 1998 to October 31, 1999	102 1/2
November 1, 1999 to October 31, 2000	101 1/2
November 1, 2000 to October 31, 2001	101
November 1, 2001 to October 31, 2002	100 1/2
November 1, 2002 and thereafter	100

(b) If less than all of the Bonds of any one maturity shall be called for redemption, the particular Bonds to be

redeemed from such maturity shall be selected by lot by the Bond Registrar (hereinafter designated) in such manner as the Bond Registrar in its sole discretion may determine.

(c) If less than all of a Bond in a denomination in excess of \$5,000 is so redeemed, then, upon the surrender thereof, there shall be issued without charge to the registered owner thereof, for the unredeemed balance of the principal amount of such Bond, at the option of such owner, Bonds in any of the authorized denominations as specified by the registered owner. The aggregate face amount of Bonds issued shall be equal to the unredeemed balance of the principal amount of the Bond surrendered, and the Bonds issued shall bear the same interest rate and shall mature on the same date as the unredeemed balance of the Bond surrendered.

(d) If the County elects to redeem all or a portion of the Bonds outstanding, it shall give a redemption notice to the registered owners of the Bonds to be redeemed by letter mailed first class, postage prepaid at least thirty (30) days prior to the date fixed for redemption to the addresses of such registered owners appearing on the registration books kept by the Bond Registrar; provided, however, that the failure to mail the redemption notice or any defect in the notice so mailed, or in the mailing thereof, shall not affect the validity of the redemption proceedings; and provided further, that the County shall publish such notice of redemption at least once (not less

than thirty (30) days prior to the date fixed for redemption) in a financial journal or daily newspaper of general circulation in the City of New York, New York. The redemption notice shall state (i) whether the Bonds are redeemed in whole or in part and, if in part, the maturities and numbers of the Bonds to be redeemed, (ii) that the interest on the Bonds to be redeemed shall cease on the date fixed for redemption, (iii) the date fixed for redemption and the redemption price and (iv) that the Bonds to be redeemed shall be presented for redemption and payment on the date fixed for redemption at the principal corporate trust office of the Paying Agent (hereinafter designated).

(e) From and after the date fixed for redemption, if notice has been duly and properly given and if funds sufficient for the payment of the redemption price and accrued interest are available on such date, the Bonds designated for redemption shall cease to bear interest. Upon presentation and surrender for redemption in compliance with the redemption notice, the Bonds to be redeemed shall be paid by the Paying Agent at the redemption price plus accrued interest to the date fixed for redemption. If they are not paid upon presentation, the Bonds designated for redemption shall continue to bear interest at the rates stated therein until paid.

Section 5: The Bonds shall bear interest from November 1, 1988 at the interest rate or rates fixed at the

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time of the sale of the Bonds. Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated, unless authenticated upon an interest payment date, in which event it shall bear interest from such interest payment date, or unless authenticated prior to the first interest payment date, in which event it shall bear interest from the date of the Bonds; provided, however, that if at the time of authentication of any Bond interest is in default, such Bond shall bear interest from the date to which interest has been paid. The interest on all Bonds shall be paid semi-annually on the first days of November and May, beginning May 1, 1989, of each year in which any Bonds may be outstanding.

All Bonds shall be issuable as fully registered Bonds without coupons and shall be registered in the name or names of the owner or owners thereof, on books kept for such purpose at the principal office of the Bond Registrar. Payment of the principal of and interest on the Bonds shall be made to the person appearing on the registration books maintained by the Bond Registrar as the registered owner thereof. Such principal shall be payable at the principal corporate trust office of the Paying Agent upon presentation and surrender of such Bonds on the date such principal is payable or, if such date is not a Business Day (hereinafter defined), then on the next succeeding Business Day. Such interest shall be payable by check mailed

by the Paying Agent on or before each interest payment date (or, if such date is not a Business Day, on the next succeeding Business Day) to the persons in whose names the Bonds are registered on the regular record date, which shall be the fifteenth day of the month immediately preceding the month in which each such interest payment date occurs (the "Regular Record Date") at the registered owner's address as shown on the registration books maintained by the Bond Registrar. Signet Bank/Maryland, Baltimore, Maryland is hereby designated as Bond Registrar and Paying Agent for the Bonds.

Any interest on any Bond which is payable but is not punctually paid or provision for the payment of which has not been made ("Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant regular record date solely by virtue of such registered owner having been such registered owner; and such Defaulted Interest may be paid by the County, at its election in each case, as provided in paragraph (1) or (2) below:

(1) The County may elect to make payment of any Defaulted Interest on the Bonds to the persons in whose names such Bond is registered at the close of business on a record date for the payment of such Defaulted Interest (the "Special Record Date"), which shall be fixed in the following manner. The County shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on the Bonds

and the date of the proposed payment (which date shall be such as will enable the Paying Agent to comply with the next sentence hereof), and at the same time the County shall deposit or cause to be deposited with the Paying Agent an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment, such money when deposited to be held in trust for the benefit of the persons entitled to such Defaulted Interest as provided in this paragraph. Thereupon the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than fifteen (15) nor less than ten (10) days prior to the date after the receipt by the Paying Agent of the notice of the proposed payment. The Paying Agent shall promptly notify the County of such Special Record Date and, in the name of the County, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first-class postage prepaid, to each registered owner at his address as it appears in the registration books maintained by the Bond Registrar not less than ten (10) days prior to such Special Record Date. The Paying Agent may, in its discretion, in the name of the County, cause a similar notice to be published at least once in a newspaper of general circulation in each of Baltimore, Maryland and New York, New

York but such publication shall not be a condition precedent to the establishment of such Special Record Date. Notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor having been mailed as aforesaid, such Defaulted Interest shall be paid to the registered owners of the Bond as of the close of business on such Special Record Date.

(2) The County may make payment of any Defaulted Interest in any other lawful manner not inconsistent with the requirements of any securities exchange on which the Bonds may be listed, and upon such notice as may be required by such exchange, if, after notice given by the County to the Paying Agent of the proposed payment pursuant to this paragraph, such payment shall be deemed practicable, and approved in writing, by the Paying Agent.

"Business Day" means any day other than a Saturday, Sunday or day on which banking institutions under the laws of the state governing the Bond Registrar and Paying Agent are authorized or obligated by law or required by executive order to remain closed.

Section 6. The Bonds shall be executed in the name of the County and on its behalf by the President of the Board of County Commissioners of St. Mary's County, whose signature may be by facsimile, and a facsimile of the corporate seal of the County shall be imprinted thereon, attested by the County

Administrator, whose signature may be by facsimile. The Bonds shall be issued subject to registration as to principal and interest in the name or names of the owner or owners thereof on books kept for the registration and registration of transfer of the Bonds at the principal corporate trust office of the Bond Registrar. Each Bond shall be authenticated by the manual signature of an authorized officer of the Bond Registrar. No Bonds issued hereunder shall be valid for any purpose or constitute an obligation of the County unless so authenticated. There shall be printed on each Bond the text of the approving legal opinion of bond counsel with respect to the Bonds. Such printed text shall be certified, in the name of the County, to be a correct copy of the approving legal opinion of bond counsel by the President of the Board of County Commissioners, whose signature may be by facsimile. In case any official of the County whose signature appears on the Bond shall cease to be such official prior to the authentication and delivery of such Bond, or in the case that any such official shall take office subsequent to the date of issue of any such Bond, his signature, in either event, shall nevertheless be valid for the purposes herein intended.

Section 7. (a) The Bonds shall be transferable only upon the registration books kept at the principal corporate trust office of the Bond Registrar, by the registered owner thereof in person, or by his attorney duly authorized in

writing, upon surrender thereof, together with a written instrument of transfer in the form attached thereto and satisfactory to the Bond Registrar and duly executed by the registered owner or his duly authorized attorney.

(b) The Bonds may be transferred or exchanged at the principal corporate trust office of the Bond Registrar. Upon any transfer or exchange, the County shall issue and the Bond Registrar shall authenticate and deliver a new registered Bond or Bonds of any of the authorized denominations in an aggregate principal amount equal to the principal amount of the Bond exchanged or transferred and maturing on the same date and bearing interest at the same rate. In each case, the Bond Registrar may require payment by any registered owner requesting the exchange or transfer of any tax, fee or other governmental charge, shipping charges and insurance that may be required to be paid with respect thereto, but otherwise no charge shall be made to the registered owner for the exchange or transfer.

(c) The Bond Registrar shall not be required to transfer or exchange any Bond after the mailing of notice calling such Bond or portion thereof for redemption; provided, however, that this limitation shall not apply to that portion of a Bond in excess of \$5,000 which is not being called for redemption.

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Section 8. Except as provided hereinafter or in a resolution or resolutions of the Board of County Commissioners adopted prior to the issuance of the Bonds, the Bonds shall be issued in substantially the following form. Appropriate variations and insertions may be made to provide dates, numbers and amounts, and modifications not altering its substance may be made by the President of the Board of County Commissioners to carry into effect the purposes of this Resolution or to comply with recommendations of legal counsel. All of the covenants contained in the following form are hereby adopted by the County as and for the form of obligation to be incurred by the County, and the covenants and conditions contained therein are hereby made binding upon the County, including the promise to pay therein contained:

(Form of Bond)
(BOND FACE)

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UNITED STATES OF AMERICA
STATE OF MARYLAND

No. R-

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY
PUBLIC FACILITIES BONDS OF 1988

Maturity Date	Interest Rate	Original Issue Date	CUSIP
		November 1, 1988	

Registered Owner:

Principal Amount:

Dollars

County Commissioners of St. Mary's County, a body politic and corporate organized and existing under the Constitution and laws of the State of Maryland (the "County"), hereby acknowledges itself indebted for value received, and promises to pay to the registered owner shown above or his registered assigns or legal representatives, on the date specified above (unless this bond shall be redeemable, shall have been called for prior redemption and payment of the redemption price made or provided for) or, if such day is not a Business Day (hereinafter defined), then on the next succeeding Business Day, upon presentation and surrender of this bond at the principal corporate trust office of SIGNET BANK/MARYLAND, Baltimore, Maryland (the "Bond Registrar and Paying Agent"), the Principal Amount shown above in any coin or currency which, at the time of payment, is legal tender for the payment of public and private debts and to pay to the registered owner hereof by check or draft payable in like coin or currency, mailed to such registered owner at his address as it appears on the bond registration books kept by the Bond Registrar and Paying Agent, interest on the principal sum at the interest rate per annum shown above until payment of such principal amount or until the prior redemption hereof, such interest being payable on May 1 and November 1 in each year, beginning May 1, 1989, accounting from the most recent date to which interest has been paid or, if no interest has been paid, from November 1, 1988. All interest due on this bond shall be payable to the registered owner in whose name this bond is registered on such bond registration books as of the close of business on the Regular Record Date for such interest payment, which shall be the 15th day of the month immediately preceding the month in which each such interest payment date occurs, and shall be made by check mailed by the Bond Registrar and Paying Agent on the interest

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payment date (or if such date is not a Business Day, on the next succeeding Business Day) to such person at his address as it appears on the Bond Register; provided, however, that if and to the extent that there is a default in the payment of the interest due on any interest payment date, such defaulted interest may be paid to the person in whose name this bond is registered as of the close of business on a date fixed by the Bond Registrar and Paying Agent for such defaulted interest payment (the "Special Record Date") (which date shall be not less than 10 nor more than 15 days prior to the date set for the payment of such interest), notice whereof being given by letter mailed first class, postage prepaid, to the registered owner not less than 10 days prior to such Special Record Date, at the address of such registered owner appearing on the Bond Register, or may be paid at any time in any other lawful manner not inconsistent with the requirements of any securities exchange on which the bonds of this series may be listed and upon such notice as may be required by such exchange.

"Business Day" means a day other than a Saturday, Sunday or a day on which banking institutions under the laws of the state governing the Bond Registrar and Paying Agent are authorized or obligated by law or required by executive order to remain closed.

ADDITIONAL PROVISIONS OF THIS BOND ARE SET FORTH ON THE REVERSE HEREOF AND SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS IF SET FORTH HEREIN.

The full faith and credit and unlimited taxing power of County Commissioners of St. Mary's County (the "County") are hereby unconditionally pledged to the payment of this bond and of the interest payable hereon according to its terms, and the County does hereby covenant and agree to pay punctually the principal of this bond and the interest hereon on the dates and in the manner prescribed herein, according to the true intent and meaning hereof.

It is hereby certified and recited that each and every act, condition and thing required to exist, to be done, to have happened, and to be performed precedent to and in the issuance of this bond, does exist, has been done, has happened and has been performed in full and strict compliance with the Constitution and laws of the State of Maryland and the Resolution (as defined on the reverse hereof), and that the issue of bonds, of which this bond is one, together with all other indebtedness of the County, is within all debt and other limits prescribed by the Constitution and laws of the State of Maryland and that due provision has been made for the levy and collection of an annual ad valorem tax or taxes upon all the legally assessable property within the corporate limits of the County in rate and amount sufficient to provide for the payment, when due, of the principal of and interest on this bond.

This bond shall not become obligatory for any purpose or be entitled to any benefit under the above-mentioned laws until this bond shall have been authenticated by an authorized officer of the Bond Registrar and Paying Agent.

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IN WITNESS WHEREOF, County Commissioners of St. Mary's County has caused this bond to be executed in its name by the facsimile signature of the President of the Board of County Commissioners and by its corporate seal imprinted hereon in facsimile, attested by the facsimile signature of the County Administrator all as of the first day of November, 1988.

COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY

By: [Facsimile Signature] _____
President, Board of County
Commissioners

(SEAL)

ATTEST: [Facsimile Signature] _____
County Administrator

CERTIFICATE OF AUTHENTICATION

This bond is one of the registered bonds of County Commissioners of St. Mary's County Public Facilities Bonds of 1988.

SIGNET BANK/MARYLAND,
Baltimore Maryland,
as Bond Registrar

By: _____
Authorized Officer

Date of
Authentication:

1389 006 310

[REVERSE SIDE OF BOND]

This bond is one of a duly authorized issue or series of bonds of the County aggregating \$1,375,000 in principal amount, which are in denominations of \$5,000 each or any integral multiple thereof, all dated November 1, 1988 and designated as "County Commissioners of St. Mary's County Public Facilities Bonds of 1988" (the "Bonds"). The Bonds are issued pursuant to and in full conformity with the provisions of Chapter 705 of the Laws of Maryland of 1981 and by virtue of due proceedings had and taken by the Board of County Commissioners of St. Mary's County, particularly a resolution adopted on October 11, 1988 (the "Resolution").

The Bonds mature and are payable on November 1 in the following years and amounts and bear interest at the following rates per annum:

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
1991	\$60,000		1998	\$100,000	
1992	65,000		1999	105,000	
1993	70,000		2000	110,000	
1994	75,000		2001	120,000	
1995	80,000		2002	130,000	
1996	85,000		2003	140,000	
1997	90,000		2004	145,000	

Bonds which mature on or after November 1, 1999 are subject to redemption at the option of the County, beginning November 1, 1998, as a whole at any time or in part on any interest payment date, in any order of maturities, at the option of the County, at a redemption price, expressed as a percentage of the principal amount of the Bonds to be redeemed as set forth in the table below, together with interest accrued to the date fixed for redemption:

<u>Redemption Period (both dates inclusive)</u>	<u>Redemption Price</u>
November 1, 1998 to October 31, 1999	102 $\frac{1}{2}$
November 1, 1999 to October 31, 2000	101 $\frac{1}{2}$
November 1, 2000 to October 31, 2001	101
November 1, 2001 to October 31, 2002	100 $\frac{1}{2}$
November 1, 2002 and thereafter	100

If less than all of the Bonds of any one maturity are called for redemption, the particular Bonds or portion of Bonds to be redeemed from such maturity will be selected by lot by the Bond Registrar.

When less than all of a Bond in a denomination in excess of \$5,000 is so redeemed, then, upon the surrender thereof, there shall be issued without charge to the registered owner thereof, for the unredeemed balance of the principal amount of such Bond, at the option of such owner, Bonds in any of the authorized denominations as specified by the registered owner, the

aggregate face amount of such Bonds not to exceed the unredeemed balance of the principal amount of the Bond surrendered, and to bear the same interest rate and to mature on the same date as the unredeemed balance of the Bond surrendered.

If the County elects to redeem all or a portion of the Bonds outstanding, it will give a redemption notice to the registered owners of the Bonds to be redeemed by letter mailed first class, postage prepaid, at least thirty (30) days prior to the date fixed for redemption to the addresses of such registered owners appearing on the registration books kept by the Bond Registrar; provided, however, that the failure to mail the redemption notice or any defect in the notice so mailed, or in the mailing thereof, shall not affect the validity of the redemption proceedings; and provided further, that the County shall publish such notice of redemption at least once (not less than thirty (30) days prior to the date fixed for redemption) in a financial journal or daily newspaper of general circulation in the City of New York, New York. The redemption notice shall state (i) whether the Bonds are redeemed in whole or in part and, if in part, the maturities and numbers of the Bonds to be redeemed, (ii) that the interest on the Bonds to be redeemed shall cease on the date fixed for redemption, (iii) the date fixed for redemption and the redemption price, and (iv) that the Bonds to be redeemed shall be presented for redemption and payment on the date fixed for redemption at the principal corporate trust office of the Bond Registrar and Paying Agent. From and after the date fixed for redemption, if notice has been duly and properly given, and if funds sufficient for the payment of the redemption price and accrued interest are available on such date, the Bonds designated for redemption shall cease to bear interest. Upon presentation and surrender for redemption in compliance with the redemption notice, the Bonds to be redeemed shall be paid by the Paying Agent at the redemption price. If they are not paid upon presentation, the Bonds designated for redemption shall continue to bear interest at the rates stated therein until paid.

The County has appointed Signet Bank/Maryland, Baltimore, Maryland as Bond Registrar and Paying Agent to open books for the registration and for the transfer of Bonds. This bond will be transferable only upon the registration books kept at the principal corporate trust office of the Bond Registrar and Paying Agent, by the registered owner hereof in person, or by his attorney duly authorized in writing, upon surrender hereof, together with a written instrument of transfer in the form attached hereto and satisfactory to the Bond Registrar and Paying Agent and duly executed by the registered owner or his duly authorized attorney. The County and the Bond Registrar and Paying Agent may deem and treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal or redemption price hereof and interest due hereon and for all other purposes.

This bond may be transferred or exchanged at the principal corporate trust office of the Bond Registrar and Paying Agent. Upon any transfer or exchange, the County shall issue and the Bond Registrar and Paying Agent shall authenticate and deliver a new registered bond or bonds of any of the

1857 606 312

authorized denominations in an aggregate principal amount equal to the principal amount of the bond exchanged or transferred and maturing on the same date and bearing interest at the same rate. In each case, the Bond Registrar and Paying Agent may require payment by the registered owner of this bond, requesting the exchange or transfer hereof, of any tax, fee or other governmental charge, shipping charges and insurance that may be required to be paid with respect thereto, but otherwise no charge shall be made to the registered owner hereof for the exchange or transfer.

The Bond Registrar and Paying Agent shall not be required to transfer or exchange this bond after the mailing of notice calling this bond or portion hereof for redemption; provided, however, that this limitation shall not apply to that portion of this bond in excess of \$5,000 which is not being called for redemption.

The County and the Bond Registrar and Paying Agent may deem and treat the person in whose name this bond is registered as the absolute owner hereof (whether or not this bond is overdue and notwithstanding any notation hereon made by anyone other than the County or the Bond Registrar and Paying Agent) for the purpose of receiving payment of or on account of the principal or redemption price of this bond, and for all other purposes, and neither the County nor the Bond Registrar and Paying Agent shall be affected by any notice to the contrary. All payments made to the registered owner hereof, or upon his order, shall be valid and, to the extent of the sum or sums so paid, effectual to satisfy and discharge the liability for moneys payable upon this bond.

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52491:10/06/88
7686-26

(Form of Assignment)

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE

(PLEASE PRINT OR TYPEWRITE NAME AND ADDRESS, INCLUDING ZIP CODE OF ASSIGNEE)

the within bond and all rights thereunder and does hereby constitute and appoint

attorney to transfer the within bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

Notice: Signatures must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

Notice: The signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

(Form of Legal Certification)

IT IS HEREBY CERTIFIED that the following is a true and correct copy of the complete approving legal opinion of Piper & Marbury, Baltimore, Maryland, with respect to the issue of bonds of which this bond is one, that the original of the approving legal opinion was manually executed, dated and issued as of the date of delivery of, and payment for, said issue of bonds and that an executed copy thereof is on file with the Bond Registrar and Paying Agent.

COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY

[Facsimile Signature]
President, Board of County
Commissioners

ORDER 006 PAGE 314

Section 9. The County shall sell the Bonds by the solicitation of competitive bids at public sale. Bids shall be received until 11:00 a.m. local Baltimore, Maryland time on the date fixed for sale. Sale will be held at the offices of Signet Bank/Maryland, Baltimore, Maryland, on Tuesday, October 25, 1988. The Director of Finance shall conduct the sale of the Bonds in the name of the County and on its behalf for cash at no less than par to the bidder or bidders therefor whose bid or bids are determined to be the best responsible bid received in compliance with the terms and conditions of the official Notice of Sale. The sale shall be made upon award made by resolution of the Board of County Commissioners. Public notice of the sale shall be given by advertisement which shall be published (or a summary thereof) in one or more daily or weekly newspapers having a general circulation in St. Mary's County and may also be published (or a summary thereof) in one or more journals having a circulation primarily among banks and investment bankers. At least one publication of the advertisement shall be made not less than ten (10) days before the sale of the Bonds. The notice of sale (which shall also constitute the form of advertisement to be published pursuant to this Section and the Act) and proposal for the Bonds shall be in substantially the form hereinafter set forth. The terms and conditions stated in the notice of sale and proposal are hereby adopted and approved as the terms and conditions under

which the Bonds shall be sold, issued and delivered at public sale. Appropriate variations and insertions shall be made to provide dates, numbers and amounts, and modifications not altering its substance may be made by the President of the Board of County Commissioners to carry into effect the purposes of this Resolution or to comply with recommendations of legal counsel. The County intends that in order to achieve administrative efficiencies the general obligation bonds of the Commission be sold pursuant to the Notice of Sale for the Bonds.

NOTICE OF SALE

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ST. MARY'S COUNTY, MARYLAND

GENERAL OBLIGATION BONDS

\$1,375,000 County Commissioners of St. Mary's County
Public Facilities Bonds of 1988

\$6,400,000 St. Mary's County
Metropolitan Commission Bonds of 1988

SEALED BIDS will be received by the Director of Finance of County Commissioners of St. Mary's County (the "County") and the Director of the St. Mary's County Metropolitan Commission (the "Commission"), until 11:00 a.m. local Baltimore, Maryland time

October 25, 1988

at the offices of Signet Bank/Maryland, Signet Tower, Second Floor Conference Room, 7 St. Paul Street, Baltimore, Maryland 21202, for the purchase of the above-described bonds of the County and the Commission (collectively, the "Bonds"). All Bonds shall be fully registered in form in the denomination of \$5,000 each or any integral multiple thereof, shall be dated November 1, 1988, and shall bear interest payable semi-annually on the first days of November and May commencing May 1, 1989, until maturity or redemption. Principal of the Bonds shall be paid to the registered owner at the principal corporate trust office of Signet Bank/Maryland, Baltimore, Maryland (the "Bond Registrar") upon presentment and surrender of the Bonds. Interest will be paid to the persons in whose names the Bonds are registered on the registration books maintained by the Bond Registrar on the 15th day of the month preceding each interest payment date by check mailed to each such person's address as it appears on such bond registration books.

\$1,375,000 COUNTY COMMISSIONERS OF ST. MARY'S COUNTY
PUBLIC FACILITIES BONDS OF 1988

The \$1,375,000 County Commissioners of St. Mary's County Public Facilities Bonds of 1988 (the "Public Facilities Bonds") are issued pursuant to the authority of Chapter 705 of the Laws of Maryland of 1981 (the "County Enabling Act") and are authorized to be issued, sold and delivered by a resolution of the Board of County Commissioners of St. Mary's County adopted on October 11, 1988, as amended (the "Resolution"). The Public Facilities Bonds mature annually, subject to prior redemption, on the first day of November in the following years and in the following aggregate amounts:

Maturities:

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Year of Maturity</u>	<u>Principal Amount</u>
1991	\$60,000	1998	\$100,000
1992	65,000	1999	105,000
1993	70,000	2000	110,000
1994	75,000	2001	120,000
1995	80,000	2002	130,000
1996	85,000	2003	140,000
1997	90,000	2004	145,000

\$6,400,000 ST. MARY'S COUNTY METROPOLITAN COMMISSION BONDS OF 1988

The \$6,400,000 St. Mary's County Metropolitan Commission Bonds of 1988 (the "Commission Bonds") are issued pursuant to the authority of Sections 113-1 to 113-28, inclusive, of the Code of Public Local Laws of St. Mary's County (1978 Edition, as amended, being Article 19 of the Code of Public Laws of Maryland), as enacted by Chapter 369 of the Laws of Maryland of 1978 and amended by various Laws of Maryland, including Chapter 417 of the Laws of Maryland of 1979 and Chapters 84 and 87 of the Laws of Maryland of 1981 (the "Commission Enabling Act"), and are authorized to be issued, sold, guaranteed and delivered by resolutions of the Commission and the County, adopted by the Commission and the County on October 11, 1988 (collectively, the "Resolutions"). The Commission Bonds mature annually, subject to prior redemption, on the first day of November in the following years and in the following aggregate amounts:

Maturities:

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Year of Maturity</u>	<u>Principal Amount</u>
1989	\$ 65,000	2004	\$185,000
1990	70,000	2005	195,000
1991	70,000	2006	210,000
1992	80,000	2007	225,000
1993	85,000	2008	245,000
1994	90,000	2009	260,000
1995	95,000	2010	280,000
1996	105,000	2011	300,000
1997	110,000	2012	325,000
1998	120,000	2013	350,000
1999	130,000	2014	375,000
2000	135,000	2015	405,000
2001	150,000	2016	435,000
2002	160,000	2017	470,000
2003	170,000	2018	505,000

Redemption:

Bonds that mature on or before November 1, 1998 are not subject to redemption prior to their maturities. Bonds that mature on or after November 1, 1999 are subject to redemption beginning November 1, 1998, either as a whole, at any time or in part on any interest payment date, in any order of maturities, at the option of the Commission or the County, as the case may be, at a redemption price expressed as a percentage of the principal amount of the Bonds to be redeemed as set forth in the table below, together with interest accrued to the date fixed for redemption.

<u>Period During Which Redeemed (both dates inclusive)</u>	<u>Redemption Price</u>
November 1, 1998, to October 31, 1999	102 %
November 1, 1999, to October 31, 2000	101 1/2
November 1, 2000, to October 31, 2001	101
November 1, 2001, to October 31, 2002	100 1/2
November 1, 2002, and thereafter	100

If less than all of the Bonds of any one maturity are called for redemption, the particular Bonds to be redeemed from such maturity shall be selected by lot by the Bond Registrar in such manner as the Bond Registrar in its sole discretion may determine.

Price and Interest Rate Bid:

Each bidder shall submit one bid on the required form of Proposal for Bonds on an "all or none" basis for both issues of Bonds (not less than 100% of the aggregate par value of the Bonds). Each proposal must specify the amount bid for the Bonds. Bidders shall state in their proposals the rate or rates of interest to be paid on all the Bonds, on which rate or rates their proposals are based and submitted. The rates so named must be in multiples of 1/8 or 1/20 of 1%, and the highest rate named may not exceed the lowest by more than 3%. Bidders may specify more than one rate of interest to be borne by the bonds but may not specify more than one rate for the Bonds of any single maturity. A zero rate of interest may not be named for any maturity.

Award of Bonds:

The Bonds will be awarded to the bidder naming the lowest net interest cost for all Bonds in any legally acceptable proposal and offering to pay not less than par and accrued interest. The lowest net interest cost will be determined with respect to each proposal by calculating the interest actually to be paid on all of the Bonds and subtracting therefrom any premium in the purchase price offered; provided, however, that if two or more bidders offer to purchase the Bonds at the same lowest net interest cost, then such award will be made to the bidder offering the highest premium, unless no premium is bid, in which case the Bonds may be apportioned between such bidders, but if this shall not be acceptable, the County and the Commission

shall have the right to award all of the Bonds to one bidder. The right is reserved to the County and the Commission to reject any or all proposals. The judgment of the County and the Commission shall be final and binding upon all bidders.

The Commission and the County will not accept and will reject any bid for less than all of the above described Bonds. The right is reserved to reject any and all bids.

Good Faith Deposit:

Bids must be submitted on the prescribed form provided for that purpose by the Commission and the County and must be enclosed in a sealed envelope marked "Proposal for Bonds" and addressed to St. Mary's County, Maryland and St. Mary's County Metropolitan Commission, c/o James D. Schiefelbein, Corporate Trust Department, Signet Bank/Maryland, Signet Tower, Second Floor Conference Room, 7 St. Paul Street, Baltimore, Maryland 21202, each bid to be accompanied by a good faith deposit in the form of a certified check upon, or a cashier's, treasurer's or official check of, a responsible banking institution, payable to the order of "St. Mary's County, Maryland and St. Mary's County Metropolitan Commission" in the amount of \$155,500. The check of the successful bidder will be collected and the proceeds thereof retained by the County and the Commission to be applied in part payment for the bonds and no interest will be allowed or paid upon the amount thereof, but in the event the successful bidder shall fail to comply with the terms of his bid, the proceeds thereof will be retained as and for full liquidated damages. The checks of the unsuccessful bidders will be returned promptly.

Purpose:

The proceeds of the Public Facilities Bonds for which proposals are solicited herein will be used to provide financing for the following public purposes: road and airport improvements, public buildings, schools and landfills.

The proceeds of the Commission Bonds for which proposals are solicited herein will be used to provide financing for the following public purposes: water and sewer system improvements.

Security:

All Bonds herein described are general obligations of the County and will constitute an unconditional pledge of the full faith and credit and unlimited taxing power of St. Mary's County, Maryland.

Legal Opinion:

The Bonds of each series will be issued and sold subject to approval as to legality by Piper & Marbury of Baltimore, Maryland, Bond Counsel, whose approving opinion substantially in the form included in the Preliminary

Official Statement referred to below will be delivered, upon request, to the purchaser or purchasers of the bonds, without charge, and the text of the applicable opinion will also be printed on each Bond.

When delivered, the Bonds shall be duly executed and authenticated and registered in such names and in such denominations as the successful bidder shall have requested in writing not less than seven (7) business days prior to the closing; and the remaining aggregate principal amount of the Bonds of each issue for which no instructions have been received by such date will be issued as one Bond in the denomination of such remaining aggregate principal amount or as Bonds in such denominations as shall be mutually agreed upon by the successful bidder and the County and the Commission and registered in the name of the successful bidder.

CUSIP Numbers:

It is anticipated that CUSIP identification numbers will be printed on the Bonds, but neither the failure to print any such number on any Bond nor any error with respect thereto shall constitute cause for a failure or refusal by the successful bidder to accept delivery of and pay for the Bonds in accordance with the terms of this Notice of Sale.

Closing Documents:

The Bonds will be accompanied by the customary closing documents, including a no-litigation certificate, effective as of the date of delivery, stating that there is no litigation pending affecting the validity of any of the Bonds. It shall be a condition to the obligation of the successful bidder to accept delivery of and pay for the Bonds that simultaneously with or before delivery and payment for the Bonds such successful bidder shall be furnished a certificate of the appropriate County and Commission officials to the effect that to the best of their knowledge and belief, the Official Statement (and any amendment or supplement thereto) (except for the Reoffering Information, as to which no view will be expressed) as of the date of sale and as of the date of delivery of the Bonds does not contain any untrue statement of a material fact and does not omit to state a material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading and that between the date of sale and the date of delivery of the Bonds there has been no material adverse change in the financial position or revenues of the County or Commission, except as reflected or contemplated in the Official Statement.

As soon as practicable after the award of the Bonds to the successful bidder on the day of sale, the County and the Commission will authorize an Official Statement, which is expected to be substantially in the form of the Preliminary Official Statement referred to below. If so requested by the successful bidder at or before the close of business on the date of the sale, the County and the Commission will include in the Official Statement such pricing and other information with respect to the terms of the reoffering of the Bonds by the successful bidder ("Reoffering Information"), if any, as

may be specified and furnished in writing by the successful bidder. If no Reoffering Information is specified and furnished by the successful bidder, the Official Statement will include the interest rates on the Bonds resulting from the bid of the successful bidder and the other statements with respect to reoffering contained in the Preliminary Official Statement. The successful bidder shall be responsible to the County and the Commission and its officials for the Reoffering Information, and for all decisions made by the successful bidder with respect to the use or omission of the Reoffering Information in any reoffering of the Bonds, including the Official Statement. The successful bidder will also be furnished, without cost, with up to 300 copies of the Official Statement (and any amendment or supplement thereto).

THE BIDDERS, BY SUBMITTING THEIR BIDS, AGREE TO PROVIDE TO THE COUNTY AND THE COMMISSION SIMULTANEOUSLY WITH OR BEFORE DELIVERY OF THE BONDS A CERTIFICATE ACCEPTABLE TO BOND COUNSEL STATING (i) THE REOFFERING PRICES, EXPRESSED AS A PERCENTAGE OF PAR, TO THE PUBLIC OF EACH MATURITY OF THE BONDS (THE "REOFFERING PRICES"); (ii) THAT THE SUCCESSFUL BIDDER HAS MADE A BONA FIDE PUBLIC OFFERING OF THE BONDS AT THE REOFFERING PRICES; AND (iii) THAT A SUBSTANTIAL AMOUNT OF THE BONDS WAS SOLD TO THE PUBLIC (EXCLUDING BOND HOUSES, BROKERS AND OTHER INTERMEDIARIES) AT SUCH INITIAL REOFFERING PRICES. Bond counsel advises that (i) such certificate must be made on the best knowledge, information and belief of the successful bidder; (ii) the sale to the public of 10% or more in par amount of the Bonds of each maturity at (or below) the Reoffering Prices would be sufficient to certify as to the sale of a substantial amount of the Bonds; and (iii) reliance on other facts as a basis for such certification would require evaluation by Bond Counsel to assure compliance with the statutory requirement to avoid the establishment of an artificial price for the Bonds.

The Bonds will be designated "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986.

Delivery and Payment:

Delivery of the Bonds, without expense, will be made by the County and the Commission to the purchaser or purchasers on November 22, 1988, or as soon as practicable thereafter, in New York, New York and, thereupon, said purchaser or purchasers will be required to accept delivery of the Bonds purchased and pay, in federal funds, the balance of the purchase price due.

The Preliminary Official Statement, together with this Notice of Sale and the required form of proposal may be obtained from the office of the Director of Finance, St. Mary's County, Maryland, Governmental Center, Leonardtown, Maryland 20650; Director, St. Mary's County Metropolitan Commission, 191B Shangri-La Drive, North, Lexington Park, Maryland 20653; or from Alex. Brown & Sons, Inc., 135 East Baltimore St., Baltimore, Maryland 21202 (301/727-1700), financial advisor to the County and the Commission.

By order of
COUNTY COMMISSIONERS OF ST. MARY'S COUNTY
ST. MARY'S COUNTY METROPOLITAN COMMISSION

Proposal for Bonds

1988 006 PAGE 322

October 25, 1988

St. Mary's County, Maryland
St. Mary's County Metropolitan Commission
c/o James D. Schiefelbein
Corporate Trust Department
Signet Bank/Maryland
Signet Tower
Second Floor Conference Room
7 St. Paul Street
Baltimore, Maryland 21202

Dear Ladies and Gentlemen:

Subject to the provisions and in accordance with the terms of the annexed Notice of Sale which is made a part of this Proposal, we offer to purchase the obligations of St. Mary's County, Maryland and St. Mary's County Metropolitan Commission described in such Notice of Sale being \$1,375,000 aggregate principal amount of St. Mary's County Public Facilities Bonds of 1988 (the "Public Facilities Bonds") and \$6,400,000 aggregate principal amount of St. Mary's County Metropolitan Commission Bonds of 1988 (the "Commission Bonds") (collectively, the "Bonds"), such Bonds to be dated November 1, 1988, to mature in the several years shown in the table below (subject to prior redemption as provided in such Notice of Sale), and to bear interest at the rates per annum set opposite such years, respectively.

For the aggregate principal amount of \$7,775,000 (\$1,375,000 aggregate principal amount of the Public Facilities Bonds and \$6,400,000 aggregate principal amount of the Commission Bonds), we will pay the par value of said obligations, namely Seven Million Seven Hundred and Seventy-Five Thousand Dollars (\$7,775,000), plus a premium of _____ Dollars (\$ _____), plus interest on the Bonds accrued from the date of the Bonds (November 1, 1988) to the date of delivery of the Bonds which will bear interest at the following rates:

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<u>Year of Maturity</u>	<u>Amount</u>	<u>Interest Rates Per Annum</u>	<u>Year of Maturity</u>	<u>Amount</u>	<u>Interest Rates Per Annum</u>
1989	\$ 65,000	%	2004	\$330,000	%
1990	70,000		2005	195,000	
1991	130,000		2006	210,000	
1992	145,000		2007	225,000	
1993	155,000		2008	245,000	
1994	165,000		2009	260,000	
1995	175,000		2010	280,000	
1996	190,000		2011	300,000	
1997	200,000		2012	325,000	
1998	220,000		2013	350,000	
1999	235,000		2014	375,000	
2000	245,000		2015	405,000	
2001	270,000		2016	435,000	
2002	290,000		2017	470,000	
2003	310,000		2018	505,000	

We enclose herewith a certified check upon, or a cashier's, treasurer's or official check of, a responsible banking institution, payable to the order of St. Mary's County, Maryland, and St. Mary's County Metropolitan Commission in the amount of \$155,500 which check is to be returned to us if this proposal is not accepted. If this proposal is accepted, said sum is to be held as security for the performance of this proposal, and is to be applied to the purchase price of the Bonds when the Bonds are delivered and paid for under the terms of this proposal, or is to be retained as and for full liquidated damages in case we fail so to take up and pay for the Bonds.

WE UNDERSTAND THAT (A) WE ARE TO PROVIDE A CERTIFICATION REGARDING THE PUBLIC SALE OF THE BONDS AS DESCRIBED IN THE NOTICE OF SALE ON OR PRIOR TO THE CLOSING DATE AND (B) IF NOTIFIED THAT WE ARE THE SUCCESSFUL BIDDER, WE WILL BE REQUIRED TO ADVISE THE COUNTY AND THE COMMISSION OF THE INITIAL REOFFERING PRICES (AS DESCRIBED IN THE NOTICE OF SALE) FOR EACH MATURITY OF THE BONDS AT THE TIME OF SUCH NOTIFICATION. In this regard, you may contact and rely on the information provided by _____, whose telephone number is _____.

(This is requested to expedite and facilitate prompt determination of the best bid. It is not a part of the proposal. The omission or inaccuracy of these figures will not affect the validity of the proposal. The total net interest cost of this proposal is _____ . The effective rate of interest is _____ %.)

For your information you will find attached a list of the group of underwriters associated with us in this proposal.

Section 10. As soon as may be practicable after the sale hereinabove provided for has been held, the Bonds shall be suitably prepared in definitive form, executed and delivered to the purchaser upon receipt of the purchase price therefor, plus interest accrued to the date of delivery, less the portion of the good faith deposit accompanying the proposal allocable to the Bonds. The President of the Board of County Commissioners, the County Administrator and the Director of Finance and all other officers and employees of the County are expressly authorized, empowered and directed to take any and all action necessary to complete and close the award, sale and delivery of the Bonds to the purchaser thereof.

Section 11. The Director of Finance is hereby designated to receive payment on behalf of the County of the proceeds of the sale of the Bonds. Such proceeds shall be deposited in the proper accounts of the County and shall be used and applied by the County exclusively and solely for the public purposes described in Section 1 of this Resolution, including the payment, repayment or redemption of any advances or interim financing heretofore undertaken in connection with such public purposes. If the proceeds received from the sale of the Bonds exceed the amount actually expended or required for such public purposes, the amount of such unexpended excess shall be set apart in a separate fund and applied to the payment of the next principal maturity of the Bonds or to the

1922 005 326

redemption of Bonds or to the purchase and cancellation of Bonds, unless a resolution is adopted by the Board of County Commissioners to provide for the expenditure of that excess for some other valid purpose authorized by the Act.

Section 12. For the purpose of paying the principal of and interest on the Bonds when due, the County shall levy or cause to be levied, for each and every fiscal year during which the Bonds may be outstanding, upon all real and tangible personal property within its corporate limits subject to assessment for unlimited County taxation, ad valorem taxes in rate and amount sufficient to provide for the payment, when due, of the principal of and interest on the Bonds in each such fiscal year; and, if the proceeds from the taxes so levied in any fiscal year are inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up such deficiency. The full faith and credit and unlimited taxing power of the County are hereby irrevocably pledged to the prompt payment of the principal of and interest on the Bonds as and when they become due and payable and to the levy and collection of the taxes hereinabove prescribed as and when such taxes may become necessary in order to provide sufficient funds to meet the debt service requirements of the Bonds. The County hereby covenants and agrees with each of the registered owners of the Bonds to levy and collect the taxes hereinabove prescribed and to take any further action that may be

appropriate from time to time during the period that the Bonds remain outstanding and unpaid to provide the funds necessary to pay promptly the principal thereof and the interest due thereon. The County may apply to the payment of the principal of or interest on the Bonds any funds received by it from the State of Maryland or the United States of America or any governmental agency or instrumentality, or from any other source, if such funds are granted for the purpose of assisting the County in accomplishing the type of project or projects which the Bonds are issued to finance, and to the extent of any such funds received or receivable in any fiscal year, the taxes hereby required to be levied may be reduced proportionately.

Section 13. (a) The President of the Board of County Commissioners, the County Administrator and the Director of Finance shall be the officials of the County responsible for the issuance of the Bonds within the meaning of the Arbitrage Regulations (defined below). The President of the Board of County Commissioners, the County Administrator and the Director of Finance shall also be the officials of the County responsible for the execution and delivery (on the date of the issuance of the Bonds) of a certificate of the County (the "Section 148 Certificate") which complies with the requirements of Section 148 of the Internal Revenue Code of 1986 as amended ("Section 148"), and the applicable regulations thereunder (the "Arbitrage Regulations"), and such officials are hereby

authorized and directed to execute the Section 148 Certificate and to deliver the same to bond counsel on the date of the issuance of the Bonds.

(b) The County shall set forth in the Section 148 Certificate its reasonable expectations as to relevant facts, estimates and circumstances relating to the use of the proceeds of the Bonds or of any moneys, securities or other obligations to the credit of any account of the County which may be deemed to be proceeds of the Bonds pursuant to Section 148 or the Arbitrage Regulations (collectively, the "Bond Proceeds"). The County covenants and agrees with the registered owners of the Bonds that the facts, estimates and circumstances set forth in the Section 148 Certificate will be based on the County's reasonable expectations on the date of the issuance of the Bonds and will be, to the best of the certifying officials' knowledge, true and correct as of that date.

(c) In the event that Bonds are issued pursuant to this Resolution with the expectation that interest on such Bonds will be excludable from gross income for federal income tax purposes, the County covenants and agrees with the registered owners of the Bonds that it will not make, or (to the extent that it exercises control or direction) permit to be made, any use of the Bond Proceeds that would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 and the Arbitrage Regulations. The County further solemnly

covenants that it will comply with Section 148 and the regulations thereunder which are applicable to the Bonds on the date of issuance of the Bonds and which may subsequently lawfully be made applicable to the Bonds as long as the Bonds remain outstanding and unpaid. The President of the Board of County Commissioners, the County Administrator and the Director of Finance are hereby authorized and directed to prepare or cause to be prepared and to execute, respectively, any certification, opinion or other document, including, without limitation, the Section 148 Certificate, which may be required to assure that the Bonds will not be deemed to be "arbitrage bonds" within the meaning of Section 148 and the regulations thereunder.

(d) The County further covenants with each of the registered owners of any of the Bonds (i) that it will not take any action or (to the extent that it exercises control or direction) permit any action to be taken that would cause the Bonds or a portion of the Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Internal Revenue Code of 1986, as amended, and (ii) that it will not make, or (to the extent that it exercises control or direction) permit to be made, any use of the proceeds of the Bonds or a portion of such proceeds that would cause the Bonds or a portion of the Bonds to be "private loan bonds" within the meaning of Section 141(c) of the Internal Revenue Code of 1986, as amended.

In the event that the Bonds are being issued hereunder with the expectation that interest on such Bonds will be exempt from federal income taxation, the County may make such covenants or agreements in connection with the issuance of such bonds as he shall deem advisable in order to assure the registered owners of such Bonds that interest thereon shall be and remain excludable from gross income for federal income tax purposes and such covenants or agreements shall be binding on the County so long as the observance by the County of any such covenants or agreements is necessary in connection with the maintenance of the exclusion of the interest on such Bonds from gross income for federal income tax purposes. The foregoing covenants or agreements may include such covenants or agreements on behalf of the County regarding compliance with the provisions of the Internal Revenue Code of 1986, as amended, as the President of the Board of County Commissioners or, in his absence, any member of the Board of County Commissioners shall deem advisable in order to assure the registered owners of the Bonds that the interest thereon is and shall remain excludable from gross income for federal income tax purposes, including (without limitation) covenants or agreements relating to the investment of Bond Proceeds, the payment of certain earnings resulting from such investment to the United States, limitations on the times within which, and the purposes for which, Bond Proceeds may be expended, or the

use of specified procedures for accounting for and segregating Bond Proceeds. Any covenant or agreement made by the President of the Board of County Commissioners pursuant to this paragraph shall be set forth in or authorized by an order executed by the President of the Board of County Commissioners.

Section 14. The distribution of an Official Statement pertaining to the Bonds is hereby authorized, the final form of such Official Statement to be approved by the President of the Board of County Commissioners as evidenced by his signature thereon. The distribution of a Preliminary Official Statement with respect to the Bonds is hereby approved. The Official Statement shall be in substantially the form of such Preliminary Official Statement, with such changes, modifications, additions and deletions as the President of the Board of County Commissioners may approve.

Section 15. This Resolution shall become effective immediately upon its adoption.

PASSED AND APPROVED October 11, 1988.

SEAL

COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY

ATTEST:

Edmond V. Cox
County Administrator

Paul M. Ruffin Jr.
President

Robert A. Jank
Vice President

W. Edward Bily
Commissioner

John S. Lancaster
Commissioner

[Signature]
Commissioner

Pat. Judy Curre

MARY R. BELL, CLERK

OCT 18 1988

SUBJ: PUBLIC FACILITIES BONDS
OF 1988

LIBER 006 PAGE 333

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

RESOLUTION NO. R-88-28

A RESOLUTION of County Commissioners of St. Mary's County providing for the award of One Million, Three Hundred and Seventy-Five Thousand Dollars (\$1,375,000) aggregate principal amount of general obligation bonds designated Public Facilities Bonds of 1988, authorized to be issued pursuant to Resolution No. R-88-25 passed on October 11, 1988; fixing the interest rates payable upon the bonds so authorized and awarding the bonds to the successful bidder therefor upon the basis of the bids received this day in accordance with the official Notice of Sale prescribed in such Resolution; providing for the execution, use and distribution of and approving the form of Official Statement; determining various matters in connection therewith; and approving the award of the Six Million Four Hundred Thousand Dollars (\$6,400,000) aggregate principal amount of St. Mary's County Metropolitan Commission Bonds of 1988 to the successful bidder therefor.

3:34PM10/28/88 CD.COM \$0.00

RECITALS

Resolution No. R-88-25 (the "Resolution") of County Commissioners of St. Mary's County (the "County") authorized the public sale of One Million, Three Hundred and Seventy-Five Thousand Dollars (\$1,375,000) aggregate principal amount of the County's general obligation bonds, designated Public Facilities Bonds of 1988 (the "Bonds"). The public sale was held in the Second Floor Conference Room, Signet Bank/Maryland, Signet Tower, 7 St. Paul Street, Baltimore, Maryland, at 11:00 (E.D.T.) in accordance with the terms of the Notice of Sale prescribed by the Resolution, which Notice of Sale was duly published in accordance with the Resolution.

-1-

4354a:10/25/88
7686-26

The County is now ready (1) to accept the best bid for the Bonds, at the total purchase price named by the bidder in such bid and (2) to fix the interest rates payable on the Bonds in accordance with the terms of such bid.

It is apparent that the bid made by the syndicate headed by Ferris, Baker Watts, Inc. is the best bid received for the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, that:

Section 1. The syndicate headed by Ferris, Baker Watts, Inc. (the "successful bidder") for the One Million Three Hundred Seventy-Five Thousand Dollars (\$1,375,000) aggregate principal amount of Public Facilities Bonds of 1988 is hereby found and determined to be the bidder whose bid is in the best interest of the County.

Section 2. The bid of the successful bidder for the Bonds is hereby accepted.

Section 3. The Bonds are hereby awarded to the successful bidder at the total purchase price named in its bid. When prepared in definitive form, the Bonds shall be duly executed and delivered to the successful bidder in accordance with the terms and conditions of the Notice of Sale at such location in New York, New York or such other location as the successful bidder and the Director of Finance or the County Administrator may mutually agree. The delivery of the Bonds

shall be made upon receipt of the total purchase price for the Bonds, plus accrued interest, less the good faith deposit received from the successful bidder to secure its bid. The total purchase price for the Bonds shall be paid to the Director of Finance or the County Administrator, as agent of the County for the purpose of receiving the purchase price and delivering the Bonds to the successful bidder. Immediately upon receipt thereof, the purchase price shall be deposited in the proper accounts of the County and used and applied as provided in the Resolution.

Section 4. The Bonds shall bear interest at the following rates:

<u>Year of Maturity</u>	<u>Interest Rate</u>	<u>Year of Maturity</u>	<u>Interest Rate</u>
1991	9.50%	1998	9.50%
1992	9.50%	1999	9.10%
1993	9.50%	2000	6.90%
1994	9.50%	2001	6.95%
1995	9.50%	2002	7.00%
1996	9.50%	2003	7.00%
1997	9.50%	2004	7.05%

Such rates of interest are hereby fixed as and for the rates of interest payable on the Bonds.

Section 5. The County approves the use and distribution of the Official Statement of St. Mary's County

USER 006 PAGE 336

Metropolitan Commission and County Commissioners of St. Mary's County in connection with the sale of the Bonds, in substantially the form of the Preliminary Official Statement dated October 13, 1988 as presented to it, with appropriate insertions, deletions and changes, including (without limitation) the ratings on the Bonds, the interest rate on the Bonds, changes in fact, or such other insertions, deletions or changes as deemed appropriate by Bond Counsel. The County hereby authorizes its President to execute the Official Statement on behalf of the County and approves and ratifies the distribution of the Preliminary Official Statement.

Section 6. The Director of Finance is hereby authorized and directed to collect the check of the successful bidder and to retain the proceeds thereof to be applied in part payment for the Bonds and to return the checks received with the proposals not hereby accepted, all in accordance with the provisions of the Notice of Sale.

Section 7. The Bonds are hereby designated "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986.

The County covenants and agrees with each holder of any of the Bonds that (i) the County and any subordinate entities of the County have not issued "tax-exempt obligations" (as defined in Section 265(b)(4)(B) of the Internal Revenue Code of 1986 other than private activity bonds) during calendar

year 1988 in an aggregate principal amount in excess of \$10,000,000, and (ii) the County and its subordinate entities will not during calendar year 1988 issue more than \$10,000,000 aggregate principal amount of such "tax-exempt obligations" unless the County has received a written opinion of Bond Counsel to the effect that this issuance of such obligations will not affect the continued validity or effectiveness of the designation made in the paragraph above.

Section 8. The interest rates set forth in the bid of the successful bidder with respect to the Six Million Four Hundred Thousand Dollars (\$6,400,000) aggregate principal amount of St. Mary's County Metropolitan Commission Bonds of 1988 are hereby approved and the award of such bonds to the successful bidder is hereby authorized.

Section 9. This Resolution shall become effective immediately upon its passage.

USE P. 606 7/11/88

ADOPTED this 25th day of October, 1988.

Carl M. Stiffen

President

Robert T. Jarboe

Vice President

W. Edward Bank

Commissioner

John H. Lancaster

Commissioner

Richard Hays

Commissioner

(SEAL)



ATTEST:

James V. Cox

County Administrator

4354a:10/22/88
7606-26

Ret. Judy Lewis

OCT 28 1988 MARY R. BELL, CLERK

No: 88-27
Subj: Procurement Manual
Amendment # 1

LIBER 006 PAGE 330

10:08AM 11/01/88A CD.COM \$0.00

RESOLUTION

WHEREAS, The Board of County Commissioners of St. Mary's County on September 15, 1987, adopted Resolution No. 87-16 which set forth the adoption of a Procurement Manual for St. Mary's County use; and

WHEREAS, The Board of County Commissioners directed the St. Mary's County Procurement Officer to implement the new procedures contained in the Procurement Manual and to evaluate through use, the effective and efficient utilization of all procedures contained within the manual; and

WHEREAS, The Procurement Officer presented a comprehensive briefing to the Board of County Commissioners on October 18, 1988 with a recommendation to increase the \$2,500 dollar limitation within the Procurement Manual to \$5,000 for the sealed bidding process as permitted by Article 25, Section 3 (1) (ix); and

WHEREAS, The Board of County Commissioners finds it is in the best interest of the county to increase the dollar limitation from \$2,500 to \$5,000 for the sealed bidding process;

NOW, THEREFORE, BE IT RESOLVED by The Board of County Commissioners that the dollar limitation for procurement by the sealed bidding process is changed from \$2,500 to \$5,000 and that the adopted procurement manual originally effective January 1, 1988 is hereby so amended.

This Date:
October 25, 1988

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Loeffler
Carl M. Loeffler, President

Robert Jarboe
Robert Jarboe, Commissioner

W. Edward Bailey
W. Edward Bailey, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox,
County Administrator

Joseph R. Densford
Joseph R. Densford,
Assistant County Attorney

Ret. Judy Currie

NOV 01 1988

MARY R. BELL, CLERK

No. 88-29

Subj: COMPREHENSIVE PLAN FOR
ST. MARY'S COUNTY

006 88-29

8:46AM 11/09/88A CO.COM \$0.00

A RESOLUTION ESTABLISHING A COMPREHENSIVE PLAN
FOR THE COUNTY OF ST. MARY'S

WHEREAS, Article 66B of the Annotated Code of Maryland, as amended, empowers St. Mary's County to enact a Comprehensive Plan and to provide for its administration, enforcement, and amendment; and

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland, deem it necessary for the purpose of promoting the health, safety, and general welfare of the County to adopt such a plan; and

WHEREAS, the Board of County Commissioners, pursuant to the provisions of Article 66B of the Annotated Code, as amended, has appointed a Planning Commission to recommend the boundaries of the various planning districts and appropriate regulations to be enforced therein; and

WHEREAS, the Planning Commission has prepared a Comprehensive Plan designed to lessen congestion in the streets; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of population; to require the adequate provision of transportation, water and sewerage, schools, parks, open space, recreation, and other public facilities; and

WHEREAS, the Planning Commission has given reasonable consideration to the character of areas of the County and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the County; and

WHEREAS, the Planning Commission has recommended a Comprehensive Plan and held public hearings thereon, and submitted its final recommendation to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has given due public notice of hearings relative to the Comprehensive Plan and have held such public hearings; and

WHEREAS, all requirements of Article 66B of the Annotated Code of Maryland, as amended, with regard to the preparation of the Comprehensive Plan have been met;

1988 006 PAGE 341

No. 88-29

Subj: COMPREHENSIVE PLAN FOR ST. MARY'S COUNTY

(Page 2 of 2)

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, that the aforementioned Comprehensive Plan, as amended, is hereby adopted and enacted in its entirety this 25th day of October, 1988. The density in areas designated Rural Preservation is one dwelling per three acres. This density shall pertain to these areas in general until detailed development regulations are adopted through the revision of the St. Mary's County Zoning Ordinance and Subdivision Regulations.

BE IT FURTHER RESOLVED THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND will appoint a Task Force to prepare an Economic Development Plan within one year from the date of this Resolution.

BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loeffler, Jr.
CARL M. LOEFFLER, JR., President

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Robert T. Jarboe
ROBERT T. JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Rodney Thompson
RODNEY THOMPSON, Commissioner

ATTEST:

Edward V. Cox
EDWARD V. COX
County Commissioner

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
Assistant County Attorney

Ret. Judy Currie

NOV 09 1988
MARY R. BELL, CLERK

NO: 88 - 30
SUBJ: MARYLAND NATURAL GAS

RESOLUTION

Granting a franchise to Maryland Natural Gas, a division of Washington Gas Light Company, its successors and assigns, and to authorize the installation of its gas transmission and distribution system within St. Mary's County, Maryland.

WHEREAS, Maryland Natural Gas, a division of Washington Gas Light Company, (MNG) has presented to the Board of County Commissioners of St. Mary's County, Maryland, a proposal to extend the Company's gas transmission and distribution system into and through the unincorporated area of St. Mary's County, Maryland;

B:46AM11/09/BGA CO.COM 90.00

and
WHEREAS, MNG desires a franchise from the Board of County Commissioners granting approval; and

WHEREAS, In the judgment of the Board of County Commissioners such proposal is satisfactory and should be approved;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Mary's County, Maryland this 1st day of November, 1988 that the authority be and the same is hereby granted to Maryland Natural Gas, a division of Washington Gas Light Company, (MNG) its successors and assigns, to acquire, lay, install, operate, and maintain pipes or conduits and accessory equipment for the transmission, distribution and sale of gas, and, in connection therewith, to make the necessary cuts and excavations in the public sidewalks, streets, alleys, roads, lanes, highways, squares, paved or unpaved, and other public places within the unincorporated areas of St. Mary's County upon the following terms and conditions:

1. Before MNG shall begin any such construction of its underground or above ground facilities it shall make application to and obtain from the proper regulatory authorities having jurisdiction, a permit or permits for such construction under such terms and conditions as such authority may designate.

2. All work done under such permits shall be done in such a manner as to avoid damage to other underground or aboveground installations or any construction performed by the County itself, or by the Maryland State Highway Administration.

USER 006 PAGE 343

3. MNG shall indemnify and hold harmless said County from any and all claims of whatsoever nature against said County arising from or out of the excavations, installations and construction herein permitted, and shall reimburse said County for any loss or expense, including reasonable attorneys' fees, incurred by the said County in the defense of any claim arising out of said excavations, installations and construction.

4. MNG shall construct and extend its service in accordance with its General Service Provisions on file from time to time with the Public Service Commission of Maryland.

5. MNG agrees to pay to the County on or before the first day of February of each year a gas distribution franchise fee equal to three percent (3%) of its gas revenues from sales in St. Mary's County. The gas revenues upon which the gas distribution franchise fee shall be payable shall be gross revenues (prior to any deductions for taxes, expenses or other forms of overhead costs) of the same type that are encompassed by the St. Mary's County Energy Tax. MNG's payment shall be accompanied with certification of the monthly gas revenues for the preceding calendar year upon which the gas distribution franchise fee shall be computed. The County may, in its discretion, change the rate for the gas distribution franchise fee from time to time, such that it is imposed at the same rate as the then effective St. Mary's County Energy Tax. In lieu of a gas distribution franchise fee as set forth herein, the County may, in its discretion amend the St. Mary's County Energy Tax to apply to MNG's gas revenues. In no event shall both the gas distribution franchise fee and the St. Mary's County Energy Tax apply to MNG's gas revenues simultaneously.

6. As evidence of its acceptance of such permits upon said terms and conditions and of its agreement to abide by and perform each and all of said terms and conditions, MNG shall cause to be indicated on a copy of this resolution its acceptance thereof in its corporate name signed by its Vice President and General Manager, its corporate seal to be thereto affixed and attested by its Secretary or an Assistant Secretary, and shall file such acceptance with the Board of County Commissioners.

And be it further resolved that this resolution shall take effect from the date of its adoption.

Adopted this 1ST day of November, 1988

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler
Carl M. Loffler, President

W. Edward Bailey
W. Edward Bailey, Commissioner

Robert T. Jarboe
Robert T. Jarboe, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
Assistant County Attorney

Maryland Natural Gas, a division of Washington Gas Light Company, for itself and for its successors and assigns, hereby accepts the foregoing franchise and agrees to abide by and perform each and all of the foregoing terms and conditions, this 1ST day of November, 1988.

ATTEST:

Douglas V. Pope
Douglas V. Pope
Corporate Secretary

MARYLAND NATURAL GAS, A DIVISION
OF WASHINGTON GAS LIGHT COMPANY

BY: Donald J. Helm
Donald J. Helm
Chairman & Chief Executive Officer

Patricia Judy Cusick

NOV 09 1988

MARY R. BELL, CLERK

No. Z88-06

Subj: ZPUD #87-0201
HUNTING CREEK PUD

RESOLUTION

WHEREAS, HUNTING CREEK LIMITED PARTNERSHIP has made application to designate a parcel of land containing approximately 248 acres now zoned R-2, Low Density Urban Residential, to PDR5, Planned Development Residential. The property is the site of the proposed Hunting Creek development and is located on the northeast corner formed by the intersection of Maryland Route 5 and Willows Road, in the Eighth Election District of St. Mary's County, Maryland. The parcels are shown on Tax Map 51, Block 22, as Parcels 51 and 52; and

WHEREAS, following publication of notice and notification of all property owners within 200 ft. of the subject property, the St. Mary's County Planning Commission held a public hearing on the proposal on July 13, 1987; and

WHEREAS, after deliberation, the Planning Commission, by a vote of three (3) to one (1), recommended on October 26, 1987 that the subject application be denied; and

WHEREAS, following publication of notice and notification of all property owners within 200 ft. of the subject property, the Board of County Commissioners of St. Mary's County, Maryland, held a public hearing on the proposal on December 15, 1987; and

WHEREAS, the Board of County Commissioners deliberated on the proposal on August 30, 1988; and

2:07PM 11/18/88 CO.COM \$0.00

WHEREAS, the PDR5 zoning classification is a "floating zone", and, therefore, is not subject to the "change or mistake" rules set forth in Article 66B of the Annotated Code of Maryland, but is subject to Section 38.06 of the St. Mary's County Zoning Ordinance; and

WHEREAS, the applicant has established that the project as proposed will encourage innovative and creative design of residential and commercial development, facilitate use of the most advantageous construction techniques, and maximize the conservation and efficient use of open space and natural features. The project, as proposed, will also further the purposes and provisions of the Comprehensive Plan and conserve public fiscal resources, efficiently utilize public facilities and sources, and provide a broad range of housing and economic opportunities to present and future residents of the County;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Board of County Commissioners of St. Mary's County, Maryland, on this, the 15th day of November, 1988, that the subject property is hereby designated as PDR5, Planned Development Residential, to permit construction of 1,235 dwellings and designation of 4.4 acres of commercial uses, as set forth in the Development Plan submitted with the application, subject to the following:

1. The applicant agrees to pay to the County uniform impact fees at the rate and in the manner established after an evaluation regarding County-wide impact fees is completed;

No. 288-06

Subj: ZPUD #87-0201
HUNTING CREEK PUD

1-88 006 346

(Page 2 of 2)

- 2. If the County has not determined the revised impact fees by April 1, 1989, or when the applicant has all the technical approvals required in order to be issued building permits, whichever occurs first, the County agrees to establish reasonable impact fees for this project within thirty (30) days of said date. All impact fees to be paid for this project following final adoption of the revised County-wide impact fees shall be in accordance with the revised impact fee structure.
- 3. The number of Certificates of Occupancy which may be issued for this project shall be limited such that development shall not exceed a rate of 154 residential units per year, cumulatively from the date hereof.

The applicant hereby agrees to the terms and conditions set forth above, which shall run with and bind the subject property and shall be binding on the applicant, its successors and assigns.

HUNTING CREEK LIMITED PARTNERSHIP

By: Makileski Reed Associates by
Charles D. Reed, as general
General Partner Partner.

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loeffler, Jr.
CARL M. LOEFFLER, Jr., President

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Robert Jarboe
ROBERT JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Rodney Thompson
RODNEY THOMPSON, Commissioner

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
Assistant County Attorney

Ret. Judy Cusic

NOV 18 1988

MARY R. BELL, CLERK

No. 288-05

Subj: ZONE #88-1147
GRAND CENTRAL VIDEO

LIBER 006 P.347

RESOLUTION

WHEREAS, MARK BOURGEOIS has made application to rezone .383 acres located on the east side of Maryland Route 5, north of and adjacent to the Fastop Convenience Store property, south of Leonardtown, from AR, Agricultural-Residential, to C-2, Commercial. The property is shown on Tax Map 41, Block 14, as Parcel 208. 2:07PM 11/18/88 CD.COM \$0.00

WHEREAS, following publication of notice and notification of all property owners within 200 ft. of the subject property by certified mail, the St. Mary's County Planning Commission held a public hearing on September 26, 1988, and the Board of County Commissioners of St. Mary's County held a public hearing on October 25, 1988; and

WHEREAS, after deliberation, the Planning Commission, on October 24, 1988, voted to recommend the requested rezoning to the County Commissioners; and

WHEREAS, after deliberation, the Board of County Commissioners of St. Mary's County, on November 1, 1988, voted to change the zoning categories as requested by the applicant, due to the change in the character of the neighborhood; and


WHEREAS, the Board of County Commissioners of St. Mary's County hereby find as fact that this change in zoning will have no adverse impact on public facilities or government services due to its small size and location in a commercial area;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, this 1st day of November, 1988, that the property identified on Tax Map 41, Block 14, as Parcel 208 is hereby rezoned to C-2, Commercial.

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND


CARL M. LOFFLER, JR., President



W. EDWARD BAILEY, Commissioner


ROBERT JARBOE, Commissioner

JOHN G. LANCASTER, Commissioner


RODNEY THOMPSON, Commissioner

ATTEST:


EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:


JOSEPH R. DENSFORD
Assistant County Attorney

LIBER 000 No : 88 - 31

SUBJ: BOARD OF EDUCATION CAPITAL
IMPROVEMENT PROGRAM
FISCAL YEAR 1990 - 1995

RESOLUTION

4:00PM 12/09/88A CO.COM \$0.00

WHEREAS, The Board of Education of St. Mary's County has prepared a Six-Year Capital Improvement Program Request for FY 1990 through FY 1995 which requests State funding for various public school facility projects in St. Mary's County; and

WHEREAS, The County Commissioners have reviewed the said Capital Improvement Program Request.

NOW, THEREFORE, BE IT RESOLVED By the Board of County Commissioners of St. Mary's County, Maryland, that they are fully knowledgeable of the fact that in addition to the requested State funding, county funds may be required to design, construct, and equip the school facility projects contained in the Capital Improvement Program Request; and

FURTHER, BE IT RESOLVED That the County Commissioners of St. Mary's County, Maryland fully intend to provide such operational funds and services as are or may become necessary to adequately operate, maintain and staff those public school facilities constructed with the use of State funds provided by the State Public School Construction Program for FY 1990.

This Date:

November 29, 1988

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Loeffler
Carl M. Loeffler, President

W. Edward Bailey
W. Edward Bailey, Commissioner

Robert T. Jarboe
Robert T. Jarboe, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
Assistant County Attorney

Ret. Gary Cusie

DEC 09 1988

MARY R. BELL, CLERK

NO: 88-33
SUBJECT: St. Mary's County
Minimum
Livability Code

ORDINANCE

1989 005 2032A

WHEREAS, The 1986 Session of the Maryland General Assembly approved legislation (Senate Bill 198/House Bill 483) providing for the adoption—by 1989—of minimum property maintenance standards for rental housing throughout the state; and

WHEREAS, Article 83B, Section 6-103 of the Annotated Code of Maryland, requires each county to enact minimum property maintenance standards which substantially conform to the State's Minimum Livability Code; and

WHEREAS, The Board of St. Mary's County Commissioners appointed on January 12, 1988 a Task Force to develop a Minimum Livability Code for St. Mary's County; and

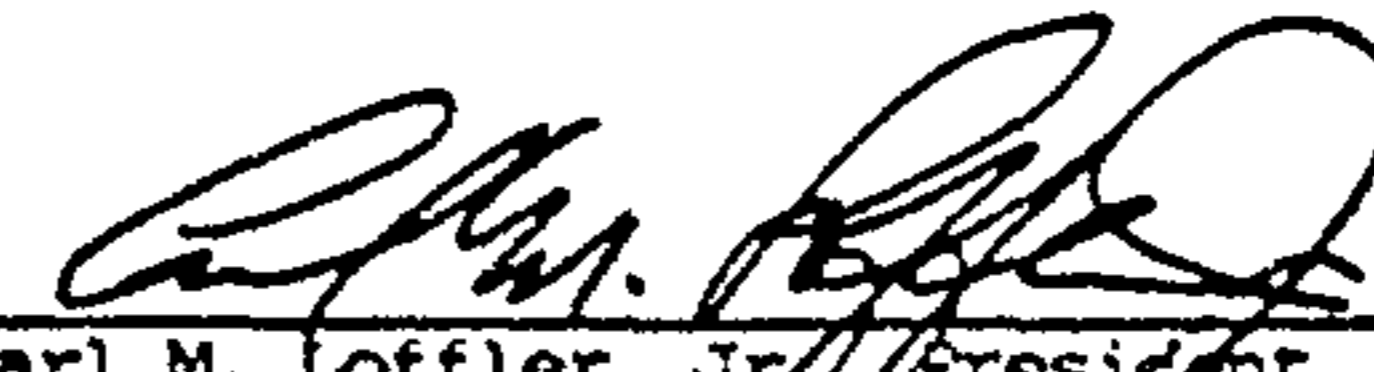
WHEREAS, The Board of County Commissioners frequently advertised for and held a Public Hearing on November 29, 1988 to elicit comments on the St. Mary's County Livability Code developed by said Task Force.

NOW THEREFORE, BE IT ORDAINED By the Board of St. Mary's County Commissioners that the St. Mary's County Livability Code in the form attached hereto and made a part of Exhibit A is hereby adopted and made effective the 1st day of January, 1989.


9:09AM 12/16/88 CD.COM 40.00

ADOPTED THIS 13TH DAY OF
DECEMBER, 1988

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND


Carl M. Loffler, Jr., President



W. Edward Bailey, Vice-President


Robert Jarboe, Commissioner


John G. Lancaster, Commissioner


Robney Thompson, Commissioner

ATTEST:


Edward V. Cox
County Administrator

LEGAL SUFFICIENCY:



Joseph R. Densford
Assistant County Attorney

EXHIBIT A

LIBER 006 PAGE 349

ST. MARY'S COUNTY

MINIMUM LIVABILITY CODE

EFFECTIVE JANUARY 1, 1989

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ST. MARY'S COUNTY
MINIMUM LIVABILITY CODE
EFFECTIVE JANUARY 1, 1989

Authority: Article 83B, Section 6-103
Annotated Code of Maryland

.01 General

A. Title:

These regulations shall be known as the Minimum Livability Code or "this Code".

B. Scope:

This Code is created to protect the public health, safety and welfare in residential structures and premises by:

1. Establishing minimum property maintenance standards for basic equipment and facilities used for light, ventilation, heating and sanitation for residential structures and premises, and for safe and sanitary maintenance of residential structures and premises;
2. Establishing minimum requirements for residential structures and premises for means of egress, fire protection systems and other equipment and devices necessary for safety from fire;
3. Fixing the responsibilities of Property Owners, Operators and Tenants of residential structures and premises; and
4. Providing for administration, enforcement and penalties.

C. Intent:

This Code shall be construed to effectively and justly protect public health, safety and welfare insofar as they are affected by the continued use and maintenance of residential structures and premises.

.02 Definitions

A. Rules of Interpretation:

1. Unless otherwise expressly stated, the terms defined in Section B shall have the meanings indicated for purposes of this Code.
2. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.
3. Where terms are not defined, through the methods authorized by this section, they shall have their ordinarily accepted meanings such as the context may imply.

B. Terms Defined:

1. "Act" means Section 6-103 of Article 83B of the Annotated Code of Maryland.

- 18 2 006 200353
2. "Basement" means that portion of a structure which is partly or completely below grade, meaning it is at least 50% below grade.
 3. "Building Code" means the building code now or hereafter adopted by the Board of County Commissioners of St. Mary's County, or such other code as may be designated by the Board of County Commissioners for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy or maintenance of residential premises and structures.
 4. "Heating" means the heating system installed and adjusted so as to provide for the distribution of heat to all habitable areas.
 5. "Code" means the St. Mary's County Minimum Livability Code.
 6. "Code Official" means the Chief of Permits and Inspections of the Office of Planning and Zoning, his agents and designees.
 7. "Condemn" means to declare a structure or part thereof, premises, or equipment, unsafe or unfit for use or occupation.
 8. "Department" means, locally the St. Mary's County Office of Planning and Zoning. At the State level, it pertains to the Department of Housing and Community Development.
 9. "Extermination" means the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating, trapping, or by any other pest elimination methods which have received all necessary and legally required approvals.
 10. "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
 11. "Habitable Area" means the space in a structure used for living, sleeping, eating, or cooking including bathrooms and toilet compartments. Closets, halls, storage or utility space, and similar areas are not considered habitable areas.
 12. "Housing Unit" means a single unit of a structure providing or intended to provide complete living and sleeping facilities for one or more persons.
 13. "Infestation" means the presence, within a structure or premises of insects, rodents, vermin or other pests.
 14. "Maintenance" means the repair and other acts intended to prevent a decline in the condition of a structure, premises, or equipment below the standards established by this Code and other applicable statutes, codes and ordinances.
 15. "Occupant" means any individual having possession of a space within a housing unit.

16. "Operator" means any person who has charge, care or control of a structure or premises which is offered for residential occupancy.
17. "Person" includes an individual, partnership, limited partnership, trust, estate, association or corporation.
18. "Plumbing" means the practice, materials, facilities, and fixtures used in the installation, maintenance, extension or alteration of all piping, fixtures, appliances, and appurtenances within the scope of the applicable plumbing code.
19. "Plumbing Fixture" means a receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom; or discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises.
20. "Premises" means a lot, plot or parcel of land including the structures thereon.
21. "Property Owner" means any person having a legal or equitable interest in the premises, including the guardian of the estate of any such person, or the executor or administrator of the estate of such person if ordered to take possession of the premises by a court.
22. "Rubbish" means paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials as well as the residue from the burning of wood, coal, coke, and other combustible materials.
23. "Secretary" means the Secretary of the Department of Housing and Community Development.
24. "Structure" means a residential structure used or intended for human habitation.
25. "Tenant" means an Occupant other than a Property Owner.
26. "Ventilation" means the process of supplying and removing air by natural or mechanical means to or from any space.
 - (a) Mechanical: Ventilation by power-driven devices.
 - (b) Natural: Ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks without power-driven devices.

.03 Application

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- A. The Minimum Livability Code shall apply to residential structures and premises used for human habitation except:
1. Owner-occupied single family housing units;
 2. Any housing exempted by the Department of Housing and Community Development; and
 3. Any housing exempted under the authority of Section .04B of this Code.
- B. Any repairs or alterations to a structure, or changes of use therein, which may be caused directly or indirectly by the enforcement of this Code shall be done in accordance with the procedures and provisions of any applicable local building code, plumbing code, mechanical code and electrical code, or any other code or standard applicable to housing.
- C. The provisions in this Code shall not abolish or impair any remedies available to the Board of County Commissioners or its officers, departments or agencies relating to the removal of demolition of any structures which are deemed to be dangerous, unsafe, and unsanitary.
- D. All repairs, maintenance, alterations or installations which are required for compliance with this Code shall be executed and installed in accordance with Code Official's determination so as to secure the results intended by this Code.

.04 Code Enforcement

A. Local Enforcement:

It shall be the duty and responsibility of the Chief of Permits and Inspections of the Office of Planning and Zoning, his agents and designees, to enforce the provisions of this Code as herein provided. However, the Code Official shall investigate only those complaints made to him and his designees, that are in writing and contain the identity of the complainant.

B. Local Waiver:

1. The Code Official may waive applicability of this Code, in whole or part, to a housing unit or units on application of the Property Owner and Operator if:
 - (a) Adequate prior written notice is afforded to at least one (1) adult Tenant of the unit;
 - (b) The Tenant is afforded an opportunity to comment on the application either in writing or in person; and

(c) The waiver would not threaten the property, health and/or safety of any Tenant.

2. The Code Official may also waive applicability of this Code on the basis of the religious practices of the Occupant of the housing unit or where residency is a condition based on an employment relationship with the Property Owner and Operator.

C. Displacement:

Enforcement of the Minimum Livability Code shall not displace a person unless the Code Official determines that alternate housing of comparable affordability is available within a reasonable distance of the vacated premises or necessary employment. Where displacement is ordered by the Code Official, no housing unit shall be rented and/or subsequently occupied by a Tenant without determination by the Code Official that the dwelling unit complies with this Code. However, if the cause of the displacement is deemed by the Code Official to be the responsibility of the Tenant, this section shall not be applicable to such displacement.

D. Enforcement:

Enforcement and waiver application are not intended to supersede any State laws pursuant to the Annotated Code of Maryland as follows:

1. State Fire Laws, Article 38A;
2. State Elevator Laws, Article 89; and
3. State Boiler Laws, Article 48.

.05 Duties and Powers of Code Official

A. General:

The Code Official shall enforce the provisions of this Code except as may otherwise be specifically provided by these regulations.

B. Notices and Orders:

The Code Official shall issue all notices and orders necessary to insure compliance with this Code.

C. Inspections:

The Code Official is authorized to enter any structure or premises at any reasonable time upon providing reasonable notice to the Property Owner and Operator, and Tenant, for the purpose of making inspections and performing duties under this Code.

D. Alterations and Repairs:

The Code Official has the authority to require and approve any alterations or repairs necessary to bring a structure or premises into compliance with this Code. The determination of what may be necessary to bring such premises into compliance shall take into consideration State and local standards and practices together with use of other practical alternatives and equivalent approaches.

As provided for in this Code, the Code Official shall have the authority to approve changes in any alterations or repairs in the field when conditions are encountered which make the originally approved work impractical, provided such changes in approved work can be readily determined to be in compliance with this Code and are requested by the Property Owner and Operator prior to such changes. Such changes shall be specifically documented by the Property Owner and Operator or by his agent, describing the change in work and the reasons and justification for the change, and shall be filed with the permit for the project.

E. Right of Entry:

If any Property Owner, Operator, or Tenant of a structure refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of the structure or premises where inspection authorized by this Code is sought, the Code Official may seek, in a court of competent jurisdiction, an order that such Property Owner, Operator or Tenant cease and desist from such interference.

F. Access by Property Owner and Operator:

A Tenant of a structure or premises shall give the Property Owner and Operator thereof, access to any part of such structure or its premises at reasonable times upon being given reasonable notice for the purpose of making such inspection, maintenance, repairs, or alterations as are necessary to comply with the provisions of this Code. This reasonable notice shall depend on exigencies of life, health, and safety together with the preservation of property.

G. Credentials:

The Code Official shall disclose his credentials for the purpose of inspecting any structure or premises.

H. Coordination of Enforcement:

The inspection of structures and premises, the issuance of notices and orders, and enforcement of them, shall be the responsibility of the Code Official. Whenever the Code Official initiating an inspection of a premises under this Code becomes aware that an inspection of the same premises is to be made by any other governmental official or agency, the Code Official shall make a reasonable effort to arrange for the coordination of the

inspections so as to minimize the number of visits by inspectors. The Code Official shall confer with the other governmental official or agency for the purpose of eliminating conflicting orders before any are issued. The Code Official shall not, however, cause the delay of the issuance of any emergency orders by any governmental official or agency which the governmental official or agency determines must be issued.

.06 Condemnation

A. General:

When a structure or part thereof is found by the Code Official to be unsafe or unfit for human occupancy or use, the Code Official may condemn the structure or part thereof and may order the structure or part thereof to be placarded and vacated pursuant to the provisions of this Code. The structure or part thereof shall not be re-occupied without approval of the Code official. Unsafe equipment may be condemned, placarded and placed out of service pursuant to the provisions of this Code.

B. Unsafe Structure:

An unsafe structure is one which all or part thereof is found by the Code Official to be dangerous to life, health, property, or the safety of its Tenants by not providing minimum protection from fire or because it is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that it is likely to partially or completely collapse. This definition also includes unsafe structures as defined by the St. Mary's County's Zoning Ordinance.

C. Unsafe Equipment:

Unsafe equipment includes any boiler, heating equipment, cooking equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that it is found by the Code Official to be a hazard to life, health, property or safety of the Tenants of the premises or structure. Unsafe equipment may contribute to the finding that the structure is unsafe or unfit for human occupancy or use.

D. Structure Unfit for Human Occupancy:

A structure is unfit for human occupancy or use whenever the Code Official finds that it is unsanitary, vermin or rodent infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code.

E. Closing of Vacant Structures:

Upon failure of a Property Owner and Operator to close or vacate a

premises within the time specified in an order, the Code Official may cause the premises to be closed through any available public agency or by contract or arrangement with private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate which may, in addition to other remedies, be charged and collected in the same manner as real property taxes.

.07 Notices and Orders

A. General:

Whenever the Code Official determines that there has been a violation of this Code or has reasonable grounds to believe that a violation has occurred, or whenever the Code Official has determined to condemn any structure or part thereof or equipment under the provisions of Regulation .06, notice shall be given to the Property Owner and Operator and to the Tenant in the manner prescribed in this Code. If the Code Official has condemned the structure or part thereof or equipment, the Code Official shall serve prior notice to the Property Owner and Operator and to the Tenants of the intent to:

1. Order the structure or part thereof placarded or vacated; or
2. Order the equipment placed out of service.

B. Service of Notice:

Notice shall be deemed to be properly served upon a Property Owner and Operator or Tenant by one of the following methods:

1. By delivering to the person to be served or his agent a copy of the notice and all other necessary papers; or
2. (a) By mailing to the person to be served at his last known address or to his agent by certified or registered mail with return receipt requested a copy of the notice and all other necessary papers; or
 (b) If the certified or registered letter is returned with receipt showing that it has not been delivered, by posting a copy thereof in a conspicuous place in or about the structure affected by such notice.

C. Notice to Vacate:

When a condemnation order is served on a Tenant, the Tenant shall be given a reasonable time to vacate the structure in accordance with State or local law.

D. Transfer of Ownership:

A Property Owner and Operator who has received a compliance order

or upon whom a notice of violation has been served shall not sell, transfer, mortgage, lease or otherwise dispose of the premises until the provisions of the compliance order or notice of violation have been complied with, or until the Property Owner and Operator shall first furnish the grantee, transferee, mortgagee or lessee a true copy of the compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, in which he acknowledges the receipt of the compliance order or notice of violation and states that he fully accepts and assumes the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. All code violation/citation notices will immediately be placed in the county land records.

E. Removal of Placard:

A Property Owner and Operator shall not cause a condemnation placard to be defaced or removed without the approval of the Code Official.

.08 Violations

A. Penalty:

Any Property Owner and Operator who knowingly or willfully violates any provision of this Code may be enjoined from committing such violations by any court of competent jurisdiction. The Code Official shall be responsible for seeking injunctive relief and shall also be authorized to recover reasonable attorney's fees and court costs for the judicial proceeding.

B. Other Penalties:

Any penalty ordered under this Code is in addition to and is not a substitute for any other penalty authorized under a Federal, State, or local law.

.09 Right to Appeal

- A. Any person aggrieved by a decision of the Code Official which has been made in connection with the enforcement of any provision of this Code or of a regulation adopted pursuant to this Code may request, in writing, and may be granted a hearing before the Board of Appeals in the manner prescribed in Section .10 below. Any such appeal shall be taken no later than thirty (30) calendar days following the final decision of the Code Official.

.10 Livability Code Board of Appeals

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- A. There shall be a St. Mary's County Livability Code Board of Appeals which shall consist of three (3) members appointed by the Board of County Commissioners. The members shall be appointed for staggered terms of three (3) years. The Board shall select its chairperson in January of each year by majority vote. A member shall serve until a successor has been appointed. The Board of Appeal, upon request, shall be assisted in carrying out its responsibilities by the County Attorney, or such other counsel as the County Commissioners may from time to time appoint.
- B. The Board shall be responsible for hearing and deciding any appeal taken from any decision of the Code Official concerning the enforcement of any provision of this Code, or of a regulation adopted pursuant to this Code.
- C. In any appeal filed with the Board of Appeals, it shall hold a public hearing. In the conduct of such hearing:
1. All testimony at appeal hearings shall be given under oath. The Chairperson of the Board of Appeals or, if absent, the Acting or Vice-Chairperson, is authorized to administer oaths. The parties or their counsel shall present to the Board all evidence collected with reference to the appeal. Parties may present testimony and cross-examine witnesses. The parties may be represented by counsel, and the proceeding shall be conducted in accordance with regulations governing such hearings as adopted by the Board.
 2. A final order resulting from the hearing shall include findings of fact and conclusions of law.
 3. If aggrieved by a final order of the Board of Appeals, a party to the appeal may request judicial review in accordance with the provisions of Chapter 1100, Subtitle B. of the Maryland Rules of Procedure. If a timely appeal for judicial review is filed, the final order shall not be stayed pending final disposition by the reviewing court.
 4. In carrying out the provisions of the Code, the Board may issue subpoenas in aid of investigations, to compel attendance and testimony of witnesses at hearings and for the production of books, papers, records, documents or other tangible objects. Such subpoenas may be judicially enforced.
- D. The Board of Appeals may adopt rules and regulations in order to carry out the provisions of this Section.

.11 Environmental Requirements

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A. Scope:

The provisions of this regulation shall establish the minimum standards for maintenance of premises and structures.

B. Premises Conditions:

1. Sanitation:

All premises shall be maintained in a clean, safe and sanitary condition free from any accumulation of rubbish or garbage.

2. Insect and Rodent Control:

The premises shall be free from infestation of insects, rodents, vermin, or other pests.

C. Exterior Structure:

1. General:

The exterior of a structure shall be maintained in good repair, and shall be structurally sound and maintained in a sanitary condition so as not to pose a threat to the health, safety or welfare of the occupants.

2. Structural Members:

All supporting structural members of a structure shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them.

3. Exterior Surfaces:

Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in good repair and shall be kept in such condition as to exclude rodents and other pests.

4. Foundation Walls:

All foundation walls shall be structurally sound and shall be maintained free from open cracks and breaks.

5. Exterior Walls:

Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied areas of the structure. All exterior surface materials, including wood, composition, or metal siding, shall be maintained weatherproof, and shall be properly surface-coated when required to prevent deterioration.

6. Roofs and Drainage:

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The roof shall be structurally sound, and shall not have defects which might admit rain. Roof drainage shall be adequate to prevent rain water from causing dampness or deterioration in the walls or interior portion of the structure.

7. Decorative Features:

All cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in a safe condition.

8. Signs, Marquees, and Awnings:

All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair, be properly anchored and kept in a safe and sound condition. They shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or other protective treatment.

9. Chimneys:

All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally sound, safe and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials such as paint or similar surface treatment.

10. Stairs and Porches:

Every exterior stair, porch, fire escape, balcony, and all appurtenances attached thereto shall be safe in use and capable of supporting the anticipated loads and shall be maintained in a safe and sound condition and good repair.

11. Windows, Doors and Frames:

Every window, door and frame shall be maintained so as to exclude rain and rodents as completely as possible, and to substantially exclude wind from entering the structure.

12. Weathertight:

Every window and exterior door shall be fitted reasonably in its frame and be weathertight. Every window shall be free of cracks and holes.

13. Openable Windows:

Every window used for ventilation or emergency escape shall be

capable of being easily opened from the inside and shall be held in position by window hardware.

14. Insect Screens:

During the period from April 1 to December 1, every door and window or other outside opening used for ventilation purposes shall be supplied with tight fitting insect screens.

Exception: Upon the prior approval of the Code Official, screens shall not be required for exterior doors or other types of openings which make screening impractical, such as openings equipped with air conditioning units or openings above the fourth floor. The Code Official may require alternatives to screens.

15. Door Hardware:

Every exterior door and its hardware shall be maintained in good condition. Door locks on all interior and exterior doors entering housing units shall be in good repair and capable of tightly securing the door.

D. Interior Structure:

1. General:

The interior of a structure and its equipment and facilities shall be maintained in good repair, structurally sound and in a sanitary condition so as not to pose a threat to the health, safety or welfare of the occupants.

2. Structural Members:

The supporting structural members of a structure shall be maintained structurally sound, free of deterioration and maintained capable of safely carrying the imposed loads.

3. Interior Surfaces:

Floors, walls (including windows and doors), ceilings, and other interior surfaces shall be maintained in good repair and in a clean, safe and sanitary condition.

4. Bathroom and Kitchen Floors:

Every toilet, bathroom and kitchen floor surface shall be maintained so as to be substantially impervious to water to permit such floor to be easily kept in a clean and sanitary condition.

5. Sanitation:

The interior of a structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or

garbage. Rubbish or garbage shall be properly kept inside temporary storage facilities. Rubbish or garbage shall not be allowed to accumulate or be stored in public halls or stairways.

13.2 006 23365

A structure shall be kept free from infestation, and where infestation is found, the area shall be promptly exterminated by processes which will not be injurious to human health. Continuing or repeated incidents of infestation, as determined by the Code Official, shall require the installation of rodent and vermin-proof walls. The rodent and vermin-proof walls shall be installed in accordance with the applicable local building code.

7. Exit Doors:

Every door available as an exit shall be capable of being opened easily from the inside.

8. Exit Facilities:

All interior stairs and railings and other exit facilities of a structure shall be maintained in sound condition and good repair. Every interior stair used for exit shall be maintained so as to be safe to use and capable of supporting the anticipated loads.

.12 Light and Ventilation Requirements

A. General:

1. Scope: The provisions of this regulation shall govern the minimum standards for basic equipment and facilities used for light and ventilation of a structure.
2. Alternative Methods and Devices: In place of the means for natural light and ventilation herein prescribed, alternative arrangement of windows, louvers, or other devices or methods that will provide the equivalent minimum performance requirements shall be permitted in order to comply with the applicable local building code.

B. Light:

1. General: All areas in a structure shall be provided sufficient light as not to endanger health and safety. All areas in a structure shall be provided with natural light or equipment to accommodate artificial light of sufficient intensity and distributed so as to permit the maintenance of sanitary conditions and the safe use of the area and the appliances, equipment and fixtures.
2. Common Halls and Stairways: Every common hall and stairway in a structure, other than one and two-family structures, shall be

adequately lighted at all times with an illumination equivalent to the foot candles provided by at least a 60 watt standard incandescent light bulb for each 200 square feet of floor area, provided that the spacing between lights shall not be greater than 30 feet. Every exterior stairway shall be illuminated.

C. Ventilation:

1. General: All areas in a structure shall be provided sufficient ventilation so as not to endanger health and safety.
2. Mechanical Ventilation: Where mechanical ventilation is provided in lieu of natural ventilation, such mechanical ventilating system shall be maintained in operation during the occupancy of the structure or portion thereof. When part of the air provided by a mechanical ventilation system is recirculated, the portion or volume of air recirculated shall not be recirculated to a different habitable area.

.13 Plumbing Facilities and Fixture Requirements

A. Scope:

The provisions of this regulation shall govern the minimum standards for plumbing facilities and fixtures.

B. Required Plumbing Facilities:

Every housing unit shall include its own plumbing facilities which shall be maintained in proper operating condition, can be used in privacy, and are adequate for personal cleanliness and the disposal of human waste. The following minimum plumbing facilities shall be supplied and maintained in a sanitary and safe working condition:

1. Water Closet and Lavatory: Every housing unit shall contain within its walls, a room separate from other habitable areas, which provides a water closet supplied with cold running water and which affords privacy. A lavatory shall be placed in the same room as the water closet or located in another room, in close proximity to the door leading directly into the room in which said water closet is located. The lavatory shall be supplied with hot and cold running water;
2. Bathtub or Shower: Every housing unit shall contain a room which is equipped with a bathtub or shower supplied with hot and cold running water and which affords privacy; and
3. Kitchen Sink: Every housing unit shall contain a kitchen sink apart from the lavatory required under Subsection (1), and such sink shall be supplied with hot and cold running water.

- C. Alternative Plumbing: Alternative plumbing facilities and fixtures for use in housing units may be allowed as approved on a case-by-case basis by those local applicable authorities/boards.

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D. Plumbing Fixtures:

1. General: All plumbing fixtures shall be maintained in a safe and usable condition. All plumbing fixtures shall be of nonabsorbent material and shall have received all necessary and legally required approvals.
2. Connections: Water supply lines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in working order and shall be kept free from obstructions, leaks and defects and shall be capable of performing the function for which they are designed. All repairs and installations shall be made in accordance with the provisions of the applicable local building code or applicable local plumbing code.
3. Maintenance: All plumbing fixtures shall be maintained in a clean and sanitary condition so as not to breed insects and rodents, or produce dangerous or offensive gases or odors.
4. Access for Cleaning: Plumbing fixtures shall be installed to permit easy access for cleaning both the fixture and the area around it.

E. Water System:

1. General: Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing facility shall be properly connected to either a public water system or to a private water system which has received all necessary and legally required approvals.
2. Contamination: The water supply system shall be maintained free from contamination. All water inlets for plumbing fixtures shall be located above the overflow rim of the fixture.
3. Water Supply: The water supply system shall be installed and maintained to provide at all times a supply of water to plumbing facilities, fixtures, devices, and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactorily.
4. Water Heating Facilities: Water heating facilities shall be installed in a manner which has received all necessary and legally required approvals, properly maintained, and properly connected with hot water lines to the fixtures required to be supplied with the hot water. Water heating facilities shall be capable of heating water to such a temperature so as to permit an adequate amount of water to be drawn at every kitchen sink, lavatory basin, bathtub, shower, and laundry facility or other similar facilities, at a temperature of not less than 110 degrees F.
5. Alternative Water Systems: Alternative water systems may be allowed as approved on a case-by-case basis by the local Health Department.

F. Sewage System:

1. **General:** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing facility shall be properly connected to either a public sewer system or private sewage disposal system which has received all necessary and legally required approvals.
2. **Maintenance:** Every plumbing stack, waste and sewer line shall be installed and maintained so as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the provisions of the applicable local building code or applicable local plumbing code.

.14 Mechanical and Electrical Requirements**A. General:**

1. **Scope:** The provisions of this regulation shall govern the minimum standards for mechanical and electrical facilities and equipment.

B. Heating Facilities:

1. **Residential Structures:** Every housing unit shall be supplied with sufficient heat or heating equipment capable of supplying sufficient heat during the period from October 1 to May 15 to maintain a room temperature of not less than 65 degrees F. in all habitable areas during the hours between 6:30 a.m. and 10:30 p.m. of each day and maintain a temperature of not less than 60 degrees F. during other hours. The temperature shall be measured at a point 3 feet above the floor and 3 feet from exterior walls.

Exception: When the exterior temperature falls below 0 degrees Fahrenheit and the heating system is operating at its full capacity, a minimum room temperature of 60 degrees F. shall be maintained at all times.

2. **Cooking and Heating Equipment:** All cooking and heating equipment, components, and accessories in every heating, cooking and water heating device shall be maintained free from leaks and water flow obstructions, and kept functioning properly so as to be free from fire, health and safety hazards. All installations and repairs shall be made in accordance with the provisions of the applicable local building code, or other applicable laws or ordinances thereto. Portable cooking equipment employing flame is prohibited, except for residential type food trays or salvers which are heated by a candle or alcohol lamp and which have received all necessary and legally required approvals.

13.9 006 20369

3. Installation: All mechanical equipment used for heating and cooking shall be properly installed and safely maintained in good working condition, and shall be capable of performing the function for which it was designed and intended.
4. Fuel-Burning Equipment: All fuel-burning equipment shall be connected to a chimney, flue or vent in accordance with applicable local or State codes or per manufacturer's instructions in cases where no local or State codes apply.
5. Clearances: All necessary and legally required clearances to combustible materials shall be maintained.
6. Safety Controls: All safety controls for fuel-burning equipment shall be maintained in effective operation in accordance with applicable local or State codes, or per manufacturer's instructions in cases where no local or State codes apply.
7. Combustion Air: A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided the fuel-burning equipment.
8. Unauthorized Devices: Devices purporting to reduce gas consumption by attachment to a gas appliance, the gas supply line thereto, or the vent outlet or vent piping therefrom shall not be used unless labeled for such use and the installation has specifically received all necessary and legally required approvals.
9. Fireplaces: Fireplaces, and other construction and devices intended for use similar to a fireplace, shall be stable and structurally safe and connected to chimneys which have received all necessary and legally required approvals.
10. Climate Control: When facilities for interior climate control (heating, cooling, and humidity) are integral functions of housing units, such facilities shall be maintained and operated in accordance with the designed capacity.

C. Electrical Facilities:

1. Facilities Required: Provided that there is usable electric service available from a power line not more than 300 feet away, a structure shall be adequately and safely provided with an electrical system in compliance with the requirements of this section.
2. Receptacles: Every habitable area in a housing unit shall contain at least one receptacle outlet. Every laundry area and bathroom shall contain at least one grounded type receptacle. Every kitchen shall contain at least two receptacles.

3. **Lighting Fixtures:** Every public hall, interior stairway, water closet compartment, bathroom, laundry room and furnace room shall contain at least one electric lighting fixture.
4. **Service:** When the electrical system requires modification to correct a violation of this section, the service shall be corrected to a minimum of 60 ampere, three wire service.
5. **Installation:** All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of a type which has received all necessary and legally required approvals.

.15 Fire Safety Requirements

A. **Scope:**

The provisions of this regulation shall govern the minimum standards for fire safety facilities and equipment. All structures shall be constructed and maintained to prevent and avoid fire hazards, and in a manner conducive to fire safety.

B. **Means of Egress:**

1. **General:** A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to the exterior at a street, yard, court, or passageway leading to a public open area at grade.
2. **Direct Exit:** Every housing unit shall have access directly to the outside or to a common area that leads directly to the outside.
3. **Doors:** All doors in the required means of egress shall be easily opened from the inner side.
4. **Fire Escapes:** All fire escapes shall be maintained in working condition and structurally sound.
5. **Exit Signs:** All exit signs shall be illuminated and visible.
6. **Emergency Escape:** Every sleeping room located in a basement shall have at least one openable window or exterior door for emergency egress or rescue which has received all necessary and legally required approvals or shall have access to two separate exits which have received all necessary and legally required approvals.

C. **Accumulations and Storage:**

1. **General:** Garbage or Rubbish shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes, or other means of egress.

2. **Flammable Matter:** Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids, or combustible rubbish such as waste paper, boxes and rags, shall not be accumulated or stored on premises except in reasonable quantities consistent with normal usage.
3. **Residential Unit:** A housing unit shall not be located within a structure containing an establishment handling, dispensing or storing flammable liquids with a flash point of 100 degrees F. or lower, except as provided for in the applicable local building code.

D. Fire Resistance Ratings:

Floors, walls, ceilings, and other elements and components which are required by the applicable fire code to comply with a fire resistance rating shall be maintained so that the respective fire resistance rating of the enclosure, separation, or construction is preserved.

E. Fire Protection Systems:

1. **General:** All fire protection systems and equipment shall be maintained in proper operating condition at all times.
2. **Smoke Detectors:** All housing units shall be provided with a minimum of one single station smoke detector in the vicinity of each sleeping area. The smoke detectors shall be installed and maintained in accordance with the State fire laws, Annotated Code of Maryland, Article 38A, Section 12A Smoke Detection Systems. When actuated, the smoke detector shall provide an alarm suitable to warn the occupants within the unit.
3. **Fire Suppression System:** Fire suppression systems in housing units so equipped shall be maintained in good condition, free from mechanical defect. Sprinkler heads shall be kept clean and free of corrosion and paint, and shall not be bent or damaged.
4. **Fire Extinguishers:** All portable fire extinguishers in housing units so equipped shall be visible and accessible, and maintained in an efficient and safe operating condition.

F. Fire Doors:

All necessary and legally required fire resistance rated doors or smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. The use of door stops, wedges and other hold-open devices which have not received all necessary and legal approvals or which have been denied approval is prohibited.

.16 Responsibilities of Persons

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A. Scope:

The Property Owner and Operator and the Tenant shall be responsible for compliance with the provisions of this Code, and may be cited for violations thereof. No Property Owner and Operator shall permit a Tenant to occupy a structure or premise which is not in compliance with provisions of this Code unless waiver approval is obtained under Section .04B of this Code. After the Tenant takes possession of the housing unit, the Tenant is responsible for promptly reporting discrepancies regarding the housing unit (in writing), to the Property Owner and Operator that occur after occupancy. This written notice to the Property Owner and Operator must occur first and record of such notice presented to the Code Official before enforcement of this Code under Section .04 occurs, unless enforcement is deemed necessary for safety by the Code Official.

B. General:

A Property Owner and Operator may not be cited for a violation of this Code that is caused by the negligent, wrongful or malicious acts or omissions of a Tenant, provided the Property Owner's and Operator's acts and omissions have not materially contributed in any way to cause such violation.

C. Sanitary Condition:

1. Cleanliness: The Tenant shall be responsible for keeping that part of the structure or premises which the Tenant occupies, controls, or uses in a clean and sanitary condition. Every Property Owner and Operator of a structure containing two or more housing units shall maintain, in a clean and sanitary condition, the common areas of the structure and premises.
2. Disposal and Storage of Rubbish and Garbage: The Tenant shall be responsible for the storage and disposal of rubbish and garbage in a clean and sanitary manner as may be required by applicable laws or ordinances.
3. Supplied Fixtures and Equipment: The Tenant shall be responsible for keeping owner-supplied equipment and fixtures clean and sanitary, and for the exercise of reasonable care in their proper use and operation. The Property Owner and Operator shall be responsible for maintaining such equipment and fixtures in good and proper operating condition.
4. Furnished by Tenant: The Tenant shall be responsible for the maintenance of equipment and fixtures furnished by the Tenant. Such equipment and fixtures shall be properly installed, and shall be maintained in good working condition, kept clean and sanitary, and free of defects, leaks or obstructions.

D. Extermination:

1. All Structures: If necessary, the Property Owner and Operator shall be responsible for extermination within the structure and on the premises prior to renting or leasing the structure.
2. Single Occupancy: The Tenant of a structure containing a single housing unit shall be responsible for the extermination of any insects, rodents or other pests in the structure or the premises.
3. Multiple Occupancy: Every Property Owner and Operator of a structure containing two or more housing units shall be responsible for the extermination of any insects, rodents or other pests in the structure or on the premises except where infestation within a housing unit is caused by a failure of the Tenant to take reasonable action to prevent such infestation within the housing unit.

E. Fire Safety:

Responsibility for installing and maintaining in good working order any smoke detector installed pursuant to this Code shall be in accordance with the State fire laws, Annotated Code of Maryland, Article 38A, Section 12A Smoke Detection Systems.

.17 Severability

The provisions of these regulations are severable. A judgment by any court of competent jurisdiction finding or declaring that any provisions of these regulations or the application of any provision to any person or circumstance is invalid does not affect the validity of the remaining provisions of the regulations or any other application of these regulations, and the remaining regulations shall have full force and effect as if no judgment has been entered.

Ret. Judge Case

DEC 16 1988
MARY R. BELL, CLERK

Subj: St. Mary's County Solid Waste Disposal Ordinance

ORDINANCE

WHEREAS, Article 25, Section 14A, Paragraph (a), subparagraph (1) of the Annotated Code of Maryland empowers the County Commissioners to prescribe and enforce rules and regulations concerning the operation and manner of use of the disposal areas or facilities;

WHEREAS, the Board of County Commissioners did on the 1st day of March, 1971, adopt the St. Mary's County Solid Waste Disposal Ordinance and,

WHEREAS, the St. Mary's County Solid Waste Disposal Ordinance has been amended from time to time, and,

WHEREAS, after due notice, a public hearing was held by the Board of County Commissioners on October 18, 1988, concerning proposed changes to the Solid Waste Ordinance.

NOW, THEREFORE, BE IT RESOLVED and Ordained that, in an open meeting held on November 15, 1988, after due consideration and deliberation, the Board of County Commissioners approved the Solid Waste Ordinance, as amended, and the associated Rules and Regulations and Fee Schedule.

The terms of this Ordinance shall become effective on the 1st day of January, 1989.

9:09AM 12/16/88 CD.COM \$0.00

THIS DATE:

November 29, 1988

BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler
Carl M. Loffler, President

Robert Jarboe
Robert Jarboe, Vice President

W. Edward Bailey, Commissioner

John B. Lancaster
John B. Lancaster, Commissioner

Rodney Thompson, Commissioner

ATTEST:

Edward V. Cox

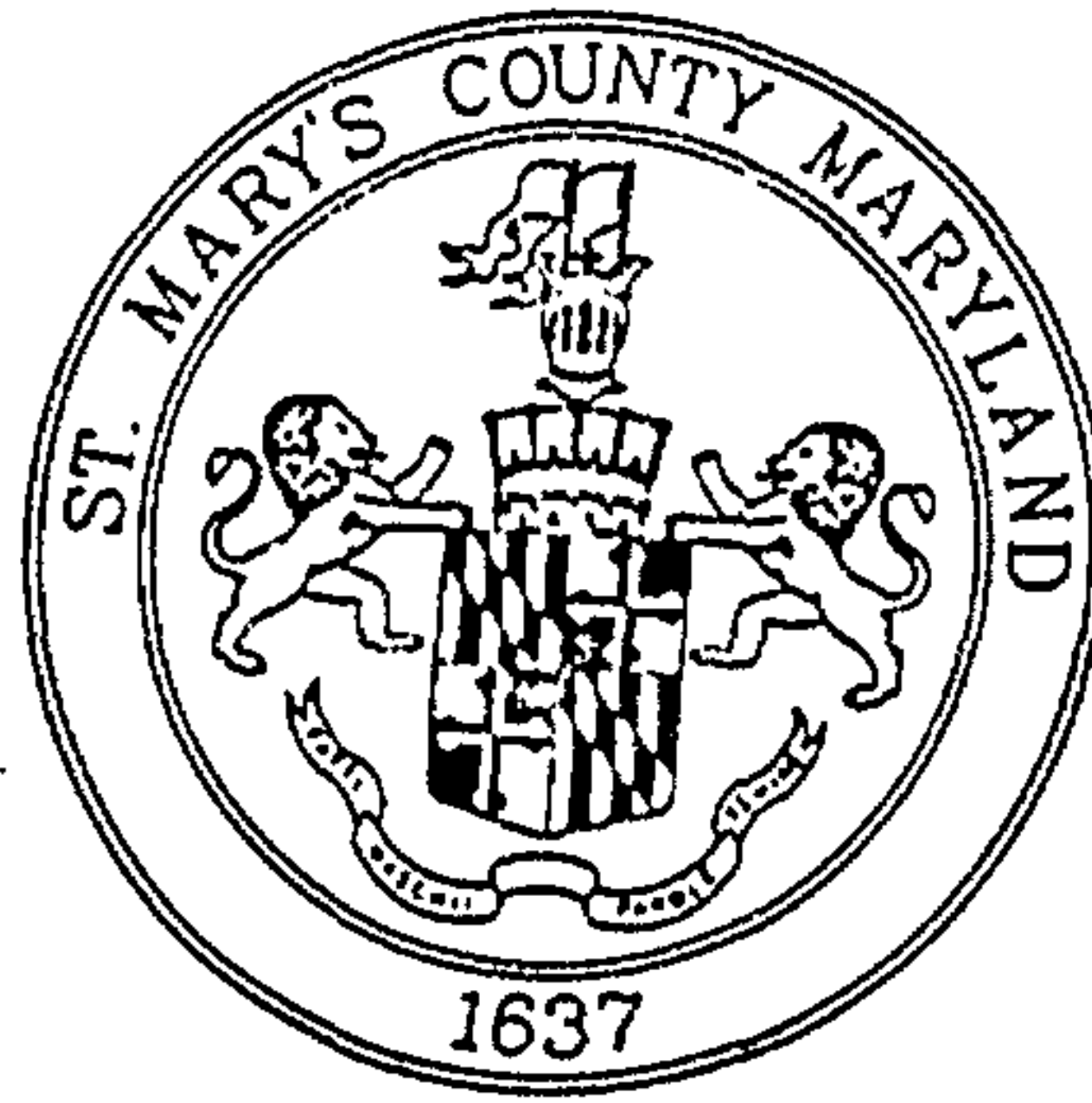
APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
Assistant County Attorney

mj

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BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY
LEONARDTOWN, MARYLAND



SOLID WASTE ORDINANCE

DEPARTMENT OF PUBLIC WORKS
POST OFFICE BOX 508
CALIFORNIA, MARYLAND

RESOLUTION 88-32
DATED November 29, 1988

SOLID WASTE ORDINANCE

WHEREAS, Article 25, Section 14A, Paragraph (a) subparagraph (1) of the Annotated Code of Maryland empowers the County Commissioners to prescribe and enforce Rules and Regulations concerning the operation and manner of use of the disposal areas or facilities; and

WHEREAS, the Board of County Commissioners adopted Rules and Regulations governing the use of the County landfills by Resolution No. 71-4, effective the 1st day of March, 1971; and

WHEREAS, the Board of County Commissioners propose to assess the costs of County Solid Waste Disposal services to the users of those services via the levy of user fees.

NOW, THEREFORE, BE IT RESOLVED by the Board of St. Mary's County Commissioners that the following is the Ordinance, as adopted, governing the administration and use of the St. Mary's County Solid Waste Acceptance Facilities, St. Mary's County, Maryland, as required by the State of Maryland Department of the Environment, Department of Health and Mental Hygiene and St. Mary's County Agencies having statutory authority; and

IT IS FURTHER RESOLVED, that this "Solid Waste Ordinance", supersedes and replaces the prior Solid Waste Disposal Ordinance as adopted by Ordinance No. 85-14.

SECTION 1: DEFINITIONS

- A. Commercial Waste Hauler is any person, company or entity hauling refuse for hire, either for cash or any other remuneration in St. Mary's County to the Solid Waste Acceptance Facility.
- B. Agricultural Waste means poultry and livestock manure, or residual materials in liquid or solid form, generated in the production and marketing of poultry, livestock, furbearing animals and their products. It includes the residual materials generated in producing, harvesting, and marketing of all agronomic, horticultural, silvicultural, and aquacultural crops or commodities grown on what are usually recognized and accepted as farms, forests, or other agricultural lands.
- C. Ashes means the residue from the burning of wood, coal, coke, and other combustible materials.

- D. Garbage means any putrescible solid and semi-solid animal or vegetable wastes resulting from the production, handling, preparation, cooking, serving or consumption of food or food materials.
- E. Hazardous Waste means any substance defined in the Health and Environmental Article, Section 7-208, Annotated Code of Maryland, as a hazardous substance.
- F. Industrial Wastes shall mean food processing wastes, boiler house cinders, lumber scraps, metal scraps, or shavings.
- G. Infectious Waste means any waste that comes from a hospital, clinic, or laboratory and that is known or suspected to be contaminated with organisms capable of producing disease or infection in humans. Infectious waste includes:
 - 1) Disposable equipment, instruments and utensils.
 - 2) Contaminated needles, scalpels, and razor blades.
 - 3) Human tissue and organs that result from surgery, obstetrics or autopsy.
 - 4) Feces, urine, vomitus and suctionings.
 - 5) Live vaccines for human use.
 - 6) Blood and blood products.
 - 7) Laboratory specimens, such as tissues, blood elements, excreta and secretions.
- H. Intermediate Disposal means the preliminary or incomplete disposal of solid waste including, but not limited to, transfer station, incineration, or processing.
- I. Open Dump means a land disposal site which is not operated in accordance with the requirements for a sanitary landfill or rubble landfill as given in the Maryland Refuse Disposal Regulations.
- J. Person means any individual, corporation, company, association, society, firm, partnership, joint stock company, Federal or State governmental unit, or any political subdivision of any State or any agency or instrumentality of one.
- K. Refuse means all putrescible and non-putrescible solid wastes, with the exception of body wastes.
- L. Refuse Disposal means the disposal of all putrescible and non-putrescible solid waste (except sewage).
- M. Rubbish means non-bulky, domestic and commercial solid waste exclusive of garbage.

- N. Rubble shall mean waste materials from the construction and repair or demolition of buildings or structures and other bulk materials such as tires and other items as listed in proposed regulations, including:
- 1) Masonry materials such as brick, block and concrete.
 - 2) Wood and metal materials such as framing, siding, trim, millwork, etc.
 - 3) Earth, bituminous concrete, sheet rock, glass, etc.
 - 4) Electrical wiring, conduits, fixtures, etc.
 - 5) Plumbing materials such as piping, fixtures, etc.
 - 6) Roofing materials such as shingles, felts, membranes, aggregate, etc.
 - 7) Major appliances, HVAC equipment, air ducts, etc.
 - 8) Related packings such as paper, cardboard, wood crates, etc.
 - 9) Brush, trimmings, tree stumps, limbs.
- O. Sanitary Landfill means a land disposal site employing an engineered method of disposing of solid wastes on land in a manner that minimizes environmental hazards by spreading the solid wastes in thin layers, compacting the solid wastes in the smallest practical volume, and applying and compacting cover material at the end of each operating day, or more often if required.
- P. Solid Waste means garbage, refuse, sludges, and other discarded materials resulting from industrial and commercial operations and from community activities. It does not include solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents or other common water pollutants.
- Q. Solid Waste Acceptance Facility means any landfill, transfer station, incinerator or processing facility whose preliminary purpose is to dispose of, treat or process solid waste.
- R. System of Refuse Disposal for Public Use means the services, facilities, or properties used in connection with the intermediate and final disposal of solid waste unless these activities are limited to waste generated by a single individual or business and disposed of on the same property where generated.
- S. Transfer Station means a place or facility where waste materials are taken from smaller collection vehicles and using mechanical means placed in larger transportation units (for example, over-the-road tractor-trailers) for movement to other intermediate or final disposal facilities.

1989 006 20079

SECTION 2: ACCEPTABLE REFUSE

Authorized use of Solid Waste Acceptance Facilities within St. Mary's County shall be restricted to the residents and commercial businesses of St. Mary's County and those Commercial Waste Haulers servicing residents and commercial businesses within St. Mary's County. Solid waste originating or generated outside the territorial limits of St. Mary's County shall not be transported to or disposed of in St. Mary's County or in any Solid Waste Acceptance Facility in St. Mary's County.

The Department of Public Works may adopt additional Rules and Regulations governing acceptable refuse.

SECTION 3: RULES AND REGULATIONS

The Board of County Commissioners may, by Resolution, establish such rules, regulations, schedule of fees, and system of permits as it shall deem necessary in connection with the use and operation of the Solid Waste Acceptance Facilities. The Department of Public Works is authorized to enforce and carry out all rules, regulations, schedule of fees, and system of permits established by the Board of County Commissioners. No person shall fail or refuse to comply with any of the rules, regulations, schedule of fees, or system of permits in connection with the Solid Waste Acceptance Facilities, or with any lawful order or the direction of any persons appointed by the Department of Public Works in enforcement of this Ordinance. Every person convicted of a violation of this section or any rule, regulation, schedule of fees, or system or permits hereunder, shall be subject to the penalty provided for by this Ordinance.

Applicable provisions of the Annotated Code of Maryland address the penalties for the illegal deposit of solid waste in Article 27, Section 468, and the Theft of Service in Article 27, Section 342(a).

SECTION 4: LICENSES

Licenses for the use of the Sanitary Landfill in St. Mary's County are required for Commercial Waste Haulers. Licenses are issued by the Department of Public Works in accordance with a published fee schedule. All such users shall obtain an annual license which must be renewed on or before January 1 of each year.

Failure to obtain said License shall constitute a violation of these regulations. This License is subject to suspension or revocation should health hazards, environmental degradation or nuisance conditions develop as a result of licensed, commercial hauler operations.

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In addition, any person or company collecting other than his own solid waste shall be subject to all requirements of a Commercial Waste Hauler including the annual license and payment of fee.

SECTION 5: SPECIAL CONDITIONS

No attempt has been made herein to standardize the equipment, facilities, vehicles, receptacles, operations etc. of the licensed Commercial Waste Haulers in their contracts with individual consumers. It is the intent of the Board of County Commissioners to encourage the use of private haulers in order to lessen congestion at the sanitary landfill and to minimize the exposure of the public to the operations at the working face of the sanitary landfills. It is the further intent of the Board of County Commissioners to encourage the private sector to develop and provide Rubble Fill Facilities operated in accordance with applicable regulations.

SECTION 6: VEHICLE IDENTIFICATION STICKERS

Valid vehicle identification stickers shall be displayed by all vehicles in use by Commercial Waste Haulers. Vehicle identification stickers are issued by the Department of Public Works at the time the license is issued.

SECTION 7: TRUCKS MUST BE CLOSED OR COVERED AS REQUIRED BY STATE LAW

All vehicles delivering refuse must be equipped with tied-down covers, or other means to prevent any part of the load from falling or spilling upon the roadway.

SECTION 8: HOURS

The hours of operation shall be set by the Department of Public Works.

LBFR 006 200391

SECTION 9: PENALTIES

In accordance with the provisions of the Ordinance as set forth above.

- A. The Board of County Commissioners is empowered to revoke any permit issued hereunder for violations of any of these Regulations.
- B. Any person, firm or corporation violating any of the provisions of this Ordinance or failing to comply with any of the requirements thereof, shall be guilty of a misdemeanor; and shall be liable to a fine of not less than \$250.00 nor more than \$5,000.00, or six months imprisonment, in the discretion of the Court for each offense. Every day that said violation continues shall be a separate offense.
- C. Any Commercial Waste Hauler who is determined to have violated the provisions, rules and regulations of this Ordinance by disposing of unacceptable waste or other expressly prohibited waste materials in the County's Solid Waste Acceptance Facilities will be permitted until the close of the business day to remove the waste. Failure to remove the waste will result in an assessment of a fine of \$250.00 plus the tipping fee applicable to estimated weight of materials illegally disposed. A second offense will result in the assessment of a fine of \$500.00 plus the tipping fee applicable to the estimated weight of materials illegally disposed. A third offense within a calendar year will result in the loss of solid waste disposal rights within the limits of St. Mary's County.

SECTION 10: APPEAL

Any person aggrieved by any decision of the Director or any agency acting under the provisions of this Ordinance may within thirty (30) days of the notice of the Director's decision, request a hearing before the Board of County Commissioners. Any person aggrieved by the action of the Board of County Commissioners may appeal to the Circuit Court within thirty (30) days of the notice of the Board's decision.

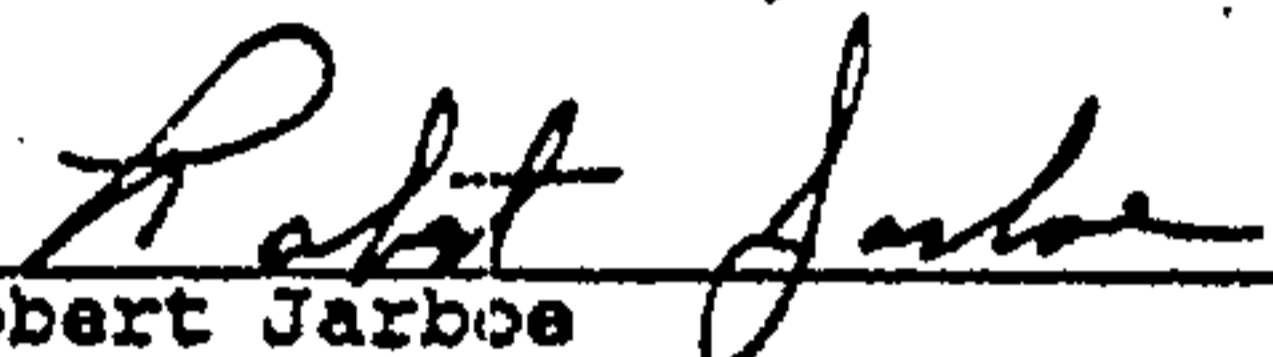
SECTION 11: VALIDITY

Should any Court Jurisdiction deem any section, paragraph, sentence or phrase of this Ordinance invalid, it shall apply only to the part or parts declared invalid and not to the entire Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the County Commissioners of St. Mary's County, Maryland that the aforementioned Ordinance, is hereby approved and enacted in its entirety, this 29th day of NOVEMBER, 1988.

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND


Carl M. Loffler, Jr., President



Robert Jarboe

Rodney Thompson


John Lancaster

William E. Bailey

ATTEST:


Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:


Joseph R. Densford
Assistant County Attorney

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY
LEONARDTOWN, MARYLAND

1988 005 22383



RULES AND REGULATIONS
FOR
USE OF SOLID WASTE DISPOSAL FACILITY
IN
ST. MARY'S COUNTY, MARYLAND

DEPARTMENT OF PUBLIC WORKS
POST OFFICE BOX 508
CALIFORNIA, MARYLAND

RESOLUTION 88-32
DATED November 29, 1988

SECTION 1: PURPOSE

The purpose of these Rules and Regulations is to establish the conditions under which the Solid Waste Acceptance Facilities in St. Mary's County will be used. The Rules and Regulations herein adopted will be enforced and violations will be punishable by law, as set forth in the Solid Waste Ordinance.

SECTION 2: APPLICABILITY, OPERATIONS AND PERMITTING

- A. All Commercial Waste Haulers will be required to obtain an annual license and will be required to use only the Sanitary Landfill. All Transfer Stations are closed to Commercial Trash Haulers.
- B. Authorized use of the Solid Waste Acceptance Facilities shall be restricted to residents and commercial businesses of St. Mary's County and those Commercial Waste Haulers servicing residents and commercial businesses within St. Mary's County.
- C. Refuse collected outside the territorial limits of St. Mary's County shall not be disposed of in any Solid Waste Acceptance Facility of St. Mary's County.
- D. Residents of St. Mary's County are authorized to dispose of their own domestic and agricultural refuse at the Solid Waste Transfer Stations and the Sanitary Landfill, and shall be subject to the Regulations contained herein, EXCEPT that they shall be exempt from obtaining an annual license. Residents of St. Mary's County shall be assessed a user's fee for the County's Solid Waste Acceptance Facilities. Residential vehicles entering the Transfer Stations shall observe a disposal limitation of a maximum equivalent of four 35 gallon containers of solid waste during any one trip. Any volume in excess of the above equivalent limit shall be deposited at the Sanitary Landfill and appropriate fees assessed and collected.
- E. Persons in Commercial or Industrial businesses hauling garbage and rubbish in connection with their individual commercial or industrial endeavors, shall be subject to the Regulations contained herein.
- F. Commercial Waste Haulers and persons in Commercial or Industrial businesses hauling trash in connection with their individual industry or commercial endeavors shall be required to only use the Sanitary Landfill.

- G. All persons using the Solid Waste Acceptance Facilities shall do so under the supervision of the on-site attendant provided by St. Mary's County; and failure to dispose of refuse as directed by said attendant shall constitute a violation under these Regulations.
- H. No person shall deposit or place any solid waste in any street, alley, river, or other public place within the County; nor shall any person deposit or place any solid waste upon private property, unless such waste is placed for pre-arranged commercial pick-up and solid waste is deposited in a suitable watertight can or vessel or container equipped with a closely fitted cover, which cover shall not be removed except when necessary to deposit garbage or rubbish therein or to empty said can.
- I. It shall be unlawful for any person to place in any receptacle for collection of or to deposit in the Solid Waste Acceptance Facility any materials that might either endanger the collection personnel or that would be detrimental to the normal operation of disposal such as gaseous, solid or liquid poisons, dead animals, ammunition, explosives or any material that possesses heat sufficient to ignite any other collection materials.
- J. No persons shall engage in the business of collecting, transporting or disposing of garbage within the County without first obtaining a license. Licenses shall be issued upon application and payment of fee to the Department of Public Works. No such license shall be issued except upon determination by the Department of Public Works that the equipment and the ability of the licensee is such that said licensee is able to conduct a solid waste collection business in accordance with the Rules and Regulations of this Ordinance. The Department of Public Works shall make such rules and regulations governing the operation of the business of solid waste collection; transportation and disposition as deemed necessary. The Department of Public Works shall revoke the license of any commercial hauler who fails to abide by any such Rule or Regulation adopted by the County or any provision of this Ordinance. Prior revocation of a license shall be sufficient grounds for the refusal by the County to approve any future application by such license.
- K. No licenses, under these Regulations, shall be issued unless the applicant first gives satisfactory proof of having met all necessary requirements for the handling of refuse, as required by these Regulations and by State Law.

- L. Burning of materials at the Solid Waste Acceptance Facilities in St. Mary's County will only be as conducted by the Department of Public Works in accordance with the applicable burning permit. Facilities for burning will be provided only at the Sanitary Landfill.
- M. No scavenging or loitering will be permitted at any Solid Waste Acceptance Facility.
- N. Access to the Solid Waste Acceptance Facilities shall be controlled at all times. Entrances shall be closed and locked when the facilities are not in operation to prevent the entry of unauthorized persons. Any person or vehicle present at a Solid Waste Facility outside of the published operation schedule is in violation of these Regulations and subject to prosecution for illegal trespass.
- P. The following Rules and Regulations must be strictly adhered to by all users of the Transfer Stations:
- 1) Dumping is permitted only when the Transfer Stations are manned by a County authorized attendant.
 - 2) Dump only in the Refuse Container.
 - 3) No one is allowed in the Container or Pit Area.
 - 4) No Loitering or Scavenging is permitted.
 - 5) Disposal of waste is only permitted during stated hours posted at the facilities.
 - 6) Dumping is to be performed under the direction of the attendant in charge.
 - 7) All Transfer Stations are CLOSED TO COMMERCIAL HAULERS.
 - 8) Unacceptable Materials:
 - Rubber Tires (in excess of 6 per vehicle load)
 - Brush or Stumps
 - Liquid Wastes
 - Dead Animals
 - Rubble
 - Oversized Bulky Waste
 - Hazardous Wastes
 - 9) Positively no dumping of burned materials (ashes).
- Q. The County reserves the right to prohibit the disposal of solid waste at the Transfer Station if persons using the County's facilities appear to be engaged in commercial waste hauling as evidenced by frequency of use of the disposal facility and volume of waste disposal.

SECTION 3: SOLID WASTE DISPOSAL SYSTEM

1989 006 23397

The County's Solid Waste Disposal System consists of the following Solid Waste Acceptance Facilities:

Final Disposal Facilities

- 1) St. Andrew's Sanitary Landfill

Intermediate Disposal Facilities

- 1) Valley Lee Transfer Station
- 2) Ridge Transfer Station
- 3) Oakville Transfer Station
- 4) Clements Transfer Station

SECTION 4: ACCEPTABLE WASTE

Materials acceptable for disposal in the Sanitary Landfill are as follows:

- A. Solid waste from domestic, municipal, commercial, industrial, agricultural, silvicultural, construction and other community sources, except as restricted by these Regulations and by the Sanitary Landfill refuse disposal permit.
- B. Other acceptable items may be deposited in specially designated areas of the Sanitary Landfill include old rubber tires and appliances such as refrigerators, furnitures, stoves, etc.
- C. Rubble from household activities will be acceptable when disposed of by private residents of St. Mary's County.

Materials acceptable at the Transfer Station are limited solely to household wastes and identified as follows:

- A. Refuse and rubbish from households of St. Mary's County.
- B. Other acceptable items which will be received at Transfer Stations include tires, limited to 6 per vehicle load.
- C. White goods, consisting of household appliances, are acceptable at the discretion of the attendant.

SECTION 5: NON-ACCEPTABLE WASTE

Non-acceptable materials which cannot be disposed of in the Sanitary Landfill regardless of their origin are as follows:

- A. Controlled hazardous substances in quantities regulated by COMAR 10.51.02.
- B. Liquid waste or any waste containing free liquids as determined by the EPA Gravity Test outlined in the Federal Register, Volume 47, Number 38, Page 8311, February 25, 1982.
- C. Special medical waste from hospitals, clinics, and other similar institutions, as defined in the Department of Health and Mental Hygiene Title 10, Subtitle 06.
- D. Radioactive materials.
- E. Septic or sewage scavenger waste.
- F. Automobiles.
- G. Drums or tanks, unless empty and flattened or crushed with ends removed.
- H. Chemical or petroleum spill cleanup materials.
- I. Animal carcasses resulting from medical research activities or destruction of diseased animals.
- J. Rubber tires in a quantity in excess of fifteen (15) each per load.
- K. Dead animals.

Acceptance of controlled hazardous substances and sewage scavenger wastes at the landfill site is prohibited unless specifically permitted and authorized by the Director of Public Works.

Non-acceptable material which will not be permitted at the Transfer Station regardless of their origin are as follows:

- A. Rubble.
- B. Human and animal wastes.
- C. Liquid wastes.
- D. Brush and stumps.
- E. Rubber tires (in excess of 6 per vehicle load).

F. Dead animals.

USER 006 20389

G. Hazardous Wastes.

H. Other items expressly prohibited from disposal in the Sanitary Landfill as defined by permit and this Ordinance.

SECTION 6: FEE

The user fee charged will be based upon the quantity of solid waste received, the classification of the waste and fee schedule as established by the Board of County Commissioners by Resolution. The schedule of fees so established may be amended from time to time by the Board of County Commissioners to reflect the costs of ongoing solid waste operations. User fees will be assessed to all residents disposing of acceptable waste material at the County's Solid Waste Acceptance Facilities.

The Board of County Commissioners reserve the right to provide a subsidy to the residents of St. Mary's County and those Commercial Haulers providing residential and commercial collection services to the residents of St. Mary's County. The subsidy will reflect the contribution from General County Revenues used in the Operation of Solid Waste Acceptance Facilities.

The Director of Public Works reserves the right to waive the imposition of fees for various classes of clean fills or rubble where it is determined that the acceptance of the materials has a benefit to the County.

SECTION 7: PENALTIES

Penalties for the improper use of Solid Waste Acceptance Facilities are enumerated in the Solid Waste Ordinance.


Residential users of the Solid Waste Transfer Stations may be refused access and directed to the Sanitary Landfill and assessed the appropriate user fee for failure to observe the Rules and Regulations of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the County Commissioners of St. Mary's County, Maryland that the aforementioned Rules and Regulations, are hereby approved and enacted in its entirety, this 29TH day of NOVEMBER, 1988.

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND



Carl M. Loffler, Jr. President



Robert Jarboe


Rodney Thompson



John Lancaster

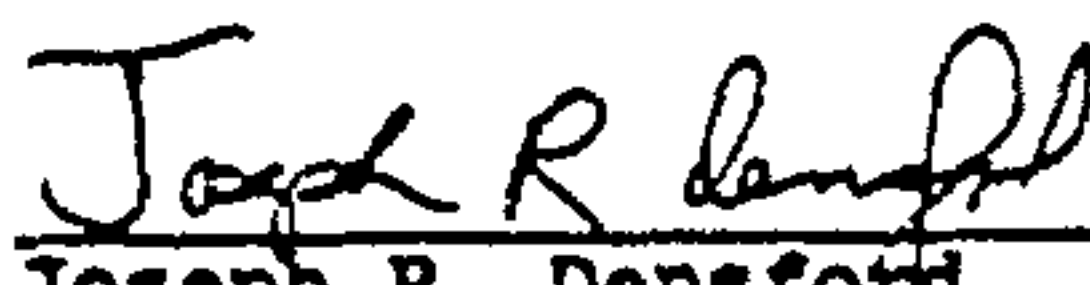
William E. Bailey

ATTEST:



Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:



Joseph R. Densford
Assistant County Attorney

November, 1988

FEE SCHEDULE
ST. MARY'S COUNTY SOLID WASTE
ACCEPTANCE FACILITIES

SOLID WASTE

Classification	Assessed Fee	County Subsidy	Fee/Ton	Remarks
Residential				Residents Hauling Their Own Refuse Not Being Assessed At This Time
Commercial Hauler	\$30/ton	40%	\$18/ton	Annual Permit Required Landfill Disposal Only
Commercial Business	\$30/ton	40%	\$18/ton	Landfill Disposal Only
Institutional and Other Users	\$30/ton	0%	\$30/ton	Landfill Disposal Only

RUBBLE

Classification	Assessed Fee	County Subsidy	Fee/Ton	Remarks
General	\$30/ton	40%	\$18/ton	Landfill Disposal Only
Tires	\$40/ton	0%	\$40/ton	Landfill Disposal Only
Stumps	\$40/ton	0%	\$40/ton	Landfill Disposal Only
Institutional and Other Users	\$40/ton	0%	\$40/ton	Landfill Disposal Only

EFFECTIVE DATE: January 1, 1989

006 391

Ret: Judy Cusic

DEC 16 1988

MARY R. BELL, CLERK

NO: 88-34
SUBJECT: Local government approving the use of
Community Development Administration
funds in St. Mary's County

RESOLUTION 10:15AM 12/22/88E CL.COM 40.00

Resolution of the Board of St. Mary's County Commissioners approving the development of rental housing at Patuxent Woods to be financed in part by the Community Development Administration of the State of Maryland.

WHEREAS, the Board of St. Mary's County Commissioners recognizes that there is a significant need for quality housing units in St. Mary's County for families of limited income; and,

WHEREAS, St. Mary's County Housing Authority proposes to acquire, construct, and/or operate a rental housing project to contain approximately 16 units, known as Patuxent Woods, and located at Lexwoods Drive, Lexington Park, Maryland; and,

WHEREAS, the Community Development Administration (CDA) of the State of Maryland has received an application package from St. Mary's County Housing Authority to provide capital assistance for families of lower income in the project, pursuant to its authority under Sections 266MM-1 et. seq. of Article 41 of the Annotated Code of Maryland; and,

WHEREAS, the regulations of CDA require that all projects financed by it be approved by the governing body of the locality in which the project is situated;

NOW, THEREFORE BE IT RESOLVED THAT the Board of St. Mary's County Commissioners hereby endorses the acquisition, construction, and/or operation of the project upon the proposed site; and, HEREBY ENDORSES the provision of capital assistance for the benefit of families of lower income in the proposed project.

This Date:
December 20, 1988

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND



Carl M. Loffler, President


W. Edward Bailey, Vice President


Robert Jarboe, Commissioner


John G. Lancaster, Commissioner


Rodney Thompson, Commissioner

ATTEST:

Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY

Joseph R. Densford

LIBER 000 2233

ORDINANCE NO.: 88-35

SUBJECT: Wicomico Shores Special
Taxing District Ordinance

ORDINANCE

9:51AM 01/06/89A CD.COM \$0.00

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland is empowered under the provisions of Section 151 of the Code of Public Laws of St. Mary's County to construct and improve private roads after the approval of a petition of a majority of the property owners whose property benefits from said improvements; and

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland has been petitioned by a majority of the property owners to be benefited in Sections 1 and 1A of the Wicomico Shores Subdivision, requesting the County to reconstruct and improve certain streets in the Wicomico Shores Subdivision, which is located in the Fourth Election District of St. Mary's County, Maryland, and plats of which is recorded among the Land Records of St. Mary's County, Maryland, Plat Liber 144 No. 34, Folio CBG 4/50, CBG 4/63, CBG 4/64, CBG 6/67, CBG 6/69, CBG 6/90, CBG 7/27, CBG 7/28, DBK 7/50, DBK 7/51, DBK 7/52, DBK 7/53, MRB 14/93, MRB 14/94, MRB 75/73, MRB 77/369, MRB 98/483, and MRB 141/469. The following streets, as shown on the aforementioned plat of said subdivision, shall be improved by the County to current standards to the approximate limits indicated below:

Executive Boulevard, Crescent Lane, Sandy Court, Sycamore Drive, Sycamore Court, Hills Drive, Bush Court, Hilltop Court, Prospect Hill Road, Shenandoah Drive, Chief Drive, Air Force Road and Army-Navy Drive.

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland held a Public Hearing on November 22, 1988 in order to consider said petition; and

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland has determined to approve said petition in accordance with the provisions and reservations herein set forth.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Mary's County, Maryland, this 27th day of DECEMBER, 1988, that the petition of the benefited property owners of the Wicomico Shores Subdivision, for the reconstruction and improvement of the streets in said subdivision as described above, be approved; and

IT IS FURTHER ORDAINED that the Board of County Commissioners of St. Mary's County, Maryland, shall construct and improve said streets in accordance with specifications approved by the Department of Public Works and authorized by the Board of County Commissioners.

IT IS FURTHER ORDAINED that upon completion of said construction and improvement, the Board of County Commissioners of St. Mary's County, Maryland, shall accept said streets into the County System of Roads; and

IT IS FURTHER ORDAINED that the costs of said improvements and reconstruction shall be borne by the County and the benefited lot owners in accordance with the following:

1. The property owners are responsible for the construction costs of improving the roads to a condition which would have been acceptable for inclusion within the County Road System at the time the subdivision was approved and the subdivision plat recorded. The property owners will be responsible for any additional construction costs, above prior estimates, that are incurred because of inflation or unforeseen work.

2. The lot owners are responsible for all design costs for services performed by consultant engineers retained by the County for this project, with the exception of costs incurred for inspection of construction work.

3. The County is responsible for all in-house design and engineering costs.

4. The lot owners are responsible for all utility relocation costs.

5. The County shall be responsible for all costs associated with improving the roads to standards in excess of those required by the County at the time the subdivision was created, in particular, the costs of a bituminous concrete surface.

6. The inspection costs associated with the construction contract shall be borne by the County.

7. The property owners are responsible for the interest, whatever that rate shall be, based on the County's participation in "Consolidated Transportation Bond Issue" under authority of Transportation Article No. 3-301, Annotated Code of Maryland, or other method of bond issuances approved by the Board of County Commissioners.

8. The property owners shall also be responsible for road maintenance costs, which are required prior to completion of the road construction.

IT IS FURTHER ORDAINED that the cost of said design, construction and improvements attributable to those properties hereinafter named, together with interest, shall be amortized over a twenty (20) year period by an annual benefit assessment levied against said properties; and

IT IS FURTHER ORDAINED that said annual benefit assessment shall be computed as follows:

1. The "total benefit assessment" shall represent total costs of maintenance prior to construction, design, construction & utility relocation costs, all as described above, together with interest, to be initially borne by 456 existing lot owners, which is derived as follows: 396 existing parcels and 60 additional equivalent dwelling units for The Wicomico Shores Golf Course, which together equals 456. Should any further subdivision of any existing lots or parcels occur, these new lots shall be equally assessed for the following year. Each residential unit constructed on any lot or parcel, whether for sale or rent, shall be assessed as one lot for each residential unit as determined above.

2. The "total benefit assessment" shall be divided by twenty (20) to determine the "annual benefit assessment" to be levied against all of the lot owners for 20 years.

3. The "annual benefit assessment" shall be divided by the number of approved lots in existence in the benefited portion of the subdivision on the first of May of each assessment year to determine the annual cost to each lot.

IT IS FURTHER ORDAINED that the Board of County Commissioners of St. Mary's County, Maryland, shall certify the amount of each assessment to the Treasurer of St. Mary's County, Maryland, on or before May 1, of the year following completion of the construction; and

IT IS FURTHER ORDAINED that the Treasurer of St. Mary's County, Maryland shall place said annual benefit assessment on the State and County real estate tax bills for said "lots" for the next twenty (20) succeeding fiscal years, and that said annual benefit assessments shall be subject to such discount allowances and interest penalties and charges as may be provided for the payment and collection of real estate taxes by law; and

IT IS FURTHER ORDAINED that said annual benefit assessment shall constitute a first lien on said property, until paid, subject only to prior State and County taxes; and

IT IS FURTHER ORDAINED that said annual benefit assessment may be collected in the manner provided in Chapter 367, Laws of Maryland, 1978, of the Code of Public Local Laws of St. Mary's County, Maryland, or in any other manner provided by law; and

IT IS FURTHER ORDAINED that upon approval of this Ordinance by the Board of County Commissioners, the County shall immediately assume responsibility for maintaining the above-described roads in said subdivision; and

IT IS FURTHER ORDAINED that the properties affected by this Ordinance are as follows:

SECTION 1: Tax Map 16

Parcel 9
 Parcel 13
 Parcel 15, Block C, Lots 1 through 17
 Parcel 15, Block E, Lots 1 through 24
 Parcel 15, Block F, Lots 1 through 7 and 12 through 15
 Parcel 16, Block E, Lots 25 through 34
 Parcel 16, Block F, Lots 8 through 11
 Parcel 16, Block G, Lots 12 through 22 and 27
 Parcel 17, Block H, Lots 14 through 34
 Parcel 17, Block J, Lots 1 through 24
 Parcel 23, Lots 111 through 117 and 208 through 217 and 229 through 238 and 1064 through 1084
 Parcel 24, Block A, Lots 104 through 110 and 207
 Parcel 24, Block B, Lots 1053 through 1057
 Parcel 24, Block C, Lots 1058 through 1063 and 218 through 228
 Parcel 30, Block E, Lots 35 through 50
 Parcel 30, Block G, Lots 23 through 26
 Parcel 30, Block H, Lots 1 through 13 and 51
 Parcel 34, Lots 145 through 146 and 191 through 192 and 201 through 202 and 149 and 197
 Parcel 35, Lots 198 through 200
 Parcel 35, Lots 118 through 126 and 131 through 144 and 147 through 148 and 193 through 194 and 203 through 206 and 239 through 241 and 1085 through 1086
 Parcel 36, Lots 6 through 10 and 127 through 130 and 150 through 152 and 173 through 179 and 180A
 Lots 1 through 5

TOTAL: 309 Lots

SECTION 2: Tax Map 16

Parcel 34, Lots 78 through 92 and 180 through 188 and 190 and 195 through 196 and 251 through 256 and 261 and 270 through 271 and 270A and 281A and 281 and 305 through 310 and 310A and 310B
 Parcel 34, Lots 500-93 through 500-99 and 500-177 through 500-179
 Parcel 35, Lots 157 through 159
 Parcel 37, Lots 67 through 74 and 298 through 300 and 420 through 423
 Those parcels of land containing approximately 288 acres, which comprise Cluster Plan CLSB 87-1892
 Parcel 67, Block E, Lots 60 through 66
 Parcel 68, Lots 302 through 304
 Lot 301

TOTAL: 87 Lots

GRAND TOTAL: 396 Lots

ORDINANCE NO. 88-35
PAGE 4

IT IS FURTHER ORDAINED that upon approval and platting of up to two hundred forty-four (244) lots to be subdivided from parcels 9 and 52, tax map 16 and other lands of Wicomico, Inc., as part of a cluster plan, CLSB 87-1892, approved by the St. Mary's County Planning Commission on October 24, 1988, as submitted by Wicomico, Inc., the lots or residential units created within said cluster plan will be subject to a pro rata share of the annual benefit assessment on the three hundred ninety-six (396) existing parcels and sixty (60) additional equivalent dwelling units as specified in Paragraph 1, page 2, of this Ordinance, which assessment shall be recomputed to be proportionately shared by the existing four hundred fifty-six (456) lots and equivalent dwelling units and the additional lots or residential units created in the cluster plan. The additional lots or residential units created within the cluster plan shall be taxed beginning for the tax year immediately after final governmental approval and platting and certification from the St. Mary's County Metropolitan Commission of immediate availability of water and sewer for said additional lots or residential units. Until final recordation of a subdivision plat and certification of water and sewer availability, the 288 acres in the cluster plan will be assessed as one single lot or parcel. If water and sewer are not available for all the subdivided lots or residential units in the cluster plan, then only those lots or residential units serviced by water and sewer will be assessed as part of this taxing district.

IT IS FURTHER ORDAINED that the construction and improvements of streets described herein shall begin only at such time as the St. Mary's County Metropolitan Commission shall receive all necessary federal, state and county permits for the construction of a wastewater treatment plant serving the various properties subject to this Ordinance.

IT IS FURTHER ORDAINED that this Ordinance shall only be effective as aforesaid.

ATTEST:

Edward V. Cox

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Löffler
Carl M. Löffler, President

W. Edward Bailey
W. Edward Bailey, Commissioner

Robert Jarboe
Robert Jarboe, Commissioner

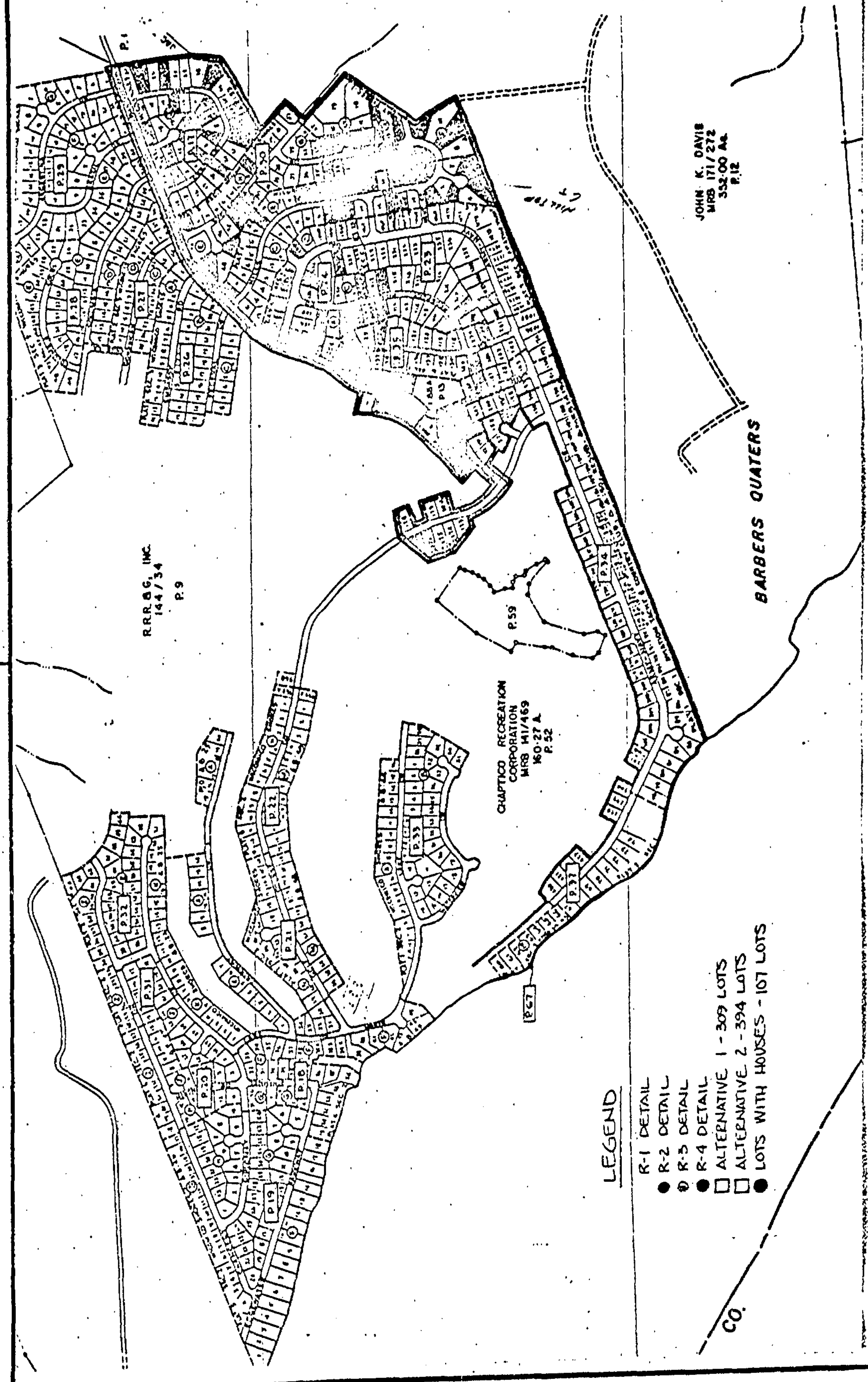
John G. Lancaster
John G. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
Assistant County Attorney

LIBER 606 PAGE 397



Ct. Co. Commissioners

JAN 06 1989

MARY R. BELL, CLERK

USER 006 000000

NO. 88-36
SUBJ: Delinquent Ordinary
Business & Corporation
Personal Property Tax
Interest & Penalties

9:51AM01/06/89A CD.COM \$0.00

ORDINANCE

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland, desires to repeal Chapter 139, Section 2 B of the Code of St. Mary's County and to reauthorize, as set forth in the Tax-Property Article, Section 14-604(1) and 605 of the Maryland Annotated Code, to impose and collect on October 1 of each year, an interest rate and a tax penalty rate for overdue taxes on ordinary business and corporate personal property; and

WHEREAS, following due public notice the County Commissioners conducted a public hearing on December 13, 1988 to gather public input on the need and advisability of imposing such additional penalties and interest for non-payment of ordinary business and corporation personal property taxes; and

WHEREAS, following deliberation, the County Commissioners have concluded that such additional penalties and interest are necessary and to the advantage of the public at large in order to encourage and promote the prompt payment of ordinary business and corporation personal property taxes in St. Mary's County.

NOW, THEREFORE, be it resolved and ordained by the Board of County Commissioners of St. Mary's County, Maryland, that there is imposed on ordinary business and corporation personal property taxes an interest charge of one percent (1%) per month and a penalty of three percent (3%) of the amount of taxes overdue and in arrears on October 1 of each year, commencing on October 1, 1989.

NO: 88-36

SUBJ: Delinquent Ordinary
Business & Corporation
Personal Property Tax
Interest & Penalties

THIS DATE:

December 27, 1988

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr.
Carl M. Loffler, Jr., President

Robert Jarboe
Robert Jarboe, Vice-President

W. Edward Bailey
W. Edward Bailey, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

Charles H. Wade, Jr.
Charles H. Wade, Jr.
Director of Finance

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
Assistant County Attorney

Ref: Co. Commissioners

JAN 06 1989

MARY R. BELL, CLERK

SUBJ: RESPONSIBILITIES AND POLICIES FOR OVER-THE-ROAD VEHICLES PURCHASE, RETIREMENT, REPLACEMENT, ASSIGNMENT, OPERATION AND DISPOSAL

RESOLUTION

10:06AM 01/10/89A CC.COM \$0.00

WHEREAS, Written policy statements serve to document Commissioner guidance to county officials; and

WHEREAS, Written policy statements provide a basis for maintaining consistency in making decisions and taking actions; and

WHEREAS, Written policy statements preclude false starts and misdirected efforts; and

WHEREAS, Statements of responsibilities are an effective means of notifying both county employees and the public as to where to obtain service and information; and

WHEREAS, Written statements facilitate agreement between employees and supervisors as to the employees responsibilities, and thus serve as a basis for performance evaluations; and

WHEREAS, The absence of well publicized written policies and responsibilities can cause serious problems;

NOW, THEREFORE, BE IT RESOLVED, by the Board of St. Mary's County Commissioners that Policy Memorandum 89-01 on the subject of Responsibilities and Policies for Over-The-Road Vehicle Purchase, Retirement, Replacement, Assignment, Operation and Disposal is hereby adopted and made effective on July 1, 1989.

ADOPTED THIS 3rd DAY OF January, 1989

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Löffler
Carl M. Löffler, President

W. Edward Bailey
W. Edward Bailey, Commissioner

Robert T. Jarboe
Robert T. Jarboe, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
Assistant County Attorney

Ret. Co. Commissioner

MARY R. BELL, CLERK

JAN 10 1989

Resolution No. 89-02

Subject: Abandonment of
Portion of County
Route 3001
(Old Route 5)

RESOLUTION

11:12AM 01/27/89A CO.COM \$0.00

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland is authorized to close and abandon certain public roads within St. Mary's County, Maryland pursuant to Article 25, Section 135, et seq. of the Annotated Code of Maryland.

WHEREAS, the Board of County Commissioners, following the procedures set forth in Article 25, Section 135, et seq. received a petition from certain property owners requesting that the portion of County Route 3001 (also known as Old Maryland Route 5) be officially closed and abandoned as a public road, from its intersection with the southbound lane of Maryland Route 5 to the "Yield" sign on Old Maryland Route 5, being a distance of approximately five hundred (500) feet.

WHEREAS, the Board of County Commissioners conducted a public hearing on the petition to close and abandon the aforesaid portion of Old Maryland Route 5 on December 27, 1988, following due public notice of such hearing.

WHEREAS, after the consideration of all public comments, information and documentation pertaining to the closing and abandonment of the aforesaid portion of Old Maryland Route 5, the Board of County Commissioners has determined that the public interest will be best served by granting said petition.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the aforesaid portion of Old Maryland Route 5 is hereby declared to be officially closed and abandoned.

This Resolution shall take effect upon completion of the appropriate construction and posting of signage and shall be effective no later than July 1, 1989.

Witness our signatures this 17th day of January, 1989.

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr., President
John G. Lancaster, Vice President

W. Edward Bailey, Commissioner

Robert Jarboe, Commissioner

Rodney Thompson, Commissioner

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:

Joseph R. Denstord
Joseph R. Denstord
Assistant County Attorney

Returned to: County Commissioners

JAN 27 1989

MARY R. BELL, CLERK

NO : 89-03

LIBER 006 PAGE 402

SUBJ: SOUTHERN MARYLAND TRI-COUNTY
COMMUNITY ACTION INC.
STATE PENSION FUND

RESOLUTION 11:12AM 01/27/89A CD.COM \$0.00

WHEREAS, the Maryland General Assembly and the Governor of Maryland approved Senate Bill 387 during the 1987 session; and

WHEREAS, Senate Bill 387 provides for the opportunity for Community action Agencies in Maryland to participate in the Maryland State Pension system; and

WHEREAS, the Southern Maryland Tri-County Community Action Committee, Inc. is the designated Community Action Agency for St. Mary's County; and

WHEREAS, the Board of Directors of the Southern Maryland Tri-County Community Action Committee has voted to join the Maryland State Pension System; and

WHEREAS, the Board of Directors has designated existing fringe benefit funds for the purpose of supplying employees with retirement benefits; and

WHEREAS, the St. Mary's County Commissioners support the principal of fair equitable compensation for all local citizens.


NOW, THEREFORE BE IT RESOLVED That the Board of St. Mary's County Commissioners hereby endorses the Southern Maryland Tri-County Community Action Committee, Inc.'s enrollment in the State Pension Fund.

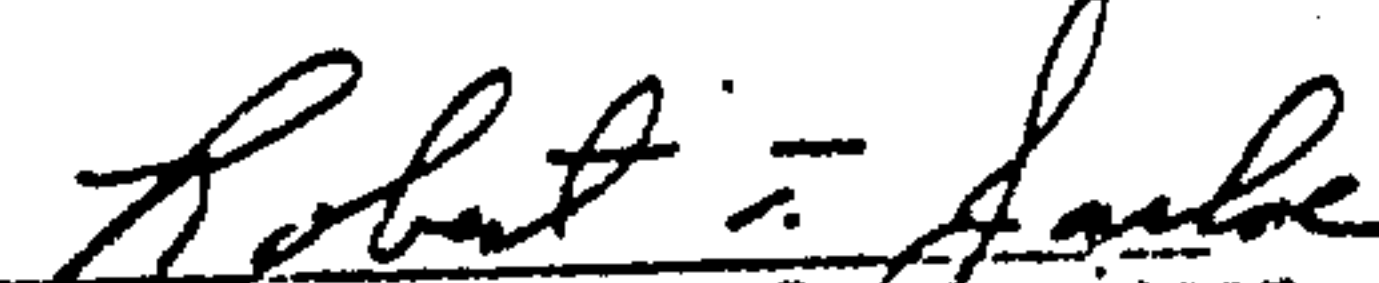
THIS DATE:

January 24, 1989

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND


Carl M. Loffler, President



W. Edward Bailey, Commissioner


Robert T. Jarboe, Commissioner

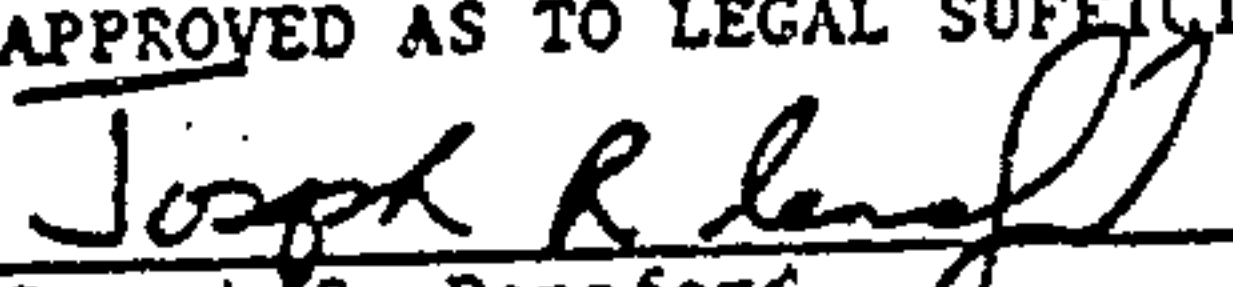

John G. Lancaster, Commissioner

Rodney Thompson, Commissioner

ATTEST:


Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:


Joseph R. Densford
Assistant County Attorney

Returned to: County Commissioners

JAN 27 1989

MARY R. BELL, CLERK

NO.: 89-04

SUBJ: USER FEES

1:54PM 02/02/89A CO.COM 40.00

RESOLUTION

WHEREAS, Article 25, Section 25 of the Annotated Code of Maryland authorizes the Board of County Commissioners to set building permit fees in December of each year; and

WHEREAS, the establishment of fees are necessary to administer and cover the costs of directly related government services to accomplish the purposes intended; and

WHEREAS, the Report on Potential Revenue Sources submitted February 23, 1988 by the Revenue Task Force to the St. Mary's County Board of County Commissioners recommended the determination of user fees commensurate with County resources expended in the provision of various services by various County departments to the public; and

WHEREAS, the processing of construction and development applications and the inspection of construction and development projects by the Office of Planning and Zoning and the Department of Public Works requires the charging of fees to developers in order to cover County review, evaluation, and inspection costs; and

WHEREAS, the Director of Finance initiated a study on June 21, 1988 to determine rates commensurate with actual costs incurred by the County in the provision of these services; and

WHEREAS, a study was completed, including preliminary and final reviews by the Director of Finance, Office of Planning and Zoning staff, Department of Public Works staff and the County Commissioners; and

NO.: 89-04

SUBJ: USER FEES

PAGE 2 of 3

WHEREAS, the Planning Commission, at their meeting of January 9, 1989, voted to support the "pay-as-you-go" concept for construction and development plans submitted to the County for review, and for construction and development inspected by the County; and

WHEREAS, after publication of notice, as required by law, in the December 9, 1988 issue of The Enterprise, and the December 14, 1988 issue of The St. Mary's Tide, the County Commissioners conducted a public hearing on the proposed fee schedule on December 20, 1988; and

WHEREAS, having reviewed the proposed fee schedule, the Board of County Commissioners find the current fees are inadequate to support County services and the proposed increases are necessary to ensure enforcement and protection of the public welfare; and

WHEREAS, the Board of County Commissioners has determined that the costs of reviewing development proposals and inspecting construction projects should be borne by the applicants.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, this 31st day of January, 1989, that the enclosed Permit Fee Schedule is established and ordered collected effective February 1, 1989, for those phases in the review and inspection process which have not been initiated by that date. Any conflicting fee schedules for the same purposes, including Resolution No. 87-0195 dated August 18, 1987, are hereby repealed.

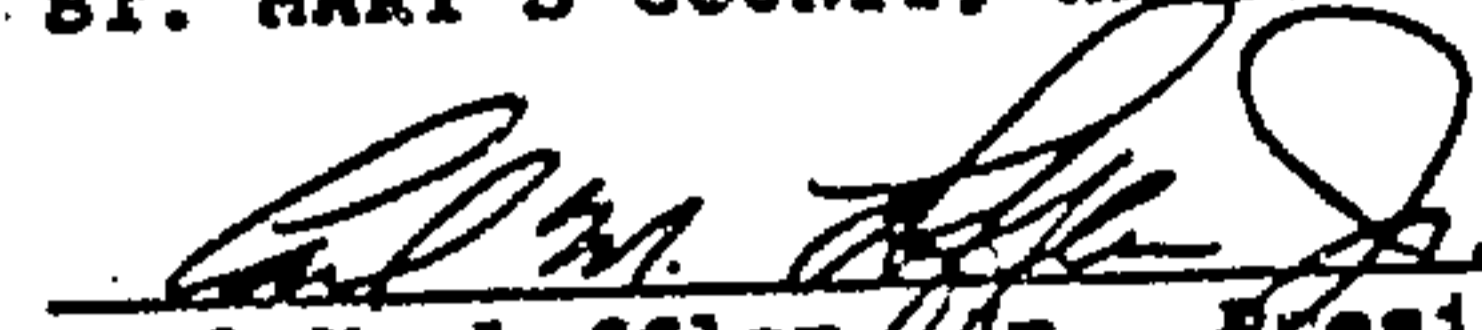
Enclosure: Permit Fee Schedule dated February 1, 1989.


NO.: 89-04

SUBJ: USER FEES

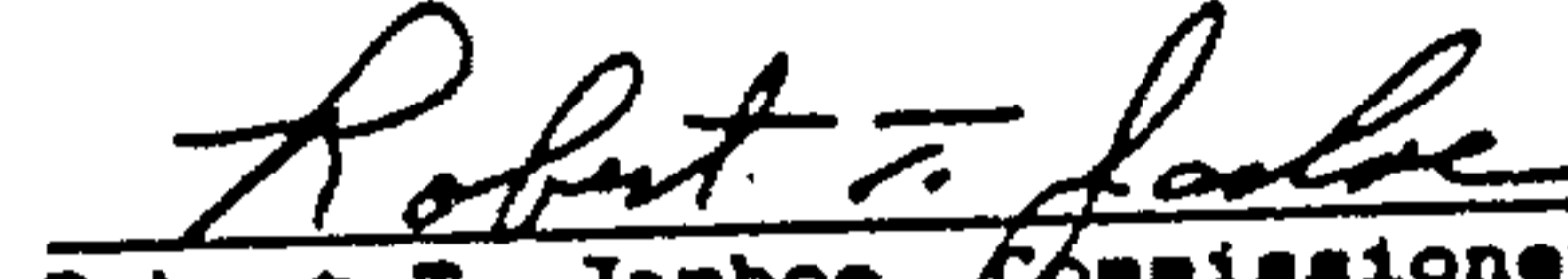
PAGE 3 OF 3

BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND


Carl M. Loffler, Jr., President

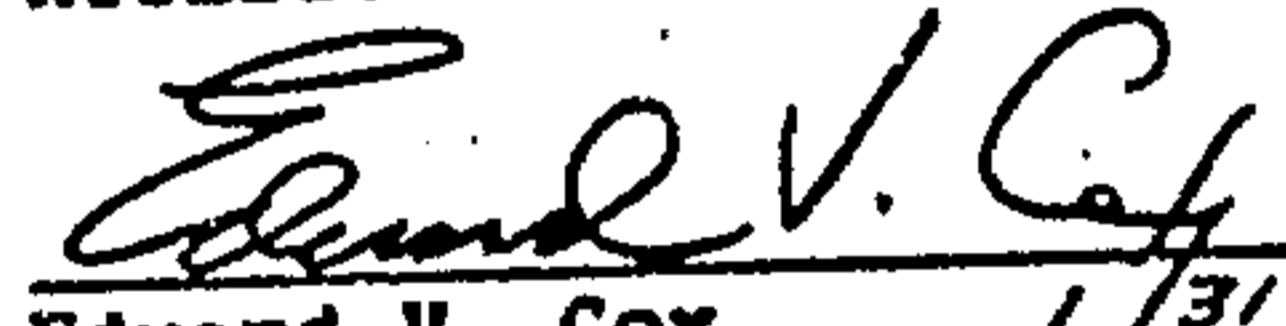

John G. Lancaster, Vice President


W. Edward Bailey, Commissioner

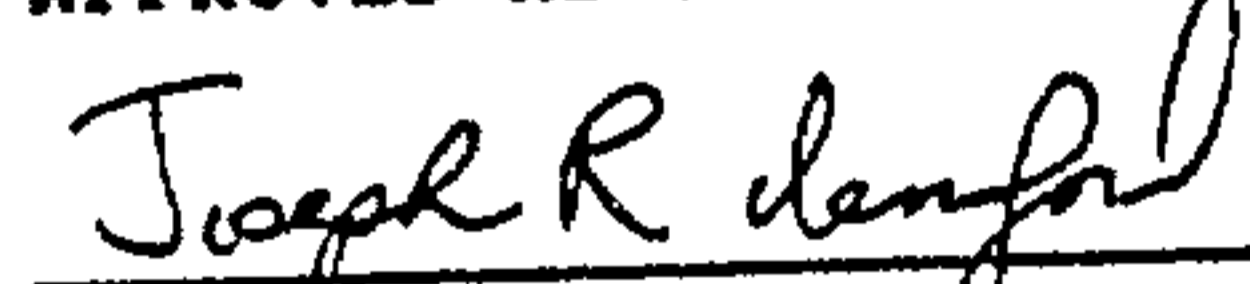

Robert T. Jarboe, Commissioner


Rodney Thompson, Commissioner

ATTEST:


Edward V. Cox
County Administrator
1/31/89

APPROVED AS TO LEGAL SUFFICIENCY:


Joseph R. Densford
Assistant County Attorney

Return to: County Commissioners

FEB 2 1989

MARY R. BELL, CLERK

SCHEDULE OF FEES FOR ST. MARY'S COUNTY

FEES

1. PLANNING AND ZONING REVIEW AND PUBLIC WORKS REVIEW AND INSPECTION FEES

a. Basic Subdivision

P&Z Review Fee * 80 per lot

b. Minor Subdivision

P&Z TEC Adm. Fee	* 260 + * 10 per lot
P&Z Review Fee	* 170 + * 10 per lot
DPW TEC Fee	* 160 + * 30 per lot
DPW Review Fee	* 110 + * 20 per lot
DPW Inspection Fee	* 80 + * 20 per lot
Total	* 780 + * 90 per lot

Fees are collectible upon application (with the exception of DPW inspection fee, which will be collected upon the issuance of a grading permit by DPW). Additional DPW inspection fees of \$60 per day (or part thereof) are charged for all reinspections. Minor subdivisions not entailing detailed review of road plans are subject to the basic subdivision per lot fee (\$80 per lot). Resubmitted plans that do not address all DPW comments are subject to an additional charge of 50% of the DPW review fee.

c. Major Subdivision

P&Z TEC Adm. Fee	*1,370 + * 20 per lot
P&Z Review Fee	* 740 + * 10 per lot
DPW TEC Fee	* 200 + * 10 per lot
DPW Review Fee	* 300 + * 20 per lot
DPW Inspection Fee	*1,320 + * 70 per lot
Total	*3,930 + *130 per lot

Fees are collectible upon application (with the Exception of DPW inspection fee, which will be collected upon the issuance of a grading permit by DPW). Additional DPW inspection fees of \$60 per day (or part thereof) are charged for all reinspections. Major subdivisions not entailing detailed review of road plans are subject to the basic subdivision per lot fee (\$80 per lot). Where submitted plans require outside review due to technical matters, applicant will be charged the consultant's fee plus a 5% processing charge. Resubmitted plans that do not address all DPW comments are subject to an additional charge of 50% of the DPW review fee.

d. PUD

P&Z TEC Adm. Fee	\$3,720
P&Z Review Fee	\$3,890
Total	\$7,610

PUD fees collected will be credited against future charges incurred for projects which are initiated as part of the PUD. The purpose is to encourage quality development.

e. Zoning Amendment

P&Z TEC Admin. Fee	\$1,240
P&Z Review Fee	\$1,550
Total	\$2,790

f. Standard Site Plan

P&Z TEC Admin. Fee	\$ 390 per acre of disturbed area
P&Z Review Fee	\$ 270 per acre of disturbed area
DPW TEC Fee	\$ 190 per acre of disturbed area
DPW Review Fee	\$ 180 per acre of disturbed area
DPW Inspection Fee	\$ 300 per acre of disturbed area
Total	\$1,330 per acre of disturbed area

Fees are collectible upon application (with the exception of DPW inspection fee, which will be collected upon the issuance of a grading permit by DPW). Additional DPW inspection fees of \$60 per day (or part thereof) are charged for all reinspections. Where submitted plans require outside review due to technical matters, applicant will be charged the consultant's fee plus a 5% processing charge. Resubmitted plans that do not address all DPW comments are subject to an additional charge of 50% of the DPW review fee.

g. Simplified Site Plan

P&Z Review Fee	\$ 210
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If the estimated improvement does not exceed 144 square feet, the review fee will be \$105. If a simplified site plan is a part of an appeals action, no fee is charged for site plan review.

h. Board of Appeals Actions

Conditional Use	\$ 270
Expansion of Non-conforming Use	\$ 280
Variance to the Zoning Ordinance	\$ 280
Appeal	\$ 150

i. Zoning Permit

\$10.00

2. SIGN, ADVERTISEMENT

5 - 32 sq. ft. of sign area	\$10.00
Greater than 32 sq. ft. of sign area	\$20.00 plus \$10.00 for each additional increments of 32 sq. ft. thereafter.

For any fees for uses or processes not covered herein, the Chief, Permits and Inspections shall equate the fee to the nearest schedule.

3. BUILDING PERMIT FEE SCHEDULE

Structures & Related Uses

Agricultural, forestry, and fishery structures, including appurtenances based on gross sq. ft. of floor space under roof.	Two (\$.02) cents per sq. ft. Fee is charged only for structures of a size of 300 sq. ft. or greater.
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February 1, 1989

Page 2 of 6

Construction of all single family and two family dwelling structures and mobile homes including basements, garages, and appurtenances thereto, based on gross floor space under roof.	Ten (\$.10) cents per sq. ft. When a mobile home's last "use" was for a dwelling and it is being replaced by another mobile home, the fee will be calculated only for the additional square footage over and above the one being replaced.
Townhouses, garden apartments, and multi-family dwelling structures, including appurtenances, basements, and garages based on floor space under roof.	Ten (\$.10) cents per sq. ft.
Commercial and industrial structures and enclosures and appurtenances based on gross floor area under roof.	Ten (\$.10) cents per sq. ft.
Industrial oil or petroleum storage tanks, when the product is for resale.	Ten (\$.10) cents per cubic yard.
Rental parking lots, and similar construction based on gross square feet covered thereby.	One (\$.01) cent for each square foot over 144 sq. ft.
Private permanent-type swimming pools and tennis courts.	\$15.00
Nongovernmental, community swimming pools and tennis courts.	\$30.00
Detached non-commercial accessory use structures.	Two (\$.02) cents per sq. ft. over 144 sq. ft.
Private Use - Piers, Bulkheads, Groins, Levees, and Jetties.	\$10.00
Trailer/Mobile Home - Lot, Space, Pad	\$10.00 per pad for Mobile Home Parks
Camper Park - Lot, Space, Pad	\$10.00 per pad for Camper Parks
Antenna structures exceeding thirty (30) ft. in height or the overall base construction exceeds 144 sq. ft.	\$10.00 per unit
Commercial (retail) petroleum pumps	\$10.00 per unit
Additions to agricultural, residential, commercial and industrial structures.	Computed at same rate as for the existing structure use.
Demolition of principal buildings larger than 144 sq. ft.	No fee
Minimum Building Permit Fee	\$10.00

NOTE:
For any fees for use or structures not covered herein, the Chief, Permits and Inspections shall equate the fee to the nearest schedule.

4. CHANGE OF USE

Expansion of use

The Fee shall be determined by the Chief, Permits and Inspections, per schedule of new use.

The fee shall be determined by the Chief, Permits and Inspections, per schedule of use.

5. PLUMBING

New installation and major rehabilitation

\$4.00 per fixture
\$25.00 minimum

Mobile Homes/Modular Homes

\$25.00

Reissue of expired permits

\$25.00

Fixtures left out of original permit application

\$6.00

Service connection to a public/central sewer/water system

\$25.00

Additional inspections in excess of three (3)

\$25.00

County Master License Fee

\$50.00 per two years

County Journeyman License Fee

\$20.00 per two years

County Apprentice License Fee

\$10.00 per two years

6. TRAILER PARK LICENSE FEE
(Annual)
Code of St. Mary's County
Maryland

\$200.00 2 - 50 lots/pads
\$400.00 51 - 100 lots/pads
\$ 10.00 each lot/pad over 100

7. IMPACT FEE
(One Time)

Per Resolution 88-24, October 4, 1988

Each Residential Dwelling Unit

Road Impact Fee

\$ 200.00 per dwelling unit

Recreation and Parks Facilities

\$ 300.00 per dwelling unit

Impact Fee

\$2,500.00 per dwelling unit

School Facilities Impact Fee

8. SALES

Copies of Reference Maps, etc.

Fees are computed annually by cost of printing as determined by the Chief, Permits, and Inspections.

9. ABATEMENT OF BUILDING PERMIT FEES

Resolution No. 75-53, July 1, 1975

The following organizations and/or projects shall be eligible for exemption from paying County building permit fees:

1. Public buildings.
2. Non-profit organizations which are in receipt of U.S. Internal Revenue tax exempt status, provided that such abatement of any building permit fees shall be only for buildings to be used exclusively for religious, educational, charitable or other non-profit purpose.

The exemption from paying building permit fees SHALL NOT be on a blanket basis, but individual requests shall in each case be made to the Board of County Commissioners for its consideration and determination that the applicant qualifies for exemption per the requisites set forth.

10. CERTIFICATE OF USE AND OCCUPANCY PERMITS

Use/Structure

Single Family Dwelling	No fee
Duplex Structure	\$10.00 per structure
Home Occupations	\$10.00
Multi-family, Garden Apartments, Townhouse dwelling structures	\$10.00 per structure plus \$3.00 @ unit
Swimming pools, Commercial	\$10.00
Commercial parking structure and other commercial uses not herein listed as determined by the Chief, Permits & Inspections.	\$10.00
Hotels, Motels (Inns)	\$10.00 per structure plus \$3.00 @ unit
Mobile Home Park/Camper Park/Pads/Lots/Spaces	An Occupancy Permit will be issued in increments of ten or less - \$10.00
Commercial office, Marinas, Food processing	\$10.00 per 5,000 sq. ft. gross floor area and fraction of, maximum fee \$200.00
Industrial uses	\$10.00 per 5,000 sq. ft. gross floor area and fraction of, maximum fee \$200.00
Government-owned, operated, and/or sponsored facilities and activities, and civic association, historical buildings, non-profit organizations, and similar uses.	No Fee Permit required

Uses such as: private schools, churches, day nurseries, boarding camps, day care, foster care temporary or seasonal sales operated by non-profit organizations

No fee
Permit required

Minimum fee for each Certificate of Use & Occupancy Permit not covered herein \$10.00

REFUNDS: Refunds of fees shall be granted in accordance with the Refund Policy approved by the Board of County Commissioners on October 13, 1977.

COIN OPERATED AMUSEMENT MACHINES

Bowling Alley, Pool Tables, Shuffle Board \$100.00 per machine

Rev. to: Office of Co. Administrator

February 1, 1989
Page 6 of 6

Returned to: Office of County Administrator

FEB 2 1989 MARY R. BELL, CLERK

NO : 89-05

SUBJ: ECONOMIC DEVELOPMENT COMMISSION
(RE-ESTABLISHMENT)

R E S O L U T I O N

WHEREAS, The Economic Development Commission of St. Mary's County is created for the purpose of advancing the general welfare of the people through programs and activities to develop St. Mary's County's natural resources and economic opportunities; and to cooperate and offer assistance to existing industries and businesses; and to promote and encourage the establishing and locating of new industries and businesses in St. Mary's County and other matters intended to foster and develop gainful employment and the pursuit of happiness of all who are now or may hereafter be residents of St. Mary's County; and

3:20PM02/22/898 CD.COM 60.00

WHEREAS, The Commission shall consist of up to fifteen (15) members, who shall be appointed by the Board of County Commissioners; and

WHEREAS, The members of the Commission shall serve for three (3) years, except as provided in this section, and are limited to two (2) consecutive terms. The County Commissioners shall stagger the appointment of new members for periods of one (1), two (2) and three (3) years in order to ensure the expiration of terms on the basis of no more than three (3) each year. They shall serve without compensation. The Commission shall select from its membership a Chairman, and Vice-Chairman to serve a term of one (1) year and to be eligible for re-election. One (1) person may not hold the position of Chairman for more than two (2) consecutive terms. Upon the death, disability, resignation or removal of any member of the Commission, the County Commissioners shall appoint a person within sixty (60) days to serve for the unexpired term. The Commission has the power to establish and appoint advisory groups and committees to assist in its program of activity of which membership is not restricted solely to members of the Commission; and

WHEREAS, the Commission shall meet at least quarterly and shall hold special meetings at the call of the Chairman or a majority of the members of the Commission. The Commission shall adopt rules and regulations as it may deem necessary to govern its procedure and business, subject to the approval of the Board of County Commissioners. Eight (8) members constitute a quorum; and

WHEREAS, the Commission may:

1. Investigate and assemble information pertinent to the economic resources and industrial opportunities of the county.
2. Cooperate with, offer assistance to and encourage the expansion of existing businesses and industries and actively work for the location of new businesses and industries compatible with the resources and environment of St. Mary's County.
3. Disseminate information in the interest of industrial development by publication, advertising and other means.
4. Cooperate with any federal, state, or local agency, board, or commission, including the Maryland Department of Economic and Employment Development in the furtherance of its purpose.

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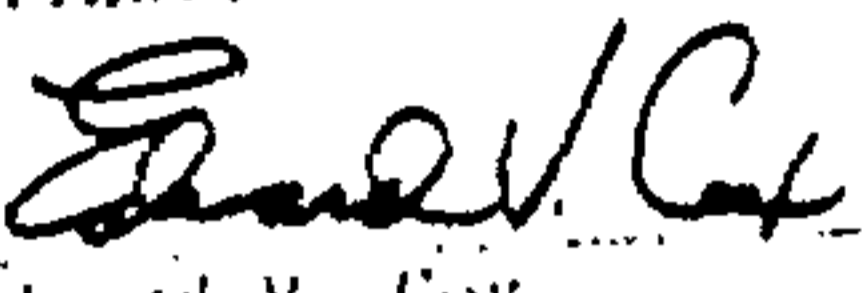
5. Cooperate with any interested private concern, civic organization or subdivision thereof in furtherance of its purpose.
6. Serve as advisory committee to the Department of Economic and Community Development or its successors.

NOW, THEREFORE BE IT RESOLVED By the Board of County Commissioners that the Economic Development Commission for St. Mary's County is hereby re-established; that this Resolution shall be effective February 7, 1989, at which time the Commission shall be fully constituted; and that the re-established Economic Development Commission replaces the former Economic Development Commission.

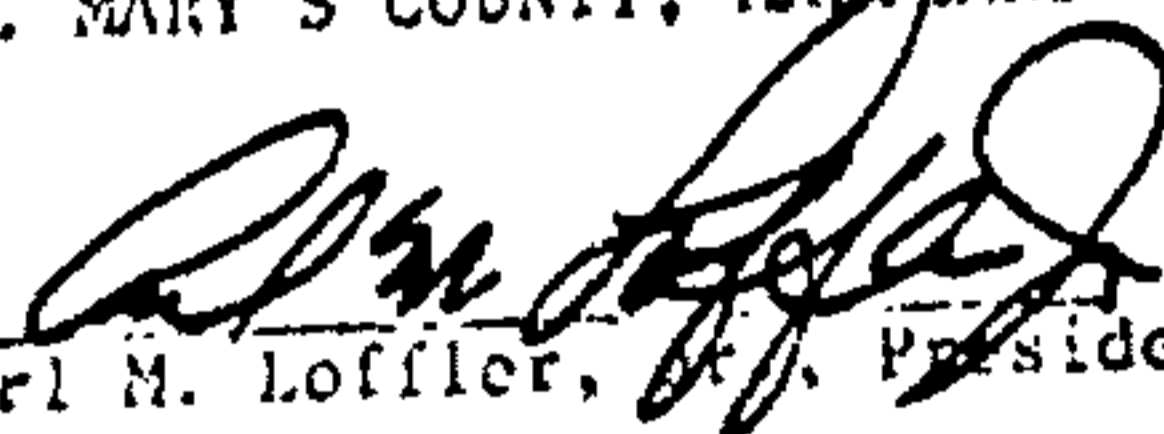
THIS DATE:

February 7, 1989

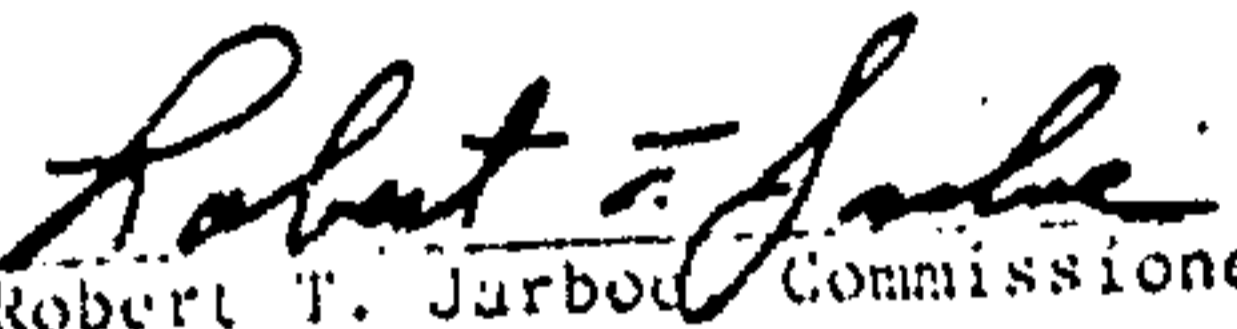
ATTEST:



Edward V. Cox
County Administrator

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND


Carl M. Loffler, President



W. Edward Bailey, Commissioner


Robert T. Jarboe, Commissioner


John G. Lancaster, Commissioner


Rodney Thompson, Commissioner

APPROVED AS TO LEGAL SUFFICIENCY:


Joseph R. Denstorf
Assistant County Attorney

Returned to: County Commissioners

FEB 22 1989

MARY R. BELL, CLERK

No. 89-06

Subj: Impact Fee Amendment

RESOLUTION

WHEREAS, the Board of County Commissioners adopted Resolution No. 88-24 on October 4, 1988, adopting certain Impact Fees for new residential construction in St. Mary's County, Maryland; and

WHEREAS, Resolution No. 88-24 did not clearly indicate that it was not the intention of the Board of County Commissioners to impose an Impact Fee on new residential construction where such construction replaced an existing habitable dwelling unit on the same zoning lot of record; and

J:20PM02/22/398 CO.COM \$0.00

WHEREAS, it is the intention of this Resolution to amend Paragraph 1 of Resolution No. 88-24;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland, that Paragraph 1 of Resolution No. 88-24 is hereby rescinded, and the following is hereby substituted:

"1. Every person, firm, partnership, corporation, or other legal entity which obtains a Building Permit for a residential dwelling unit is required to pay Three Thousand (\$3,000) Dollars for each residential dwelling unit; provided, however, that said fee shall not be charged for the replacement, construction/placement of a dwelling unit on the same zoning lot of record that has a currently existing habitable dwelling unit. A Building Permit for said replacement shall be obtained within ninety (90) days of the removal of the existing unit from the same zoning lot."

IT IS FURTHER RESOLVED that, except as specifically provided for herein, Resolution No. 88-24 shall remain in full force and effect.

IT IS FURTHER RESOLVED that this Resolution shall be effective as of October 4, 1988, as if it had been an original part thereof.

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loffley Jr.
CARL M. LOFFLEY, JR., President

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Robert Jarboe
ROBERT JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Rodney Thompson
RODNEY THOMPSON, Commissioner

Attest:

Edward V. Cox
EDWARD V. COX
County Administrator

Approved as to Legal Sufficiency:

Joseph R. Densford
JOSEPH R. DENSFORD
Assistant County Attorney

Returned to: Co. Commissioners

FEB 22 1989

MARY R. BELL, CLERK

RESOLUTION NO. 89-07

SUBJ: MILA/SHELL BUILDING - St. Mary's Press

R E S O L U T I O N

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland (the "Borrower") wishes to borrow from the Department of Economic and Employment Development of the State of Maryland (the "Department") as a general obligation and upon the full faith and credit of the Borrower in accordance with the Maryland Industrial Land Act, a sum of money for the purpose of defraying the costs of a certain industrial shell building to be located on Lots 11 and 16 in Section One, St. Mary's Industrial Park (the "Shell Building"); and to evidence such borrowing by executing a Mortgage and Building Loan Agreement between the Borrower and the Department or such other evidences of indebtedness of the Borrower as may be hereafter required by the Department; and to authorize the President and/or other appropriate officials of the Borrower to execute any and all documents that may be necessary to consummate the Loan; and

WHEREAS, Article 41A, Sections 5-401 through 5-414, inclusive, in particular Section 5-406, of the Annotated Code of Maryland, as amended (the "Act") provides, among other things, that any political subdivision of the State of Maryland is fully enabled and empowered to borrow money from the Department and to execute a loan agreement as evidence and security for such borrowing for the purpose of defraying the project costs of constructing a shell building where such borrowing is approved by the Department; and

9:00AM03/06/898 CO.COM \$0.00

WHEREAS, the Borrower has submitted an application to the Department for approval for the financing of the construction of the Shell Building; and

WHEREAS, the Borrower has received a letter of commitment and approval dated August 16, 1988 from J. Randall Evans, Secretary of Economic and Employment Development (the "Letter of Commitment") approving the Loan for the financing and construction of the Shell Building; and

WHEREAS, the Borrower has determined, based upon the findings and determinations hereinafter set forth, that it is in the best interests of the citizens of St. Mary's County, Maryland that the Borrower accept the Letter of Commitment, and participate in the financing and construction of the Shell Building as described generally in said Letter of Commitment.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland:

SECTION 1

That it is hereby found and determined as follows:

(a) The financing and construction of the Shell Building will fulfill and accomplish the purposes of the Act, which purpose is to attract industry and to create new employment opportunities in the State of Maryland by acquiring and developing industrial sites, resulting in new and expanded industrial enterprises, to provide enlarged opportunities for industrial enterprises, to provide enlarged opportunities for gainful employment by the people of Maryland, and accordingly, it has been determined to be in the best interest of the citizens of St. Mary's County, Maryland for the Borrower to participate in the financing and construction of the Shell Building; and

(b) The Shell Building to be constructed constitutes a "shell building" as defined in the Act and the Shell Building project is, therefore, consistent with the purposes and directions contained within the Act.

SECTION 2

The Borrower be and is hereby fully authorized and empowered to borrow from the Department a sum of money not to exceed \$500,000 (hereinafter defined as the "Loan") for a term not to exceed fifteen (15) years at an interest rate of 6.641 percent per annum and to evidence and secure the Loan by executing and delivering a Mortgage and Building Loan Agreement between the Borrower and the Department, or such other evidences of indebtedness as the Department may hereafter determine.

SECTION 3

The Borrower shall cause the proceeds of the Loan to be used for the purpose of defraying the costs of constructing and finishing a certain industrial shell building containing approximately 12,000 - 14,000 + sq. ft. to be located on Lots 11 and 16 of Section One, St. Mary's Industrial Park, Sixth Election District of St. Mary's County, Maryland.

SECTION 4

As described generally in the Letter of Commitment and as contemplated by the Act:

- (a) The Loan will be secured by the Mortgage and Building Loan Agreement and the Borrower shall pledge its full faith and credit for the repayment of the Loan and the interest thereon.
- (b) The Borrower shall execute a Mortgage and Building Loan Agreement and comply with all terms and conditions as set forth in the Mortgage and Building Loan Agreement, which will be substantially in the form attached hereto and made a part hereof as Exhibit A.
- (c) Any costs of construction and finishing the Shell Building in excess of the proceeds of the Loan shall be paid by the Borrower.

SECTION 5

In connection with the borrowing and the construction of the Shell Building described in this Resolution, the President and/or other appropriate officials of the Borrower are hereby authorized and empowered to execute on behalf of the Borrower such other documents, instruments and certificates as are necessary or appropriate to consummate such borrowing, construction, finishing, including, but not limited to, the Mortgage and Building Loan Agreement, leases, mortgages, deeds of trust, notes, bonds, or other evidences of indebtedness, assignments, insurance agreements, security agreements and any and all necessary financing statements.

RESOLUTION NO.
PAGE 3 OF 3

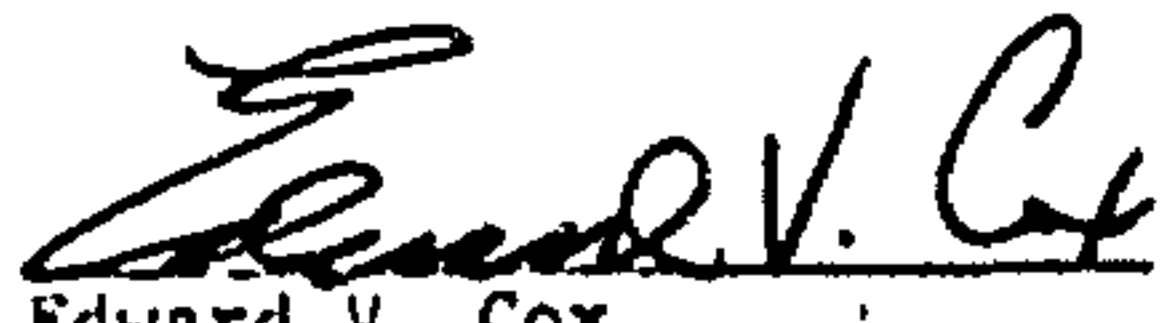
SECTION 6


AND BE IT FURTHER RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that this Resolution shall become effective on the 14th day of February, 1989.

ADOPTED this 14th day of February, 1989.

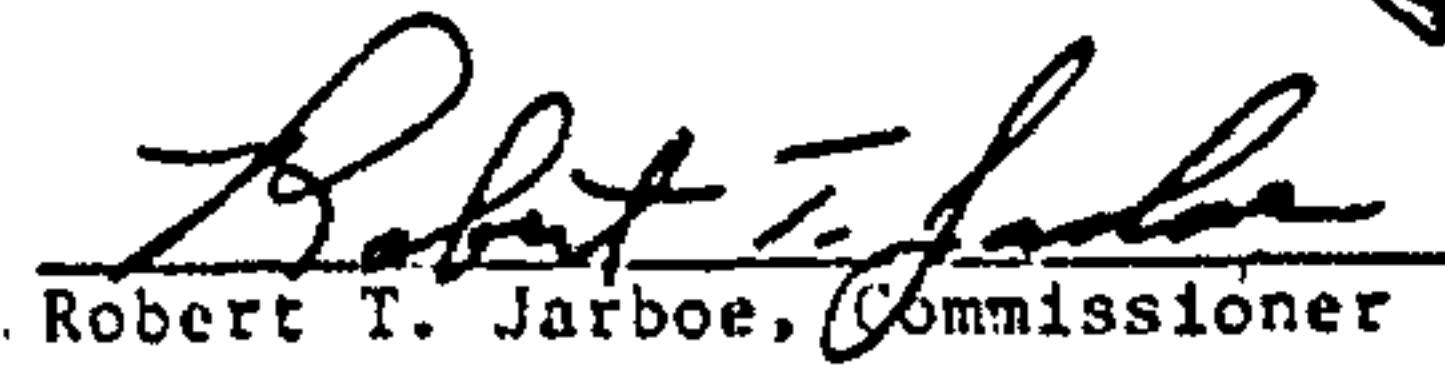
ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND


Edward V. Cox
County Administrator



Carl M. Loffler, Jr., President


W. Edward Bailey, Commissioner


Robert T. Jarboe, Commissioner


John G. Lancaster, Commissioner

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:


Joseph R. Densford
Assistant County Attorney


Rodney Thompson, Commissioner

Ret to: C. Comm.

MAR 6 1989

MARY R. BELL, CLERK

LIBER 006 PAGE 418

No: 89-08
Subj: Procurement Manual
Amendment # 2

RESOLUTION

WHEREAS, The Board of County Commissioners of St. Mary's County on September 15, 1987, adopted Resolution 87-16 which set forth the adoption of a Procurement Manual for St. Mary's County; and

9:11AM03/20/89B CD.COM \$0.00

WHEREAS, The Board of County Commissioners directed the St. Mary's County Procurement Officer to implement the new procedures contained in the Procurement Manual and to evaluate through use, the effective and efficient utilization of all procedures contained within the manual; and

WHEREAS, The Procurement Officer presented a comprehensive briefing to the Board of County Commissioners on March 7, 1989 with a recommendation to decrease the \$200 dollar limitation within the Procurement Manual to \$20 for office supplies and require mandatory use by all departments of the County Office Supply Contract as permitted by Section 14-1; and

WHEREAS, The Board Of County Commissioners finds it is in the best interest of the county to decrease the dollar limitation from \$200 for purchase of office supplies to \$20 and require mandatory use of the County Office Supply Contract by all departments;

NOW, THEREFORE BE IT RESOLVED by The Board of County Commissioners that the dollar limitation for procurement of office supplies be changed from \$200 to \$20 and that the adopted procurement manual originally effective January 1, 1988 is hereby so amended in Section 14 entitled Small Purchases \$200 or Less.

This Date:
March 14, 1989

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY MARYLAND


Carl M. Loffler, Jr. President



John G. Lancaster, Commissioner



W. Edward Bailey, Commissioner


Robert Jarboe, Commissioner


Rodney Thompson, Commissioner

ATTEST:


Edward V. Cox
County Administrator


Joseph R. Densford
Assistant County Attorney

Rec'd: Co Com

MAR 20 1989

MARY R. BELL, CLERK

NO: 88-08

SUBJECT: Kline Drive and Miller Court
Special Taxing District OrdinanceORDINANCE

2:49PM05/20/88A CO.COM 90.00

WHEREAS, the County Commissioners of St. Mary's County, Maryland are empowered under the provisions of Section 151 of the Code of Public Laws of St. Mary's County, to construct and improve private roads after the approval of a petition of a majority of the property owners whose property benefits from said improvements; and

RE-RECORDED 12:01PM03/30/89D CO.COM 90.00

WHEREAS, the County Commissioners of St. Mary's County, Maryland have been petitioned by a majority of the property owners to be benefitted in the Prospect Hill Subdivision, requesting the County to reconstruct and improve certain streets in Prospect Hill Subdivision, which is located in the Third Election District of St. Mary's County, Maryland, and recorded among the Plat Records of St. Mary's County, Maryland, in Plat Book 3, Folio 15. The following streets, as shown on the aforementioned plat of said subdivision, shall be improved to the approximate limits indicated herein:

Kline Drive - from Knight Road to the end of Kline Drive at Miller Court and Miller Court from Kline Drive for a distance of approximately 275 feet.

WHEREAS, the County Commissioners of St. Mary's County, Maryland, held a public hearing on March 15, 1988 in order to consider said petition; and

WHEREAS, The County Commissioners of St. Mary's County, Maryland have determined to approve said petition in accordance with the provisions and reservations herein set forth.

NOW, THEREFORE, BE IT ORDAINED by the County Commissioners of St. Mary's County, Maryland, this 17th day of MAY, 1988, that the petition of the residents of Prospect Hill, for the reconstruction and improvement of the two streets in said subdivision as described above, be approved; and

IT IS FURTHER ORDAINED that the County Commissioners of St. Mary's County, Maryland, shall construct and improve said streets in accordance with specifications approved by the Department of Public Works and authorized by the County Commissioners.

IT IS FURTHER ORDAINED that upon completion of said construction and improvement, the County Commissioners of St. Mary's County, Maryland, shall accept said streets into the County System of Roads; and

IT IS FURTHER ORDAINED that the costs of said improvements and reconstruction shall be borne by the County and the lot owners in accordance with the following:

1. The lot owners are responsible for \$32,618.00 of the construction costs. This sum represents the property owners' estimated share of the cost required by the approved set of plans, said share being equivalent to the cost of improving the roads to a condition which would have been acceptable for inclusion within the County Road System at the time the Subdivision was recorded in November of 1959.

2. The lot owners are responsible for all design costs for work, performed by consultant engineers retained by the County for this project, with the exception of costs incurred for inspection of construction work.

3. The County is responsible for all in-house design and engineering costs.

4. The lot owners are responsible for all utility relocation costs.

5. The County shall be responsible for all costs associated with improving the roads to standards in excess of those required by the County at the time the subdivision was created, in particular, the costs of a bituminous concrete surface.

6. The inspection costs associated with the construction contract shall be borne by the County.

IT IS FURTHER ORDAINED that the cost of said construction and improvements attributable to those properties hereinafter named shall be paid over a twenty-year period by an annual benefit assessment levied against said properties; and

IT IS FURTHER ORDAINED that said annual benefit assessment shall be computed as follows:

1. The "total benefit assessment" shall represent total costs of reconstruction and improvements as described above, to be borne by the nine existing lot owners, or a greater number if a subdivision of any lot occurs on any of said lots in the future, so long as the newly created lots gain access to the roads constructed.

2. The "total benefit assessment" shall be divided by 20 to determine the "annual benefit assessment" to be levied against all of the lot owners for 20 years.

3. The "annual benefit assessment" shall be divided by the number of approved lots in existence in the subdivision on the first of May of each assessment year to determine the annual cost to each lot.

IT IS FURTHER ORDAINED that the County Commissioners of St. Mary's County, Maryland, shall certify the amount of each assessment to the Treasurer of St. Mary's County, Maryland, on or before May 1, of the year following completion of the construction; and

IT IS FURTHER ORDAINED that the Treasurer of St. Mary's County, Maryland shall place said annual benefit assessment on the State and County real estate tax bills for said "lots" for the next twenty (20) succeeding fiscal years; and that said annual benefit assessments shall be subject to such discount allowances and interest penalties and charges as may be provided by law; and

IT IS FURTHER ORDAINED that said annual benefit assessment shall constitute a first lien on said property, until paid, subject only to prior State and County taxes; and

IT IS FURTHER ORDAINED that said annual benefit assessment may be collected in the manner provided in Chapter 367, Laws of Maryland, 1978, of the Code of Public Local Laws of St. Mary's County, Maryland, or in any other manner provided by law; and

IT IS FURTHER ORDAINED that upon approval of this Ordinance by the County Commissioners, the County shall immediately assume responsibility for maintaining the above-described roads in said subdivision; and

IT IS FURTHER ORDAINED that the properties affected by this Ordinance are as follows:

- Tax Map 40 Parcel 139
- Tax Map 40 Parcel 50 - lots 7-9
- Tax Map 40 Parcel 186
- Tax Map 40 Parcel 161
- Tax Map 40 Parcel 121
- Tax Map 40 Parcel 122
- Tax Map 40 Parcel 159 *159 R/L not cash*

IT IS FURTHER ORDAINED that this Ordinance shall only be effective as aforesaid.

ATTEST:

COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND

Edward V. Cox
Edward V. Cox 5/17/98

Carl M. Lottler, Jr.
Carl M. Lottler, Jr. President

W. Edward Bailey
W. Edward Bailey, Commissioner

Robert Jackson
Robert Jackson, Commissioner

John H. Lancaster
John H. Lancaster, Commissioner

Quincy Thompson
Quincy Thompson, Commissioner

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:

Joseph H. Denford
Joseph H. Denford
Assistant County Attorney

WHEREAS, the approved County Budget for Fiscal Year 1989, did not include funds for the purchase of 12 transportable classrooms for the St. Mary's County Board of Education; and

WHEREAS, the Board of County Commissioners believes it is in the best interest of the County to provide funds for the purchase and erection of said classrooms for the FY 1990 school year; and

WHEREAS, the Board of County Commissioners on June 28, 1988 designated FY 1988 funds for use in FY 1989 for the Departments of Recreation and Parks, Sheriff, Detention Center, Circuit Court, Board of Elections, Planning and Zoning, and the County Administrator; and

WHEREAS, the Board of County Commissioners believe that it is in the best interest of the County to amend the FY 1989 budget to include these designated funds.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on April 4, 1989 to present and explain the requirements to increase the Fiscal Year 1989 Budget in the amount of \$1,005,035.00 (One Million Five Thousand Thirty-Five Dollars) and such increase is hereby approved this 18th day of April, 1989 by the Board of County Commissioners of St. Mary's County, Maryland.

BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler
Carl M. Loffler, President

John G. Lancaster, Vice-President

W. Edward Bailey
W. Edward Bailey, Commissioner

Robert T. Jarboe
Robert T. Jarboe, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

ATTEST:
Edward V. Cox
Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:
Joseph R. Densford
Joseph R. Densford
Assistant County Attorney

12154PH05/01/89A CD.COM 90.00

For: Judge Case & Co. Administrators

MAY 9 1989 MARY R. BELL, CLERK

Returned to County Commissioners

NO: 89-11
SUBJ: SEDIMENT CONTROL AND
GRADING PLAN REVIEW FEES

11:31AM05/15/89A CO.COM \$0.00

RESOLUTION

WHEREAS, The Natural Resources Article, Section 8-1103(c) of the Annotated Code of Maryland authorizes local governing bodies within the State of Maryland to enact a fee system to cover the cost of reviewing grading and sediment control plans; and

WHEREAS, The St. Mary's County Soil Conservation District has recommended such a fee system to cover its cost of reviewing grading and sediment control plans; and

WHEREAS, The Soil Conservation District has performed a study of its actual costs incurred in reviewing grading and sediment control plans; and

WHEREAS, The Board of County Commissioners has considered the Soil Conservation District's recommended fee system and agrees that such fees represent a reasonable and accurate charge for reviewing such plans;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Mary's County, Maryland this 9th day of May, 1989 that the following fee system is hereby adopted for the review of grading and sediment control plans by the St. Mary's County Soil Conservation District:

	<u>Application Fee</u>	<u>Review Fee</u>
Review of Standard Plan	\$10.00	\$55.00/acre for first five acres and \$10.00/acre over five acres
Review of Other Plans	\$10.00	

BE IT FURTHER RESOLVED that the fee system adopted herein shall apply to all grading and sediment control plans reviewed by the Soil Conservation District on or after June 1, 1989.

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Loeffler
Carl M. Loeffler, President

W. Edward Bailey
W. Edward Bailey, Commissioner

Robert E. Jarboe
Robert E. Jarboe, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R. Denstorf
Joseph R. Denstorf
Assistant County Attorney

MARY R. BELL, CLERK

MAY 18 1989

Returned: Of County Administrator

LIBER 006 PAGE 42

NO: 89-10
SUBJ: AIDS - A WORKPLACE GUIDE

RESOLUTION

WHEREAS, the Board of County Commissioners is mindful of the national challenge caused by AIDS, Acquired Immune Deficiency Syndrome, the number one public health problem in the U.S.; and

WHEREAS, the number of cases of AIDS is rapidly increasing and now touches all communities throughout the nation; and

WHEREAS, the Board of County Commissioners believes it necessary to establish an official policy statement as a workplace guide to HIV, the human immunodeficiency virus which causes AIDS;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners that the attached policy statement is hereby officially adopted and made the guide for the workers of county government and offered as a model to others.

11:48AM05/17/89B CO.COM \$0.00

ADOPTED:
May 9, 1989

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Loeffler
Carl M. Loeffler, President

W. Edward Bailey
W. Edward Bailey, Commissioner

Robert Jarboe
Robert Jarboe, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
Assistant County Attorney

HIV INFECTION-A WORKPLACE GUIDE

AIDS, Acquired Immune Deficiency Syndrome, is the number one public health problem in the United States today. The number of cases of AIDS is rapidly increasing and now touches all communities throughout the nation.

AIDS is caused by an unusual virus, a retrovirus, which has been named HIV, the human immunodeficiency virus. The HIV virus attacks the body's immune system (defense department) and eventually leads to severe, unusual infections (opportunistic infections), rare cancers, and damage to the nervous system (brain and nerves). Individuals infected with the HIV virus may feel healthy but carry the HIV virus (test positive on the HIV-antibody test), experience early symptoms of the disease which is often called ARC (AIDS Related Complex), or progress to the disease of AIDS with opportunistic infections, cancers, and destruction of the nervous system. HIV infected individuals (individuals who have a positive HIV-antibody test, ARC, and AIDS) and individuals who may be perceived as HIV infected also experience profound psycho-social problems associated with coping with this serious, infectious, and life-threatening disease, as well as, the social effects of living with the disease (stigmatization, isolation, and discrimination).

The HIV virus is spread by (1) sexual contact, (2) direct introduction of infected blood or blood products through the skin and into the bloodstream (usually through the sharing of needles

in IV drug use), or (3) infection of an infant through an infected mother occurring sometime during pregnancy, birth, or possibly through breastmilk.

The HIV virus is not spread through casual, everyday contact, such as breathing air, sneezing, coughing, touching, hugging, shaking hands, talking on the telephone, sharing typewriters or tools, eating at restaurants, sharing bathrooms, drinking from water fountains, swimming pools, or insect bites. There is no evidence that such casual contact is linked to the transmission (spread) of the HIV virus. Even nonsexual family members and children of persons with AIDS and health care workers (i.e. doctors and nurses) caring for persons with AIDS have not become infected with the virus through their casual contact.

Those at greatest risk for infection with the HIV virus are homosexual and bisexual men who have unprotected sex, heterosexuals who have unprotected sex, IV drug users who share needles and syringes, and newborn infants of infected mothers. Occupational risk to the transmission of the HIV virus is limited to health care and laboratory workers who have contact with body fluids. These workers risk possible transmission with possibly infected body fluids through mucus membrane exposure, percutaneous injury (an injury from a sharp object which breaks through the skin, such as a needlestick injury), or cutaneous exposure (direct contact with non-intact or abraded skin). Despite the potential risk of exposure to health care and laboratory workers, this risk has been shown to be extremely low.

The Supreme Court of the United States has determined that communicable diseases are covered under Section 504 of the Rehabilitation Act which protects the rights of handicapped individuals. AIDS is a communicable disease. HIV infected individuals (individuals with a positive HIV-antibody test, ARC, AIDS, and who may be perceived to be HIV infected) are considered handicapped, therefore, they are also protected by the law. HIV infected individuals who are able to work at no unreasonable risk to the health and safety of themselves, their co-workers, or the public, are able to be hired and maintain a job. Co-workers with HIV infection need the same kind of concern and support which anyone needs with a serious, chronic, and life-threatening illness.

Current information on HIV infection/AIDS is available through the United States Public Health Service and the local health department.

POLICIES AND PROCEDURES

The St. Mary's County Board of County Commissioners has developed the following policies and procedures regarding HIV infection in the workplace for St. Mary's County government employees. These policies and procedures will be reviewed and updated periodically in accordance with new scientific and epidemiologic evidence and changes in the law.

The St. Mary's County Health Department is available for consultation and assistance in the implementation and

interpretation of these policies. Any questions should be referred to the Health Officer.

The St. Mary's County AIDS Task Force is likewise available for consultation and will review and update these policies as appropriate.

Employment

Policy: It is the policy of the Board of County Commissioners to allow HIV infected individuals or individuals perceived to be HIV infected to be hired, to continue to work, and to be promoted. HIV infected individuals will be provided with reasonable accommodations as long as they are medically able to perform the duties of their job and do not pose an unreasonable danger to the health and safety of themselves or others. Individual attention will be required in each case to determine the best course of action consistent with current medical knowledge, law, and policy.

The HIV-antibody test is neither required nor permitted as a condition of employment for prospective or current county employees.

In accordance with current scientific and epidemiologic evidence regarding the transmission of the HIV virus and current law, employees have no basis upon which to refuse to work with or to withhold services to HIV infected or perceived to be HIV infected individuals due to a fear of becoming infected with the HIV virus.

Procedures: Employees who are diagnosed with HIV infection shall be assisted in the following ways:

1. HIV infected employees are given the same consideration as employees with other real or perceived illnesses/disabilities (physical and mental). Unless there is a legitimate connection between an individual's illness/disability and his/her ability to perform the duties of his/her job, an individual cannot be denied employment, lose his/her job, or be denied a promotion.
2. Supervisors shall make reasonable accommodations to allow employees the opportunity to perform the essential functions of the job. Reasonable accommodations may include such things as: reasonable changes in the physical environment, adjustment of job duties, or transfer to a more suitable position.
3. In all cases of illness, including HIV infection, the employee's supervisor may not request or require a diagnosis of a particular illness, except as required for accommodation arrangements or to process medical disability claims.
4. If there is a question by the Department Head and/or Supervisor about the infectious nature of an employee's illness or an ability to perform his/her duties, the employee shall be required to furnish to the Personnel Office a statement from an attending physician verifying that his or her continued presence in the workplace does not

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pose a threat to him/her or to others. If questions remain, an independent medical examination at Agency expense to determine fitness-for-work may be required before a final decision is made regarding whether or not the employee may remain on the job. When resolving the issue of whether or not the employee may remain on the job, consideration will be given to determining if the individual is "otherwise qualified" through examining the nature of the risk of employing the individual, the duration of the risk, the severity of the risk, and the probability of transmitting the HIV virus to others and causing harm. Discussions regarding individual employment will be made in accordance with this policy and disagreements will be handled on an individual basis by a committee composed of the County Administrator, the County Personnel Officer, the Health Officer, representative(s) from the AIDS Task Force, and the employee's or potential employee's private physician. It is advisable to follow relevant personnel procedures.

5. Employees are expected to work cooperatively with an HIV infected or perceived to be HIV infected individual. Noncompliant employees will be subject to appropriate personnel action (see specific personnel policy).

Benefits

Policy: HIV infected or perceived to be HIV infected individuals as employees of the St. Mary's County Government

shall receive the same benefits accorded to other county employees. The HIV infected employee who is not able to continue working is eligible for accumulated sick leave, disability payments (if applicable), and other medical leave to the extent provided for by current State/County policy.

Procedures:

(List specific procedures)

Confidentiality

Policy: The county has a duty to protect and maintain the confidentiality of its applicants' and employees' medical information. Information obtained regarding the medical condition (such as, medical history, diagnosis, HIV-antibody test results, and treatment) of any applicant and/or employee with an HIV infection will be accorded the confidentiality which is always given to medical records. The confidentiality of this information will be maintained with the following exceptions:

- (a) department heads, supervisors, and/or managers may be informed regarding restrictions on the work or duties of handicapped persons regarding necessary accommodations, if any;
- (b) government officials investigating compliance with Section 504 of the Rehabilitation Act of 1973 (as amended in 1978) shall be provided relevant information upon request.
- (c) when the employer needs to verify a claim for disability or other compensation.

USER: CCG 8/24/87

An employee has the right to decide whether or not to disclose his/her diagnosis. An employee's medical diagnosis is personal information and such information, if known by the employer, shall not be released without the employee's permission, with the possible exception of those listed above.

The employee's supervisor may not request or require a diagnosis of a particular illness, except as specified in Employment procedure 3.

The employee may be asked by the Supervisor/Department Head for a physician's certification (as specified previously) on whether the employee is able to work, whether there are limitations on the work due to illness or the amount of time needed for recuperation. If the employee discloses the illness, supervisors should respond just as they would for any other serious illness.

Procedures:

(List specific procedures if you wish)

Safety

Policy: To protect the health and safety of county employees, supervisors should tell the employee if it is believed that a potential risk of exposure to HIV infection exists. Employers shall provide infection control measures or precautions to reduce the risk of exposure to infectious agents and shall provide necessary supplies to reduce the risk of exposure. Employees

with specific questions or concerns should be advised to talk to their supervisor, personnel director, and/or personal physician.

An exposure means another person's blood, body fluid, tissue, or laboratory substance being introduced into the body of an employee by:

1. Penetrating the skin (percutaneous);
2. Passing through:
 - (a) A mucus membrane in the eye, mouth, or nose (mucutaneous), or
 - (b) Skin that is abraded or otherwise not intact (cutaneous).

Procedures: County employees who may have direct contact with body fluids are advised to use the following precautions to prevent exposure to blood-borne illnesses:

1. Mouth-to-Mouth Resuscitation
No transmission of AIDS during mouth-to-mouth resuscitation has been documented. However, because of the theoretical risk of salivary transmission of this virus or other complicating infections, when possible, special attention should be given to the use of disposable or easily cleaned airway equipment, resuscitation bags, or protective face shields.
2. Contact with Infected (or Possibly Infected) Material
 - (a) Skin contact: wash affected area immediately for at least 30 seconds with soap (any kind) and running water or other approved detergent hand

cleaner.

- (b) Surfaces of objects: put on gloves, clean with detergent, and then clean with an "approved" disinfectant (such as alcohol, lysol, or solution of freshly prepared household bleach-one part fresh household bleach to nine parts water). Disposable gloves and disposable cleaning materials are to be properly disposed of as described in 4.

3. Spills of Body Fluids

Regardless of HIV infection, good sanitation requires general cleaning of body fluid spills with soap and water followed by disinfectant as described in 2.b. Disposable gloves and paper towels should be used to clean spills. Hands should be thoroughly washed after clean up. Mops should be disposable or thoroughly soaked in disinfectant for at least 20 minutes. Disposable items are to be disposed of as contaminated material as described in 4.

4. Disposal of Infectious Waste

Infectious waste, materials contaminated with body fluids (such as, blood, semen, vaginal secretions, and/or as defined by the C.D.C. in "Universal Precautions," (6)), should be disposed of by incineration in accordance with state regulations. The local incineration site is the St. Mary's Hospital.

5. Sharp Penetrating Objects (Such as Needles, Cutting Instruments, and Weapons)

Other than sexual fluids, blood and body fluid, sharing needles and/or sharp objects represents the greatest risk of transmission of AIDS virus. Extraordinary precautions should be taken to prevent needle stick/sharp injuries. Needles are not to be recapped, clipped, bent, or thrown in the trash. Needles, syringes, and other "sharps" are to be placed in a puncture-proof container. When the container is filled and ready for disposal it must be sealed, labeled "infectious waste", and incinerated. In general, use extreme caution when handling sharp objects which may have come in contact with body fluid (such as, needles, drug paraphernalia, instruments, and weapons) and when handling trash which may contain sharp objects. Any needle stick or sharp injury should be allowed to bleed freely and thoroughly washed. The incident is to be reported to the Supervisor/Department Head, a written record of the incident obtained, and medical evaluation obtained.

6. Violent Crime/Accident Scene

Use extreme caution when approaching and/or handling accident or crime victims taking into account the precautions listed above. If there is a risk of exposure to blood or other body fluids on the employees

body, protective masks, gloves, and gowns may be advisable. These items must be disposed of as contaminated material as described in 4.

7. Food Handling

Because the HIV virus is not transmitted in food, food service workers are not restricted from work because of HIV infection. All food service workers should observe good personal hygiene (such as, hand washing). They should avoid injury of their hands while preparing food. All food contaminated with blood from an injury must be thrown away. Food service workers with open sores or skin lesions should be restricted from direct contact with food. Already established sanitation, food-handling, and personal hygiene guidelines and practices should be strictly followed to prevent contamination of foods with infectious agents.

REFERENCES

1. C.D.C. Acquired immune deficiency syndrome (AIDS): Precautions for clinical and laboratory staffs. MMWR, November 5, 1982, 31(43), 577-580.
2. C.D.C. Acquired immune deficiency syndrome (AIDS): Precautions for health-care and allied professionals. MMWR, September 2, 1983, 32, 450-451.
3. C.D.C. Human immunodeficiency virus infection in the United States: A review of current knowledge. MMWR, December 18, 1987, 36(8-6).
4. C.D.C. Recommendations for preventing transmission of infection with human T-lymphotropic virus type III/lymphadenopathy-associated virus in the workplace. MMWR, November 15, 1985, 34, 681-686, 691-695.

5. C.D.C. Recommendations for prevention of HIV transmission in health-care settings. MMWR, August 21, 1987, 36(28), 18-189.
6. C.D.C. Update: Universal precautions for prevention of transmission of human immunodeficiency virus, hepatitis B virus, and other bloodborne pathogens in the health-care settings. MMWR, June 24, 1988, 37(24), 377-382, 387-388.
7. Department of Labor/Department of Health and Human Services. Joint advisory notice: Protection against occupational exposure to hepatitis B virus (HBV) and human immunodeficiency virus (HIV). Federal Register, October 30, 1987, 52(210).

February 14, 1989

Return to County Commission

MAY 23 1989

MARY R. BELL, CLERK

NO: 89- 12

SUBJ: RECERTIFICATION OF COOPERATION AGREEMENT

2:17PM 05/19/89A CO.COM 00.00

RESOLUTION

WHEREAS, the Board of Commissioners of St. Mary's County, Maryland and the St. Mary's County Housing Authority Board of Commissioners enacted a Cooperation Agreement on the 27th day of September, 1971, attached hereto and incorporated herein; and

WHEREAS, the U. S. Department of Housing and Urban Development requires that the parties therein reaffirm and recertify their mutual agreement to the covenants set forth in the aforesaid agreement;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of St. Mary's County, Maryland and the St. Mary's County Housing Authority Board of Commissioners reaffirm and readopt all the terms and conditions set forth in the Cooperation Agreement originally executed on the 27th day of September, 1971.

WITNESS, the Hand and Seal of the Board of Commissioners of St. Mary's County Housing Authority and the Board of Commissioners of St. Mary's County, Maryland on this 16th day of May, 1989.

BOARD OF COMMISSIONERS OF ST. MARY'S COUNTY HOUSING AUTHORITY

- ABSENT -

Michael S. Glaser, Chairman

Leroy Thompson, Vice Chairman

John Madel, Jr., Commissioner

Billie Brown, Commissioner

G. Thomas Daugherty, Commissioner

BOARD OF COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loffley, Jr., President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Rodney Thompson, Commissioner

ATTEST:

Joseph F. Mitchell
Secretary

ATTEST:

Edward V. Cox
County Administrator

COOPERATION AGREEMENT

This Agreement entered into this 27th day of September, 1971, by and between St. Mary's County Housing Authority (herein called the "Local Authority") and St. Mary's County, Maryland (herein called the "Local Government").

WITNESSETH:

In consideration of the mutual covenants hereinafter set forth, the parties hereto do agree as follows:

1. Whenever used in this Agreement:

(a) The term "Project" shall mean any low-rent housing hereafter developed as an entity by the Local Authority with financial assistance of the Department of Housing and Urban Development (herein called the "HUD"); excluding, however, any low-rent housing project covered by any contract for loans and annual contributions entered into between the Local Authority and the HUD, or its predecessor agencies, prior to the date of this Agreement.

(b) The term "Taxing Body" shall mean the State or any political subdivision or taxing unit thereof in which a Project is situated and which would have authority to assess or levy real or personal property taxes or to certify such taxes to a taxing body or public officer to be levied for its use and benefit with respect to a Project if it were not exempt from taxation.

(c) The term "Shelter Rent" shall mean the total of all charges to all tenants of a Project for dwelling rents and non-dwelling rents (excluding all other income of such Project), less the cost to the Local Authority of all dwelling and non-dwelling utilities.

(d) The term "Slum" shall mean any area where dwellings predominate which, by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitation facilities, or any combination of these factors, are detrimental to safety, health or morals.

2. The Local Authority shall endeavor:

(a) to secure a contract or contracts with the HUD for loans and annual contributions covering one or more projects comprising 365 units of low-rent family housing; 240 units of elderly housing; and 100 units of leased housing; and

(b) to develop and administer such project or projects, each of which shall be located within the corporate limits of the Local Government.

The obligations of the parties hereto shall apply to each such project.

The Local Authority shall seek to provide optimum opportunities for home ownership as a matter of policy and to provide adequate recreational and child care facilities for all projects.

3. (a) Under the constitution and statutes of the State of Maryland, all Projects are exempt from all real and personal property taxes and special assessments levied or imposed by any Taxing Body. With respect to any Project so long as either (i) such Project is owned by a public body or governmental agency and is used for low-rent housing purposes, or (ii) any contract between the Local Authority and the HUD for loans or annual contributions, or both, in connection with such Project remains in force and effect, or (iii) any bonds issued in connection with such Project, or any monies due to the HUD in connection with such Project remain unpaid, whichever period is the longest, the Local Government agrees that it will not levy or impose any real or personal property taxes or special assessments upon such Project or upon the Local Authority with respect thereto. During such period, the Local Authority shall make annual payments (herein called "Payments in Lieu of Taxes") in lieu of taxes and special assessments and in payment for the public services and facilities furnished from time to time without other cost or charge for or with respect to such Project.

(b) Each such annual Payment in Lieu of Taxes shall be made after the end of the fiscal year established for such Project, and shall be in an

amount equal to either (i) ten percent (10%) of the Shelter Rent charged by the Local Authority in respect to such Project during such fiscal year or (ii) the amount permitted to be paid by applicable state law in effect on the date such payment is made, whichever amount is the lower.

(c) The Local Government shall distribute the Payments in Lieu of Taxes among the Taxing Bodies in the proportion which the real property taxes which would have been paid to each Taxing Body for such year if the Project were not exempt from taxation bears to the total real property taxes which would have been paid to all of the Taxing Bodies for such year if the Project were not exempt from taxation; ~~Provided, however,~~ That no payment for any year shall be made to any Taxing Body in excess of the amount of the real property taxes which would have been paid to such Taxing Body for such year if the Project were not exempt from taxation.

(d) Upon failure of the Local Authority to make any Payment in Lieu of Taxes, no lien against any Project or assets of the Local Authority shall attach, nor shall any interest or penalties accrue or attach on account thereof.

4. The Local Government agrees that, subsequent to the date of initiation (as defined in the United States Housing Act of 1937, as amended) of each Project and within five years after the completion thereof, or such further period as may be approved by the HUD, there will be elimination (as approved by the HUD) by demolition, condemnation, effective closing, or compulsory repair or improvement, of unsafe or insanitary dwelling units situated in the locality or metropolitan area of the Local Government substantially equal in number to the number of newly constructed dwelling units provided by such Project; ~~Provided,~~ that, where more than one family is living in an unsafe or insanitary dwelling unit, the elimination of such unit shall count as the elimination of units equal to the number of families accommodated therein; and ~~Provided,~~ ~~Further,~~ that this paragraph 4 shall not apply in the case of (i) any Project developed on the site of a Slum cleared subsequent to July 15, 1949 and that

the dwelling units eliminated by the clearance of the site of such Project shall not be counted as elimination for any other Project or any other low-rent housing Project, or (ii) any Project located in a rural non-farm area.

5. During the period commencing with the date of the acquisition of any part of the site or sites of any Project and continuing so long as either (i) such Project is owned by a public body or governmental agency and is used for low-rent housing purposes, or (ii) any contract between the Local Authority and the HUD for loans or annual contributions, or both, in connection with such Project remains in force and effect, or (iii) any bonds issued in connection with such Project or any monies due to the HUD in connection with such Project remain unpaid, whichever period is the longest, the Local Government without cost or charge to the Local Authority or the tenants of such Project (other than the Payments in Lieu of Taxes) shall:

(a) Furnish or cause to be furnished to the Local Authority and the tenants of such Project public services and facilities of the same character and to the same extent as are furnished from time to time without cost or charge to other dwellings and inhabitants in the Local Government.

(b) Vacate such streets, roads and alleys within the area of such Project as may be necessary in the development thereof, and convey without charge to the Local Authority such interest as the Local Government may have in such vacated areas; and, insofar as it is lawfully able to do so without cost or expense to the Local Authority or to the Local Government cause to be removed from such vacated areas, insofar as it may be necessary, all public or private utility lines and equipment;

(c) Insofar as the Local Government may lawfully do so, (i) grant such deviations from the building code of the Local Government as are reasonable and necessary to promote economy and efficiency in the development and administration of such Project, and at the same time safeguard health and safety, and (ii) make such changes in any zoning

of the site and surrounding territory of such Project as are reasonable and necessary for the development and protection of such Project and the surrounding territory;

(d) Accept grants of easements necessary for the development of such Project; and

(e) Cooperate with the Local Authority by such other lawful action or ways as the Local Government and the Local Authority may find necessary in connection with the development and administration of such Project.

6. In respect to any Project the Local Government further agrees that within a reasonable time after receipt of a written request therefor from the Local Authority:

(a) It will accept the dedication of all interior streets, roads, alleys, and adjacent sidewalks within the area of such Project, together with all storm and sanitary sewer mains in such dedicated areas, after the Local Authority, at its own expense, has completed the grading, improvement, paving, and installation thereof in accordance with specifications acceptable to the Local Government;

(b) It will accept necessary dedications of land for, and will grade, improve, pave, and provide sidewalks for, all streets bounding such Project or necessary to provide adequate access thereto (in consideration whereof the Local Authority shall pay to the Local Government such amount as would be assessed against the Project site for such work if such site were privately owned); and

(c) It will provide, or cause to be provided, water mains, and storm and sanitary sewer mains, leading to such Project and serving the bounding streets thereof (in consideration whereof the Local Authority shall pay to the Local Government such amount as would be assessed against the Project site for such work if such site were privately owned).

7. If by reason of the Local Government's failure or refusal to furnish or cause to be furnished any public services or facilities which it has agreed hereunder to furnish or cause to be furnished to the Local Authority or to the tenants of any Project, the Local Authority incurs any expense to obtain such services or facilities, then the Local Authority may deduct the amount of such expense from any Payments in Lieu of Taxes due or to become due to the Local Government in respect to any Project or any other low-rent housing Projects owned or operated by the Local Authority.

8. No Cooperation Agreement heretofore entered into between the Local Government and the Local Authority shall be construed to apply to any Project covered by this Agreement.

9. So long as any contract between the Local Authority and the HUD for loans (including preliminary loans) or annual contributions, or both, in connection with any Project shall remain in force and effect, or so long as any bonds issued in connection with any Project or any monies due to the HUD in connection with such Project remain unpaid, this Agreement shall not be abrogated, changed or modified without the consent of the HUD. The privileges and obligations of the Local Government hereunder shall remain in full force and effect with respect to each Project so long as the beneficial title to such Project is held by the Local Authority or any other public body or governmental agency, including the HUD, authorized by law to engage in the development or administration of low-rent Housing Projects. If at any time the beneficial title to, or possession of, any Project is held by such other public body or governmental agency, including the HUD, the provisions hereof shall inure to the benefit of and may be enforced by, such other public body or governmental agency including the HUD.

IN WITNESS WHEREOF, the Local Government and the Local Authority have respectively signed this agreement and caused their seals to be affixed and attested as of the day and year first above written.

ST. MARY'S COUNTY, MARYLAND
(Corporate Name of Municipality)

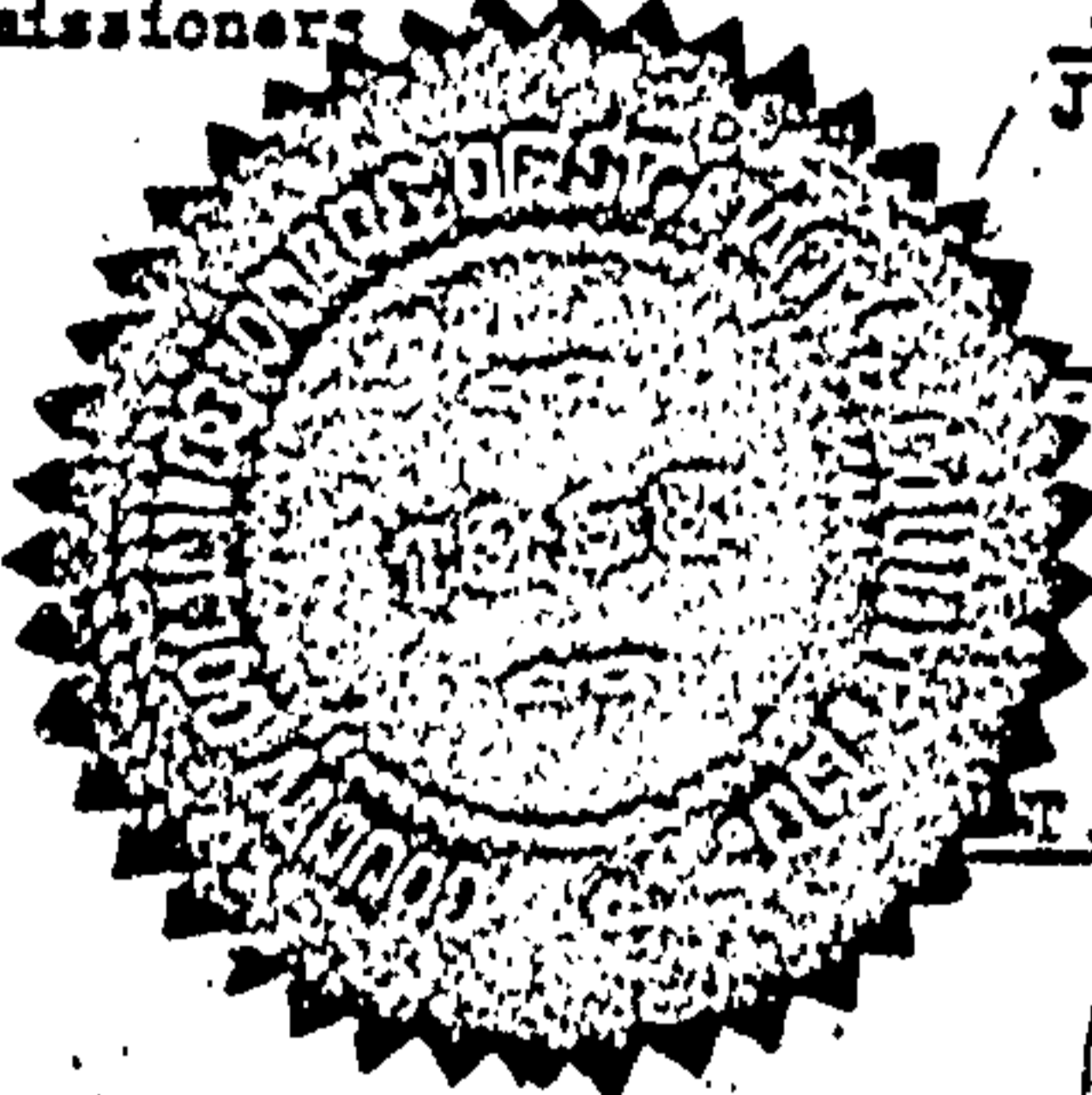
BY: *George B. Aud*
George B. Aud, President
Board of County Commissioners,
St. Mary's County, Maryland

Attest:

Judith D. Bowles, Secretary to the
County Commissioners

J. Wilmer Bowles
J. Wilmer Bowles, Commissioner Member

(SEAL)



J.S.D.
J. S. Guy, Jr., Commissioner Member

ST. MARY'S COUNTY HOUSING AUTHORITY
(Corporate Name of Authority)

BY: *James Patrick Jarboe*
James Patrick Jarboe, M.D., Chairman
St. Mary's County Housing Authority

Attest:

Richard B. Williams

Rec. to: Judy Lawrence, c/o Office of C. Adams

Ret. Ofc of County Adm

MAY 23 1989

MARY R. BELL, CLERK

LIBER 006 PAGE 446

ORDINANCE NO.: 89-13
SUBJ.: REPEAL AND
REAUTHORIZATION
OF ENERGY TAX

ORDINANCE

AN ORDINANCE to repeal Ordinance 88-12 to impose and collect certain taxes on energy or fuel, and to provide reauthorization of taxes as set forth in Sections 24E, 24F and 3C of Chapter 267 of the Code of St. Mary's County, Maryland, and

11:10PM05/22/89D CD.COM \$0.00

WHEREAS, the 1988 Maryland General Assembly amended Article 24, Section 9-604 and Article 81, Section 411J of the Maryland Annotated Code authorizing the Board of County Commissioners of St. Mary's County, Maryland to impose and collect certain taxes on energy or fuel; and

WHEREAS, the Board of County Commissioners of St. Mary's County conducted a Public Hearing on April 20, 1989 to present to the public for comment, a proposed St. Mary's County energy tax; and

WHEREAS, the Board of County Commissioners of St. Mary's County believes it to be in the best interest of County citizens to impose an energy tax in St. Mary's County; and

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners that there is hereby imposed an energy tax in St. Mary's County effective July 1, 1989, subject to the following terms and conditions:

Section 1. Definitions.

(a) As used in this Ordinance, the following terms have the following meanings:

- (1) "Board" shall mean the Board of County Commissioners of St. Mary's County.
- (2) "County" shall mean, as the context requires, St. Mary's County.
- (3) "Person" shall mean any individual, corporation, company, association, firm, copartnership, or any group of individuals acting as a unit, and includes any trustee, receiver, assignee, or personal representative thereof.
- (4) "Consumption" shall mean the total customary units of energy or fuel sold to users.

- (5) "Director" shall mean the County Director of Finance, or his designee.
- (6) "Motor Vehicle" shall mean any self-propelled vehicle, including mobile equipment commonly used in connection with farming and construction work, such as tractors, bulldozers, and other similar equipment.
- (7) "Sales Revenues" shall mean amounts billed for the sale, delivery or distribution of energy or fuel to users, including, by way of description and not limitation, the amounts billed for energy or fuel adjustments and service charges, but excluding finance charges, late payment charges, other government taxes or surcharges, and charges associated with the initial hook-up or reconnection to the vendor's system.
- (8) "User" shall mean any person who purchases or acquires for use, other than for resale, the energy or fuel taxed under this Ordinance.
- (9) "Vendor" shall mean any person or commercial business entity who sells, distributes, or delivers energy or fuel subject to the tax imposed under this Ordinance.

Section 2. Energy and Fuel Tax

(a) A tax is hereby imposed on the sale of electricity, natural gas, liquified petroleum gas, and fuel oil used or to be used in the County, subject to the following exceptions:

- (1) Fuels used by motor vehicles; and
- (2) Fuels used in the production of other forms of energy that are subject to this tax.

(b) The sale shall be deemed to have occurred at the time when evidence of sale is issued or employed by the vendor. The tax imposed under this Ordinance is not part of the actual charge for energy or fuel and is not to be considered operating revenue of the vendor.

(c) The tax shall be reflected in terms of an amount per customary unit of measure, and shall be computed by multiplying the tax rate per unit by the number of units of energy or fuel reflected in the energy or fuel bill.

(d) The following users shall qualify as exempt from taxation by the County for an energy or fuel tax, and shall not be billed for the tax by the energy or fuel vendor:

- (1) Any agency or instrumentality of the government of the United States of America.
- (2) Any agency or instrumentality of the government of the State of Maryland.
- (3) Any municipal corporation or agency or instrumentality of same in the County.

(e) The tax levied under this Ordinance on energy and fuel bills rendered during the period July 1, 1989 through June 30, 1990, is hereby imposed at the following rates:

- | | |
|-----------------------------|-----------------------|
| (1) Electricity | \$ 0.00338 per kwhr. |
| (2) Natural Gas | \$ 0.00000 per therm. |
| (3) Liquefied Petroleum Gas | \$ 0.05192 per gal. |
| (4) Fuel Oil | \$ 0.03973 per gal. |

(f) For any fiscal year beginning after June 30, 1989, the rates of tax levied will be established in the following manner:

- (1) On or before the preceding February 1, each vendor shall certify to the Director the revenues and consumption of energy or fuel oil for the prior calendar year.
- (2) The Director shall compute the proposed rates of taxation for the next fiscal year by multiplying the sums of the revenues for each classification of energy or fuel delineated in Subsection 1(e) by the percentage approved by the Board of County Commissioners, not to exceed 5%, and then dividing that product by the sums of consumption for each classification which rates shall be included in the proposed operating budget submitted by the Director.

(3) In the event a vendor fails to make the certification required by Subsection 1(e)(1), the Director may make use of any reasonable data to establish proposed rates of taxation.

(4) After the adoption of the operating budget, and no later than June 10th, the Director shall certify to each vendor the rates of taxation for the next fiscal year as set forth in the adopted budget.

(g) The tax shall not be imposed at more than one point in the transmission, distribution, manufacture, production, or supply system.

Section 3. Administrative Procedures

(a) Subject to the following exceptions, every vendor who makes any sale, distribution, or delivery of electricity, natural gas, liquified petroleum gas, or fuel oil used or to be used in the County and subject to the tax under this Ordinance, shall itemize the tax on each bill and shall collect the tax from the user of said energy or fuel and report and remit the same to the County as herein provided. The vendor shall have the same rights against the user for the collection of this tax as he has for the collection of the energy or fuel bill.

(1) Heating fuel vendors may include the tax imposed under this ordinance as part of the price charged for fuel oil, without itemizing the tax. The fuel oil bill shall state clearly that the tax is included in the price. The tax shall be collected by the heating fuel vendor on behalf of the County. The heating fuel vendor shall have the same rights against the user for the collection of this tax as he has for the collection of the fuel bill.

(2) Any vendor outside the jurisdiction of the State of Maryland who sells energy or fuel subject to the tax but does not deliver said energy or fuel directly to the user may collect the tax. Where the selling vendor collects the tax, said vendor shall be required to itemize, collect, and remit the tax as required under this Ordinance. Where the selling vendor does not collect the tax, either the vendor that

delivers the fuel or the user shall pay the tax to the Director within the time limits prescribed under this Ordinance.

- (3) Any retail vendor who by prior arrangement with the Director has paid the energy tax to his supplier upon purchase, shall not be required to remit the tax collected upon sale of said energy to the user. The supplier in this case will remit the tax for said energy directly to the County, pursuant to Subsection 2(g).

(b) The taxes required to be collected under this Ordinance shall be deemed held in trust by the vendor required to collect them until remitted to the County as set forth herein.

(c) Every vendor or user required to remit the tax to the County shall be subject to the following record-keeping and remitting requirements:

- (1) Every vendor shall file a return with the Director and pay the tax in monthly installments for periods ending the last day of each month. Every user required to pay the tax pursuant to Subsection 3(a)(2) shall file a return with the Director. Vendors and users shall submit both the return and the tax remittance to the Director within twenty-one (21) days from the last day of the month in which the sale occurs.
- (2) Every vendor, or user responsible for direct tax remittance pursuant to Subsection 3(a)(2), shall keep all invoices, bills of lading, or other such pertinent records and documents as are necessary to determine the amount of taxes due or otherwise comply with the provisions of this Ordinance. Vendors shall maintain said records for a minimum of three (3) years. Such records and other documents of vendors shall be open at all times during regular business hours for inspection and examination by the Director or other duly authorized representatives, agents, or employees of the County.

USER 006 PAGE 451

(3) When any vendor or user fails to keep records or provide data from which the tax imposed under this Ordinance may be accurately computed, the Director may make use of any reasonable alternative for determining the amount of tax due and owed based on estimates of the amount of fuel or energy used or consumed. Such determinations by the Director shall be presumed valid.

(4) When any vendor, or user responsible for direct tax remittance pursuant to Subsection 3(a)(2), shall, as appropriate, cease doing business or otherwise dispose of his business or shall terminate his residence status in the County, any tax payable hereunder to the County shall become immediately due and payable and such vendor or user shall immediately make a report and pay any tax due.

(d) The Board shall prescribe and furnish the vendor or user with the revenues and consumption recap forms pursuant to Subsection 2(f)(1), and the monthly return forms pursuant to Subsection 3(c)(1), which forms shall be the only pertinent documentation acceptable to the Director.

Section 4. Interest and Penalties

(a) Any vendor or user required to pay the tax pursuant to Section 3 who fails to remit to the Director the taxes imposed under this Ordinance shall be liable for the taxes due.

(b) Whenever a vendor or user required to pay the tax pursuant to Section 3 fails to remit the taxes due within the time prescribed for payment, the vendor or user shall be assessed the amount of the taxes due plus interest at two-thirds percent ($2/3\%$) per month or fraction thereof and penalty of one percent (1%) per month or fraction thereof until paid.

(c) The Board may proceed to collect delinquent and unpaid taxes by suit or distraint.

Section 5. Tax Credit and Refund Program.

(a) Any person shall be eligible for a refund of taxes paid under this Ordinance where such person who has paid said tax is eligible in the tax year for a tax credit under Section 9-102 or Section 9-104 of the Tax Property Article, Annotated Code of Maryland, as amended from time to time,

or who is eligible for weatherization or energy assistance from the State of Maryland. Any claim or refund under this Section shall be filed with the Director within three (3) years from the date of the payment of the tax on forms provided by the Director. The Director may require such information as he deems reasonably necessary to determine the claim for refund.

(b) Claims shall be administered through submission of the appropriate form(s) prescribed by the Director. Eligible claimants shall apply for the standard refund of \$33 per year, \$44 per year, or \$55 per year at a 3%, 4% or 5% tax rate, respectively, or for a refund of actual taxes paid after the required documentation has been submitted to and approved by the Director.

(c) Any claimant denied a refund in whole or in part under this Section shall be notified in writing of said disallowance and shall be entitled to a hearing before the Director or his designee upon written request, said hearing to be held within ninety (90) days of such request.

(d) Any claimant dissatisfied with the results of a hearing held under Subsection 5(b) shall have the right to appeal to the Maryland Tax Court. Said claimant may appeal the final action of the Maryland Tax Court to the courts of this State as provided for by law.

(e) The Board may proceed with any civil or criminal action deemed appropriate to address instances of fraudulent claims for tax credit or refunds under this Section.

Section 6. Powers of the Director.

(a) In addition to the powers granted the Director heretofore in this Ordinance, the Director is hereby authorized and empowered:

- (1) To make, adopt, and amend such rules and regulations as deemed necessary or proper to fully collect the tax imposed under this Ordinance.
- (2) To audit the records of any vendor to assure compliance with the provisions of this Ordinance.
- (3) To compromise disputed claims in connection with the tax imposed under this Ordinance.
- (4) To allow credits to be applied against taxes remitted by a vendor for taxes written off and deemed uncollectable by the vendor.

- (5) To delegate any of his powers, duties and functions in connection with the collection of the tax imposed under this Ordinance as deemed necessary and appropriate.
- (6) To extend for good cause shown, the time required of vendors for filing under Subsection 3(c), for such period of time as the Director may deem reasonable.

Section 7. Severability.

(a) The provisions of this Ordinance are hereby declared to be severable and in the event that any section, paragraph, sentence, clause, phrase or word of this Ordinance is declared invalid, illegal, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining sections, paragraphs, sentences, clauses phrases, or words of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid, unconstitutional or inapplicable section, paragraph, sentence, clause, phrase, or word had not been included herein and if the person or circumstances to which the Ordinance or part hereof inapplicable had been specifically exempted herefrom.

Section 8. Effect of Adoption.

- (a) This Ordinance shall take effect on July 1, 1989.
- (b) The above and preceding is adopted to have the full force and effect of law in St. Mary's County.

THIS DATE:

May 16, 1989

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr.
President

John G. Lancaster
Vice-President

W. Edward Bailey
Commissioner

Robert T. Jarboe
Commissioner

Rodney Thompson
Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
Assistant County Attorney

Rec: Ofc Co Administrator

MAY 23 1989

MARY R. BELL, CLERK

RESOLUTION NO. 39-15

SUBJECT: 1989-1990 Operating and Capital Budgets, Fire and Rescue Capital Revolving Fund, Special Assessments Fund, Recreation and Parks Enterprise Fund, and the County's Property Tax Rate

12:09PM05/30/89A CO.COM \$0.00

RESOLUTION

WHEREAS, Chapter 27, Section 6 of the Code of Public Local Laws of St. Mary's County authorizes and empowers the Board of County Commissioners to adopt the Annual Budget and Appropriation Act by June 1 of each year and impose a property tax rate for the ensuing fiscal year.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Mary's County, Maryland that the County's Operating Budget is approved in the amount of \$56,077,290; the Capital Budget in the amount of \$10,735,100; Fire and Rescue Capital Revolving Fund in the amount of \$-0-; the Recreation and Parks Enterprise Fund in the amount of \$376,116; the Wicomico Shores Enterprise Fund in the amount of \$640,800; the Special Assessment Fund in the amount of \$1,069,064; and the County's Property Tax Rate is hereby assessed at \$2.33 per \$100.00 of assessed valuation.

THIS DATE:

May 23, 1989

BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr.
Carl M. Loffler, Jr., President

John G. Lancaster
John G. Lancaster, Vice-President

W. Edward Bailey, Commissioner

Robert Jarboe, Commissioner

Rodney Thompson, Commissioner

ATTEST:

Charles H. Wade, Jr.
Charles H. Wade, Jr.
Director of Finance

APPROVED AS TO LEGAL SUFFICIENCY:

Theodore P. Weiner
Theodore P. Weiner
County Attorney

Return to County Commissioners

JUN 1 1989

MARY R. BELL, CLERK

RESOLUTION NO: 89-14

SUBJECT: FIRE TAX

12:09PM05/JU/89A CD.COM 40.00

RESOLUTION

WHEREAS, Chapter 49 of the Code of Public Local Laws of St. Mary's County, Maryland authorizes and directs the Board of County Commissioners of St. Mary's County, Maryland to levy a fire tax of not more than fourteen cents (\$.14) on every \$100.00 of assessed valuation of all real and personal property in the Election Districts wherein the question of levying said Fire Tax has been submitted to and approved by a referendum of the legally qualified voters; and

WHEREAS, In Election Districts 1, 2, 3, 4, 5, 6, 7, 8 and 9, the Fire Tax has been voted upon and approved by the legally qualified voters.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of St. Mary's County, the Fire Tax is hereby assessed on every \$100.00 of assessed valuation of all real and personal property, effective July 1, 1989, as follows:

Election District 1	\$.09
Election District 4	\$.11
Election District 5	\$.11
Election District 6	\$.11
Election District 7	\$.11
Election District 8	\$.11

THIS DATE:

May 21, 1989

BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler
Carl M. Loffler, President

John G. Lancaster
John G. Lancaster, Vice-President

W. Edward Bailey
W. Edward Bailey, Commissioner

Robert Jarboe
Robert Jarboe, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Theodore P. Weiner
Theodore P. Weiner
County Attorney

Return: County Commissioners

JUN 1 1989 MARY R. BELL, CLERK

No. 89-16

SUBJ: 1982 Comprehensive Water and Sewerage Plan for St. Mary's County, Maryland (Annual Update)

RESOLUTION

12:42FH06/16/89A CD.COM \$0.00

WHEREAS, the Board of County Commissioners of St. Mary's County, is, by authority of Section 387C, Article 43, of the Annotated Code of Maryland, directed to adopt and submit to the Maryland State Department of Health and Mental Hygiene a comprehensive plan for the provision of both adequate water supply systems and sewerage systems throughout the County to include all towns, municipal corporations, and sanitary districts within St. Mary's County, the said water and sewer plan to be consistent with the Comprehensive Land Use Plan for St. Mary's County and Article 66B of the Annotated Code of Maryland.

WHEREAS, said report and Comprehensive Plan has, in fact, been prepared and submitted to the Board of County Commissioners of St. Mary's County, Maryland, in order that it may be adopted by said County and thereafter submitted to the Maryland State Department of Health and Mental Hygiene; and

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland, held a duly advertised public hearing on said plan on May 23, 1989; and

WHEREAS, said Comprehensive Plan having been reviewed by the Board of County Commissioners of St. Mary's County, Maryland, and it appearing that all requirements under the State law, supra, having been complied with;

BE IT THEREFORE RESOLVED, this 6th day of June, 1989, that the Comprehensive Water and Sewerage Plan for St. Mary's County, Maryland is hereby adopted by the Board of County Commissioners of St. Mary's County, Maryland, and it is FURTHER RESOLVED, that said County Plan, dated June 6, 1989, be submitted to the Maryland State Department of Health and Mental Hygiene.

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Lofley, Jr.
CARL M. LOFLEY, JR., President

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Robert Jarboe
ROBERT JARBOE, Commissioner

John H. Lancaster
JOHN H. LANCASTER, Commissioner

Rodney Thompson
RODNEY THOMPSON, Commissioner

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
Assistant County Attorney

Richard L. Case
Richard L. Case

MARY R. BELL, CLERK

Del. County Com.

RESOLUTION

WHEREAS, St. Mary's County has committed to the enhancement of the County Basic 911 system; and,

WHEREAS, funds are included in the Fiscal Year 1990 budget to obtain and operate the ANI/CALLS Enhanced System; and,

WHEREAS, Article 14, Section 18-195(c) of Maryland law authorizes a monthly 911 service fee to be assessed by local government to its citizenry to aid in the recovery of costs associated with the operation, maintenance, and updating the 911 system; and

WHEREAS, a public hearing was advertised and held on June 6, 1989 at 10:00 a.m. to allow public comment and discussion concerning the increase of the monthly 911 fee;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that effective July 1, 1989 there is a 20 cent increase in the monthly 911 service fee to total 40 cents per month per telephone subscriber for St. Mary's County.

This Date: June 27, 1989

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Löffler, Jr.
 Carl M. Löffler, Jr., President

W. Edward Bailey
 W. Edward Bailey, Commissioner

Robert T. Jarboe
 Robert T. Jarboe, Commissioner

John C. Lancaster
 John C. Lancaster, Commissioner

Madison Thompson
 Madison Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

12:10PM 07/07/89 CO.COM 00.00

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
Assistant County Attorney

R E S O L U T I O N

11:18AM 07/20/898 CD.COM \$0.00

WHEREAS, ROY HART & GLENDA LYTLE have made application to rezone approximately 7.879 acres of land from R-1, Rural-Residential, to C-2, Highway Commercial. The land is located on the west side of Maryland Route 235 and the north side of Maryland Route 4, and is known as Tax Map 34, Block 16, Parcels 51 and 52, in the Eighth Election District of St. Mary's County. The matter is identified as ZONE #88-1108.

WHEREAS, following published notice and notification of property owners within 200 feet of the subject property by Certified Mail, the St. Mary's County Planning Commission conducted a public hearing on the application on October 24, 1988.

WHEREAS, after deliberation, the Planning Commission, on December 12, 1988, by a unanimous vote, recommended to the Board of County Commissioners of St. Mary's County that said rezoning be approved, subject to the five (5) conditions set forth in the Staff Report dated November 29, 1988.

WHEREAS, the Planning Commission, on February 27, 1989, approved the design submitted by the Applicant for access to the subject property and the subject mobile home park, as set forth in Condition No. 2 of the Staff Report dated November 29, 1988.

WHEREAS, the County Commissioners, after publishing notice and notifying all property owners within 200 feet of the subject property by Certified Mail, conducted a public hearing on the application on March 28, 1989.

WHEREAS, after deliberation, the County Commissioners, on April 11, 1988, by a vote of four (4) to one (1) voted to grant the request to rezone the subject property to C-2, subject to the five (5) conditions set forth in the Staff Reports dated November 29, 1988 and March 27, 1989.

WHEREAS, the County Commissioners, in accordance with the provisions of Section 4.05(a) of Article 66B of the Annotated Code of Maryland and Section 70.05 of the St. Mary's County Zoning Ordinance, find as fact the following with regard to the above-referenced application:

I. Definition of Neighborhood:

The immediate neighborhood may be defined as those parcels fronting on Maryland Route 235, within a one and one-half (1½) mile radius from the subject property.

II. Mistake in Original Zoning:

There does not appear, on the record, to be sufficient evidence of a mistake in the original zoning of the property.

III. Change in the Neighborhood:

Since the adoption of the Zoning Ordinance in 1974, the commercial rezoning and development of the property to the south known as Bay Center has caused a change in the defined neighborhood.

It is clear that the immediate neighborhood is substantially commercial in character, and that a rezoning of the subject property to C-2 would be consistent with the neighborhood's anticipated development.

IV. Adequacy of Public Facilities

a. Water and Sewer

The subject property will be serviced by central water and sewer.

b. Roads

Route 235 has been upgraded to a dualized road which will be able to carry the additional vehicles generated by the development. Highway oriented commercial property, if developed to its maximum, generates between 100 and 300 vehicles per day per acre. The site would generate from 788 to 2364 vehicle trips per day at full development.

c. Schools

C-2 zoned property permits residential use of up to 30 units per acre; in theory, the project could include 236 dwelling units. But the use is for a combination of office, retail, and personnel services; therefore, no dwellings are proposed. No impact is anticipated.

V. Relationship to Comprehensive Plan:

The site can support the office/retail use proposed. If developed, the site would not impose a different character from the immediate neighborhood.

VI. Fiscal Impact on Government:

Commercial zoning has the potential to increase tax revenues to the County.

VII. Suitability for Uses under Existing and Proposed Zoning Classification:

Since the site is surrounded by commercial uses on Maryland Route 235, a major highway, it is a suitable site for development as proposed.

VIII. Compatibility with Existing and Proposed Development:

The property adjoins a nonconforming mobile home park and commercial development on Maryland Route 235. As commercial property, the parcel would fit well with adjoining land uses.

IX. Population Change:

The population of the Eighth Election District increased 21% between 1970 and 1980. The growth rate of 2.1% annually is in line with the Comprehensive Plan projection.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, this 2nd day of May 1989, that the above-mentioned rezoning request is granted, and the subject property is hereby reclassified from R-1 to C-2, subject to the five (5) conditions set forth in the Staff Reports dated November 29, 1988 and March 28, 1989 as herein enumerated. The Applicant shall satisfy Condition No. 4 at such time as a site plan is submitted to the Planning Commission for review and approval.

1. An easement over the 6,000 sq. ft. parcel along Route 235 needs to be created specifically allowing access to the two adjoining properties and to the trailer park. The property to the north now has a driveway to the SMECO substation. To the south is property which will eventually have a commercial use. A plat should be recorded within 90 days of the County Commissioners' decision on the case, if it is ultimately approved for rezoning.

2. A plan needs to be created dealing with access to this property and to the mobile home park in anticipation of that property being rezoned commercial in the near future, either through the comprehensive rezoning of the County anticipated this spring or via a rezoning application. The goal is to have one new access to Routes 4 and 235 which will serve the properties in the quadrant. This design should be approved by the Planning Commission prior to scheduling the case for the County Commissioners' hearing. The Department of Public Works should be requested to review plans submitted by the applicant.

3. To avoid confusion in the future, the applicants should be made aware that the site plan for this project will adhere to the new standards being developed in the new Ordinances. The point is they should be on notice now that the rules are changing, and that they cannot argue later that they can develop under the old rules because of what was in effect when the property was rezoned.

4. For a period of 10 years owners will agree to donate an area not to exceed thirty (30) feet bordering Route 4 for future road widening. This may eventually be a seven-lane section, with four travel lanes, a middle turn lane and acceleration/deceleration lanes on the outsides. On the opposite side of Route 4, is a 200-acre parcel which will ultimately be a major development.

5. The existing Zoning Ordinance contains requirements to establish bufferyards between commercial and residential properties. Currently, that buffer is only 35 feet but the revised ordinance may contain increases in this buffer. This may limit the construction on this site. If the trailer park was zoned Commercial, and that zoning has been requested through the comprehensive rezoning process, the buffer required between commercial and residential is reduced to the 20 feet required between commercial lots. (This setback may also be changed through the adoption of revised ordinances.) As a condition of this

rezoning, the applicants should agree that they will not seek to have the bufferyard between this site and any adjoining residentially zoned land reduced.

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Loeffler, Jr.
CARL M. LOEFFLER, JR., President

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

ROBERT JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Rodney Thompson
RODNEY THOMPSON, Commissioner

ATTEST:

Edward V. Cox
EDWARD V. COX 5/2/89
County Administrator

The undersigned applicants hereby consent to the five (5) conditions set forth in the Staff Reports dated November 29, 1988 and March 28, 1989, and consent further that they shall satisfy Condition No. 4 in the Staff Report dated November 29, 1988 at such time as a site plan is submitted to the Planning Commission for review and approval.

Roy Hart, Jr.
ROY HART, JR.

Glenda Lytle
GLENDA LYTLÉ

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
Assistant County Attorney

Ret. P. Day

Ret: Irish Guy

JUL 26 1989

MARY R. BELL, CLERK

RESOLUTION

WHEREAS, Article 25, Section 25 of the Annotated Code of Maryland authorizes the Board of County Commissioners to set building permit fees in December of each year; and

WHEREAS, the establishment of fees is necessary to administer and cover the costs of directly related government services to accomplish the purposes intended; and

WHEREAS, the Board of County Commissioners passed Resolution No. 89-04 on January 31, 1989, which adopted a Permit Fee Schedule for such fees; and

WHEREAS, it has been determined that certain portions of the Permit Fee Schedule, pertaining to inspection fees for the Department of Public Works, require revision in order to more accurately reflect actual costs for such inspections; and

10:25AM07/31/89A CO.COM \$0.00

WHEREAS, the Planning Commission, at their meeting of June 26, 1989, voted to support the amended Permit Fee Schedule; and

WHEREAS, after publication of notice as required by law, in the June 29, 1989 and July 6, 1989 issues of The Tide, the County Commissioners conducted a public hearing on the proposed amended Fee Schedule on July 11, 1989; and

WHEREAS, having reviewed the proposed amended Fee Schedule, the Board of County Commissioners finds that certain current fees are inaccurately calculated to reflect the actual cost of County services.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, this 25th day of July 1989, that the attached amended Permit Fee Schedule is established and ordered collected, effective July 31, 1989. Any conflicting fee schedules for the same purposes, including Resolution No. 89-04, dated January 31, 1989, are hereby repealed.

BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler
Carl M. Loffler, President

W. Edward Bailey
W. Edward Bailey, Commissioner

Robert T. Jarboe
Robert T. Jarboe, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Rehney Thompson
Rehney Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

APPROVED AS TO LEGAL FORM & SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
Assistant County Attorney

SCHEDULE OF FEES FOR ST. MARY'S COUNTY

FEES

1. PLANNING AND ZONING REVIEW AND
PUBLIC WORKS REVIEW AND
INSPECTION FEES

a. Basic Subdivision

P & Z Review Fee \$ 80 per lot

b. Minor Subdivision

P&Z TEC Admin. Fee \$ 260 + \$ 10 per lot
P&Z Review Fee \$ 170 + \$ 10 per lot
DPW TEC Fee \$ 160 + \$ 30 per lot
DPW Review Fee \$ 110 + \$ 20 per lot
DPW Inspection Fee 3% of estimated road construction costs
Total \$ 700 + \$ 70 per lot
+ 3% of estimated road construction costs

Fees are collectible upon application (with the exception of DPW inspection fees, which will be collected upon the issuance of a grading permit by DPW). Additional DPW inspection fees of \$60 per day (or part thereof) are charged for all reinspections. Minor subdivisions not entailing detailed review of road plans are subject to the basic subdivision per lot fee (\$80 per lot). Resubmitted plans that do not address all DPW comments are subject to an additional charge of 50% of the DPW review fee.

c. Major Subdivision

P&Z TEC Admin. Fee \$ 1,370 + \$ 20 per lot
P&Z Review Fee \$ 740 + \$ 10 per lot
DPW TEC Fee \$ 200 + \$ 10 per lot
DPW Review Fee \$ 300 + \$ 20 per lot
DPW Inspection Fee 7% of estimated road construction costs
Total \$ 2,610 + \$ 60 per lot
+ 7% of estimated road construction costs

Fees are collectible upon application (with the exception of DPW inspection fees, which will be collected upon the issuance of a grading permit by DPW.) Additional DPW inspection fees of \$60 per day (or part thereof) are charged for all reinspections. Major subdivisions not entailing detailed review of road plans are subject to the basic subdivision per lot fee (\$80 per lot). Where submitted plans require outside review due to technical matters, applicant will be charged the consultant's fee plus a 5% processing charge. Resubmitted plans that do not address all DPW comments are subject to an additional charge of 50% of the DPW review fee.

d. PUD

P&Z TEC Admin. Fee \$ 3,720
P&Z Review Fee \$ 3,890
TOTAL \$ 7,610

PUD fees collected will be credited against future charges incurred for projects which are initiated as part of the PUD. The purpose is to encourage quality development.

February 1, 1989
* Amended July 25, 1989
Page 1 of 6

LIBER 006 PAGE 465

NO: 89-19

SUBJ: FY '90 SUPPLEMENTAL
APPROPRIATIONS
(St. Mary's Press)

ORDINANCE

WHEREAS, the Board of County Commissioners on May 23, 1989 designated FY 1990 funds for the County's Operating and Capital Budgets, Fire and Rescue Capital Revolving Fund, Special Assessments Fund, Recreation and Parks Enterprise Fund; and

WHEREAS, the approved County Budget for Fiscal Year 1990 did not include funds from Maryland's Industrial Land Act Program and Industrial and Commercial Redevelopment Fund for construction, renovation and the purchase of equipment at McGregor Werner t/a St. Mary's Press Airport View Drive plant; and

WHEREAS, the Board of County Commissioners believes it is in the best interest of the County to provide funds for these improvements in FY 1990; and

1:58PM08/03/89A CO.COM \$0.00

WHEREAS, the Board of County Commissioners conducted a Public Hearing on August 1, 1989 at which a \$507,800 increase in the FY 1990 budget and appropriation of that amount was proposed.

NOW, THEREFORE BE IT ORDAINED that the Board of County Commissioners increase the FY 1990 budget in the amount of \$507,800 (Five Hundred Seven Thousand Eight Hundred Dollars) and appropriate funds for improvements at St. Mary's Press and such action is hereby approved this 1st day of August, 1989 by the Board of County Commissioners of St. Mary's County, Maryland.

BE IT FURTHER ORDAINED that the Board of County Commissioners take whatever steps necessary to acquire these funds from Maryland's Industrial Land Act Program and Industrial and Commercial Redevelopment Fund on behalf of McGregor Werner from the Maryland Department of Economic and Employment Development.

BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr., President

John G. Lancaster
John G. Lancaster, Commissioner

W. Edward Bailey
W. Edward Bailey, Commissioner

Robert T. Jarboe
Robert T. Jarboe, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
Assistant County Attorney

Del. Co. Comm.

AUG 4 1989

MARY R. BELL, CLERK

RESOLUTION

WHEREAS, Calvert, Charles, Prince George's, and St. Mary's Counties were designated a health service area in accordance with the National Health Resources and Development Act of 1974 (PL 93-641); and

WHEREAS, the Maryland Legislature enacted during its 1976 session Senate Bill 417 which provided for the establishment of a special purpose public agency to serve the health planning functions of the designated area; and

WHEREAS, the President of the County Commissioners of St. Mary's County was a signatory of the letter of intent and application to establish the regional health systems agency; and

1:58PM08/03/89A CD.COM 10.00

WHEREAS, Public Law 93-641 required the establishment of a formal inter-county agreement indicating support of and participation in the functions of the health systems agency to serve the designated area, and the County Commissioners of St. Mary's County entered into such an agreement with Calvert, Charles, and Prince George's Counties; and

WHEREAS, because of the many changes in the regulatory and planning environment since the Agency's formation, there is no longer a need for the current system of governance;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that St. Mary's County has decided to withdraw its support of the Southern Maryland Health Systems Agency and to withdraw from the four-county Agreement.

This Date:

August 1, 1989

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Carl M. Löffler, Jr.
Carl M. Löffler, Jr., President

W. Edward Bailey
W. Edward Bailey, Commissioner

Robert T. Jarboe
Robert T. Jarboe, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox, County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
Acting County Attorney

Rec: Andy Curran

No. Z-89-02

Subj: ZONE # 88-1857
RUNCO BUILDING

RESOLUTION

WHEREAS, Ray Runco has made application to rezone approximately 0.96 acres of land on the southwest side of Maryland Route 235, just north of Chancellor's Run Road, from R-2, Low Density Residential, to C-1, Commercial. The property is located in the Eighth Election District of St. Mary's County, Maryland, on Tax Map 42, Block 6, Parcel 157. The matter is identified as Case No. 88-1857.

WHEREAS, following publication of notice and notification of all property owners within 200 feet of the subject property by certified mail, the St. Mary's County Planning Commission conducted a public hearing on the request on March 13, 1989.

3:27PM 08/08/89A CD.COM \$0.00

WHEREAS, following deliberation, the Planning Commission, on April 10, 1989, by a unanimous vote, recommended to the Board of County Commissioners of St. Mary's County, that the subject property be rezoned from R-2 to C-1.

WHEREAS, the Board of County Commissioners, after publication of notice and notification of all property owners within 200 feet of the subject property by certified mail, conducted a public hearing on the request on May 16, 1989.

WHEREAS, following deliberation on May 30, 1989, the County Commissioners, in accordance with the provisions of Section 4.05(a) of Article 66B of the Maryland Annotated Code and Section 70.05 of the St. Mary's County Zoning Ordinance, find as fact the following with regard to the request:

I. Change in the Character of the Neighborhood:

The neighborhood of the subject property is bounded on the north by the intersection of Maryland Route 235 with Rolling Road, on the south by the intersection of Maryland Route 235 with Chancellor's Run Road, and on the east and west by parcels adjacent to Maryland Route 235. Rezoning to C-1 and C-2 categories in the defined neighborhood have reinforced its commercial character.

II. Population Change:

From 1980 to 1987, the Eighth Election District has grown in population from 20,562 to 26,722, an increase of 29%.

III. Adequacy of Public Facilities:

All public facilities are in place, including water and sewer. No public facilities will be significantly affected.

IV. Present and Future Transportation Patterns:

This rezoning would not have a major impact on Maryland Route 235. The existing entrance to the property from Route 235 will be maintained.

V. Relation to Comprehensive Plan:

The site is part of an existing commercial use corridor, designated in the new Comprehensive Plan as the Lexington Park Development District.

VI. Fiscal Impact on Government:

The change in zoning should result in an increase in property taxes.

No. Z-89-02

Subj: ZONE # 88-1857
RUNCO BUILDING

Page 2 of 2

VII. Suitability of Property for Uses Under Existing and Proposed Zoning Classifications:

The subject property is currently used as a real estate office, consistent with C-1 zoning.

VIII. Compatibility with Existing and Proposed Development for the Area:

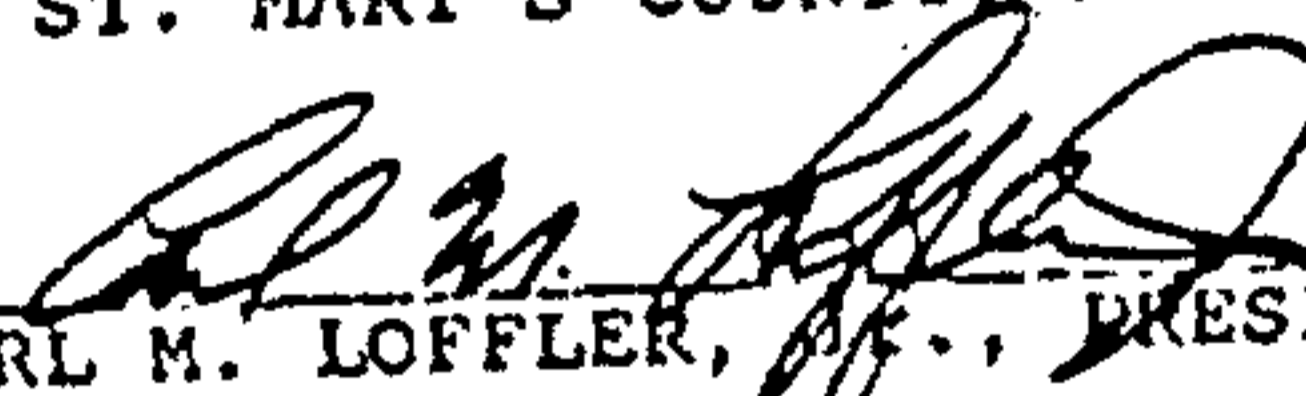
The existing commercial development around this site is more compatible with C-1 zoning.

IX. Mistake in Original Zoning:

There legally is no sufficient evidence in the record of a mistake in the original zoning of the subject property.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, this 1st day of August 1989, that the above-mentioned rezoning request is GRANTED and the subject property is hereby reclassified from R-2 to C-1.

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND


CARL M. LOFFLER, PRESIDENT

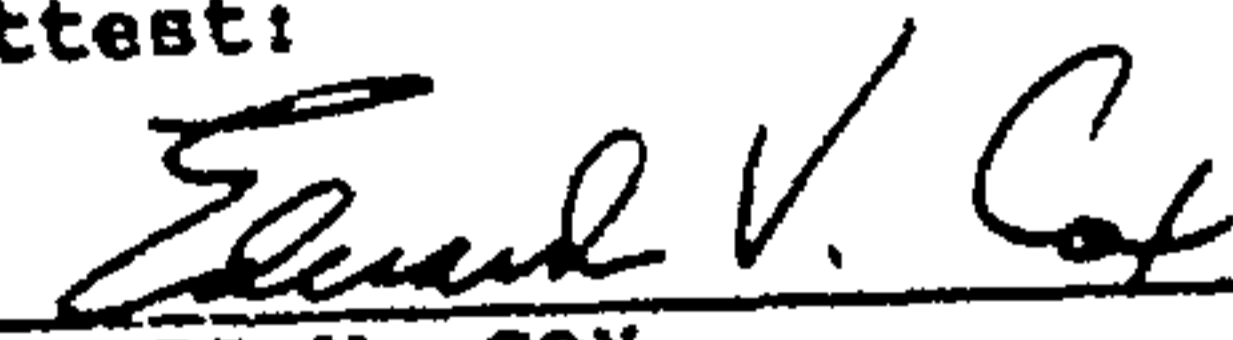

W. EDWARD BAILEY, COMMISSIONER


ROBERT JARBOE, COMMISSIONER

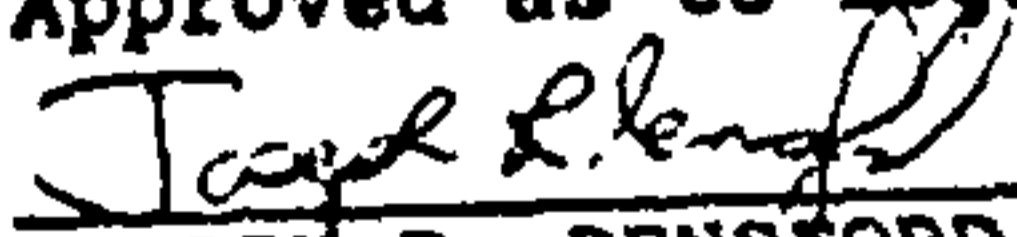

JOHN G. LANCASTER, COMMISSIONER


RODNEY THOMPSON, COMMISSIONER

Attest:


EDWARD V. COX
County Administrator

Approved as to Legal Sufficiency:


JOSEPH R. DENSFORD
Assistant County Attorney

Del: Co. Sec.

AUG 14 1989

MARY R. BELL, CLERK

NO: 89 - 21

SUBJ: IMPACT FEES

RESOLUTION

WHEREAS, House Bill 1497 was passed by the Maryland House of Delegates on April 4, 1974 and passed by the Maryland Senate on April 6, 1974 and signed by Governor Marvin Mandel on May 31, 1974; and

WHEREAS, House Bill 1497 has become Chapter 814 of Acts of 1974; and

WHEREAS, Resolution 74-27 was adopted on July 2, 1974, Resolution 74-2 was adopted on November 13, 1974, Resolution 76-30 was adopted on June 16, 1976 and Resolution 79-18 was adopted on February 28, 1979, by the County Commissioners of St. Mary's County to require compliance with Subsection (B) of House Bill 1497; and

3:30PM08/10/89A CD.COM \$0.00

WHEREAS, The income derived from the Impact Fee shall be used to defray the additional cost to St. Mary's County for additional educational, water, sewerage, road, recreation, sanitation, or similar facilities; and

WHEREAS, The Board of County Commissioners by Resolution No. 88-24 amended the policy and procedures pertaining to the Impact Fee on an interim basis until a formal study was completed; and

WHEREAS, The Board of County Commissioners engaged the firm of KPMG Peat Marwick to determine the appropriate level of impact fee to recover growth-related infrastructure costs; and the study report by KPMG Peat Marwick demonstrated the maximum impact fee that can be charged for growth-related capital projects; and

NOW, THEREFORE, BE IT RESOLVED By the Board of County Commissioners of St. Mary's County, Maryland that Resolution 74-27, Resolution 74-42, Resolution 76-30 and Resolution 79-18 are rescinded effective this date and Resolution No. 88-24 is hereby amended to provide that the Board of County Commissioners hereby requires compliance with the provisions of Article 25, Section 10D-1 (House Bill 1497) as follows:

1. Effective August 8, 1989, every person, firm, partnership, corporation, or other legal entity which obtains a Building Permit for a residential dwelling unit is required to pay Two Thousand (\$2,000) Dollars for each residential dwelling unit.
2. Every person, firm, partnership, corporation, or other legal entity which has obtained a Building Permit for a residential dwelling unit after October 4, 1988 and receives a Certificate of Occupancy for such residential dwelling unit after the date hereof is required to pay Two Thousand (\$2,000) Dollars for each residential dwelling unit.
3. Proceeds from the Two Thousand (\$2,000) Dollars Impact Fee are to be utilized as follows:
 - a. Two Hundred (\$200) Dollars for roads;
 - b. Three Hundred (\$300) Dollars for Parks and Recreation facilities;
 - c. One Thousand, Five Hundred (\$1,500) Dollars for school facilities;

NO: 89 - 21

SURJ: IMPACT FEES

(Page 2 of 2)

However, if a valid Impact Fee Agreement is recorded prior to October 4, 1988, which provides for a lesser impact fee than the Three Hundred (\$300) Dollars noted in Item 3, above, because the Recreation and Parks Fee has not been applied because park land was provided, that lesser fee shall be substituted for the Three Hundred (\$300) Dollar portion of the impact fee.

THIS DATE:

August 8, 1989

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND


Carl M. Loffer, Jr. President


W. Edward Bailey, Commissioner

Robert L. Jarboe, Commissioner



John B. Lancaster, Commissioner


Rodney Thompson, Commissioner

ATTEST:


Edward V. Cox
County Administrator

Approved as to Legal Sufficiency:


Joseph R. Densford
County Attorney

RESOLUTION

WHEREAS, Samuel B. Burch, Jr. and Ben Burroughs, Jr. have made application to rezone approximately 36.6 acres of land on the south side of Golden Beach Road, adjacent to the rear of Charlotte Hall Center, from AR, Agricultural-Residential, to C-2, Commercial. The property is located in the Fifth Election District of St. Mary's County, Maryland, on Tax Map 1, Block 22, Part of Parcel 42. The matter is identified as Case No. 88-2003.

WHEREAS, following publication of notice and notification of all property owners within 200 feet of the subject property by certified mail, the St. Mary's County Planning Commission conducted a public hearing on the request on February 27, 1989.

WHEREAS, following deliberation, the Planning Commission, on April 10, 1989, by a unanimous vote, recommended to the Board of County Commissioners of St. Mary's County that the subject property be rezoned from AR to C-2 on the condition that the applicant provide a joint use well to a lower aquifer to serve the property.

WHEREAS, the Board of County Commissioners, after publication of notice and notification of all property owners within 200 feet of the subject property by certified mail, conducted a public hearing on the request on May 16, 1989.

WHEREAS, following deliberation on May 30, 1989, the County Commissioners, in accordance with the provisions of Section 4.05(a) of Article 66B of the Maryland Annotated Code and Section 70.05 of the St. Mary's County Zoning Ordinance, find as fact the following with regard to the request:

I. Change in the Character of the Neighborhood:

The neighborhood of the subject property is bounded on the north by the Charles County-St. Mary's County line, on the west by Old Maryland Route 5, and on the east, south and south-east by the Southern Maryland Electric Cooperative transmission line right-of-way. Various commercial rezonings in the defined neighborhood since the last comprehensive zoning of the area in 1974 establish the neighborhood as commercial in character, rather than as agricultural or residential.

II. Population Change:

From 1980 to 1987, the Fifth Election District has grown in population by 1,325, an increase of 18%.

III. Adequacy of Public Facilities:

With the exception of a collector road to service the subject property recommended by the New Comprehensive Plan, all public facilities are in place. The subject property should be serviced by a joint use well to the Magothy Aquifer. No other public facilities will be significantly affected.

IV. Present and Future Transportation Patterns:

Dedication and construction of that portion of the collector road recommended by the Comprehensive Plan will avoid traffic problems on Golden Beach Road.

V. Relation to Comprehensive Plan:

Commercial zoning of the subject property is consistent with the Comprehensive Plans Charlotte Hall Town Center Concept Plan.

VI. Fiscal Impact on Government:

The change in zoning should result in an increase in property taxes.

VII. Suitability of Property for Uses Under Existing and Proposed Zoning Classifications:

The property is uneconomical for agricultural uses under the AR zoning classification, and is more suitable for C-2 zoning.

VIII. Compatibility with Existing and Proposed Development for the Area:

The existing development around this site is more compatible with C-2 zoning.

IX. Mistake in Original Zoning:

There is no evidence in the record of a mistake in the original zoning of the subject property.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, this day of July, 1989, that the above-mentioned rezoning request is GRANTED and the subject property is hereby reclassified from AR to C-2, subject to the following conditions:

1. That the owner/developer dedicate the right-of-way and construct to County standards that portion of the proposed collector road that runs through the rezoned parcel in accordance with the staff recommendation to abide by Comprehensive Plan circulation patterns.
2. That the rezoned parcel is to be laid out and shown on a site plan to provide lot access through an interior road system connected to the proposed collector road, it being agreed that only two (2) new access roads will be allowed as to ingress and egress on Golden Beach Road for the rezoned parcel; one of which will be the collector road.

1006 006 22173

No. 2-89-03
Subj: Zone 9 88-2003
Samuel B. Burch, Jr.

Page 3 of 3

- 3. That the subject property be served by a joint use well to the Magothy Aquifer.

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Carl M. Lofflew, Jr.
CARL M. LOFFLEW, JR., PRESIDENT

W. Edward Bailey
W. EDWARD BAILEY, COMMISSIONER

Robert Jarboe
ROBERT JARBOE, COMMISSIONER

John C. Lancaster
JOHN C. LANCASTER, COMMISSIONER

Rodney Thompson
RODNEY THOMPSON, COMMISSIONER

Attest:

Edward V. Cox
EDWARD V. COX
County Administrator
8/22/89

Approved as to Legal Sufficiency:

Joseph R. Densford
JOSEPH R. DENSFORD
Assistant County Attorney

The undersigned applicant hereby agrees to the conditions set forth above, which shall be binding on the personal representatives, heirs, successors, and assigns of the applicant, and shall run with and bind the subject property.

Samuel B. Burch, Jr.
Samuel B. Burch, Jr.
Benjamin H. Burroughs, Jr.
Benjamin H. Burroughs, Jr.

Del. Co. Comm (per mail) Aug 29, 1989. Mary R. Bell, Clerk

USER 006 PAGE 471

No. Z-89-03
Subj: Zone # 88-2003
Samuel B. Burch, Jr.

Page 1 of 3

USER 006 PAGE 174

3/27/89 08/23/89B CO.COM \$0.00

RESOLUTION

WHEREAS, Samuel B. Burch, Jr. and Ben Burroughs, Jr. have made application to rezone approximately 36.6 acres of land on the south side of Golden Beach Road, adjacent to the rear of Charlotte Hall Center, from AR, Agricultural-Residential, to C-2, Commercial. The property is located in the Fifth Election District of St. Mary's County, Maryland, on Tax Map 1, Block 22, Part of Parcel 42. The matter is identified as Case No. 88-2003.

WHEREAS, following publication of notice and notification of all property owners within 200 feet of the subject property by certified mail, the St. Mary's County Planning Commission conducted a public hearing on the request on February 27, 1989.

WHEREAS, following deliberation, the Planning Commission, on April 10, 1989, by a unanimous vote, recommended to the Board of County Commissioners of St. Mary's County that the subject property be rezoned from AR to C-2 on the condition that the applicant provide a joint use well to a lower aquifer to serve the property.

RECORDED 3/27/89 09/29/89A CO.COM \$0.00

WHEREAS, the Board of County Commissioners, after publication of notice and notification of all property owners within 200 feet of the subject property by certified mail, conducted a public hearing on the request on May 16, 1989.

WHEREAS, following deliberation on May 30, 1989, the County Commissioners, in accordance with the provisions of Section 4.05(a) of Article 66B of the Maryland Annotated Code and Section 70.05 of the St. Mary's County Zoning Ordinance, find as fact the following with regard to the request:

I. Change in the Character of the Neighborhood:

The neighborhood of the subject property is bounded on the north by the Charles County-St. Mary's County line, on the west by Old Maryland Route 5, and on the east, south and southeast by the Southern Maryland Electric Cooperative transmission line right-of-way. Various commercial rezonings in the defined neighborhood since the last comprehensive zoning of the area in 1974 establish the neighborhood as commercial in character, rather than as agricultural or residential.

II. Population Change:

From 1980 to 1987, the Fifth Election District has grown in population by 1,325, an increase of 18%.

III. Adequacy of Public Facilities:

With the exception of a collector road to service the subject property recommended by the New Comprehensive Plan, all public facilities are in place. The subject property should be serviced by a joint use well to the Magothy Aquifer. No other public facilities will be significantly affected.

IV. Present and Future Transportation Patterns:

Dedication and construction of that portion of the collector road recommended by the Comprehensive Plan will avoid traffic problems on Golden Beach Road.

V. Relation to Comprehensive Plan:

Commercial zoning of the subject property is consistent with the Comprehensive Plans Charlotte Hall Town Center Concept Plan.

VI. Fiscal Impact on Government:

The change in zoning should result in an increase in property taxes.

VII. Suitability of Property for Uses Under Existing and Proposed Zoning Classifications:

The property is uneconomical for agricultural uses under the AR zoning classification, and is more suitable for C-2 zoning.

VIII. Compatibility with Existing and Proposed Development for the Area:

The existing development around this site is more compatible with C-2 zoning.

IX. Mistake in Original Zoning:

There is no evidence in the record of a mistake in the original zoning of the subject property.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, this 22nd day of August, 1989, that the above-mentioned rezoning request is GRANTED and the subject property is hereby reclassified from AR to C-2, subject to the following conditions:

1. That the owner/developer dedicate the right-of-way and construct to County standards that portion of the proposed collector road that runs through the rezoned parcel in accordance with the staff recommendation to abide by Comprehensive Plan circulation patterns.
2. That the rezoned parcel is to be laid out and shown on a site plan to provide lot access through an interior road system connected to the proposed collector road, it being agreed that only two (2) new access roads will be allowed as to ingress and egress on Golden Beach Road for the rezoned parcel; one of which will be the collector road.

- 3. That the subject property be served by a joint use well to the Magothy Aquifer.

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND


CARL M. LOFFLER, JR., PRESIDENT


W. EDWARD BAILEY, COMMISSIONER


ROBERT JARBOE, COMMISSIONER



JOHN G. LANCASTER, COMMISSIONER


RODNEY THOMPSON, COMMISSIONER

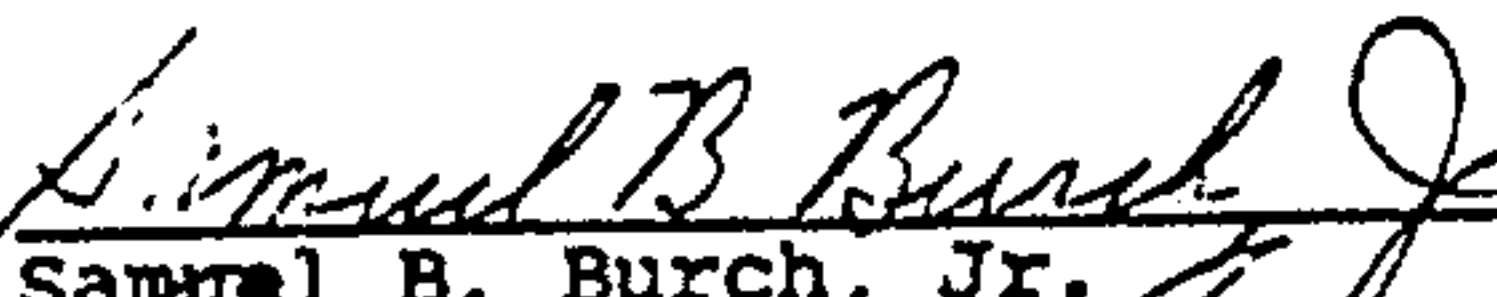
Attest:

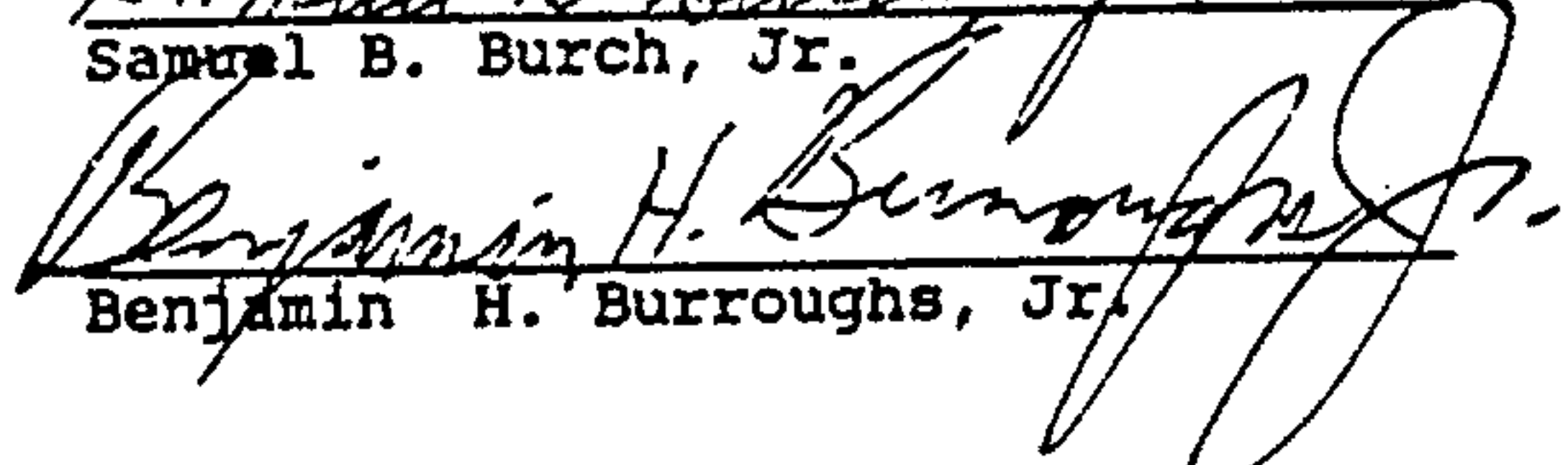

EDWARD V. COX 8/22/89
County Administrator

Approved as to Legal Sufficiency:


JOSEPH R. DENSFORD
Assistant County Attorney

The undersigned applicant hereby agrees to the conditions set forth above, which shall be binding on the personal representatives, heirs, successors, and assigns of the applicant, and shall run with and bind the subject property.


Samuel B. Burch, Jr.


Benjamin H. Burroughs, Jr.

Returned: Irish Bay

SEP 29 1989

MARY R. BELL, CLERK

RESOLUTION

WHEREAS, Local Governments in the State of Maryland desire to pool together to provide insurance protection and benefits to themselves and their employees either through the purchase of insurance or by self-insuring for insurable risks; and

WHEREAS, Chapter 638, 1986 Acts of Maryland authorizes public entities, including Local Governments, in Maryland to pool together for the purpose of purchasing Casualty Insurance or self-insuring Casualty risks; and

12:32PM 10/03/89A CD.COM \$0.00

WHEREAS, certain Local Governments wish to pool together to provide insurance protection for Casualty risks, to obtain excess coverage for the Pool, if possible, and to provide risk management and loss control services for Pool Participants, all for the purpose of minimizing the cost of comprehensive general liability, business automobile liability and physical damage, law enforcement liability, and public officials legal liability insurance claims and administration; and

WHEREAS, funds will be paid initially by certain Participants and continue to be paid from time to time by Participants to a Board of Trustees which funds will constitute a trust fund to be held for the exclusive benefit of the Participants, including payment of certain expenses on behalf of the Participants; and

WHEREAS, certain Participants wish to enter into this Trust Agreement as of July 1, 1989 with a promise to pay Premiums at a later date agreed upon by the Trustees and the other Participants; and

WHEREAS, the Participants desire the Trustees to collect, receive, hold, invest, reinvest, manage, dispose of, distribute and otherwise to administer the funds, and the Trustees have indicated their willingness to do so, all pursuant to terms of this Agreement; and

WHEREAS, the Trustees and the Participants desire to establish the terms and conditions under which the Pool will be operated.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners that St. Mary's County become a party to the Local Government Insurance Trust dated as of July 1, 1989, among the Local Governments and Trustees which are parties thereto.

This Date:
September 19, 1989

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY

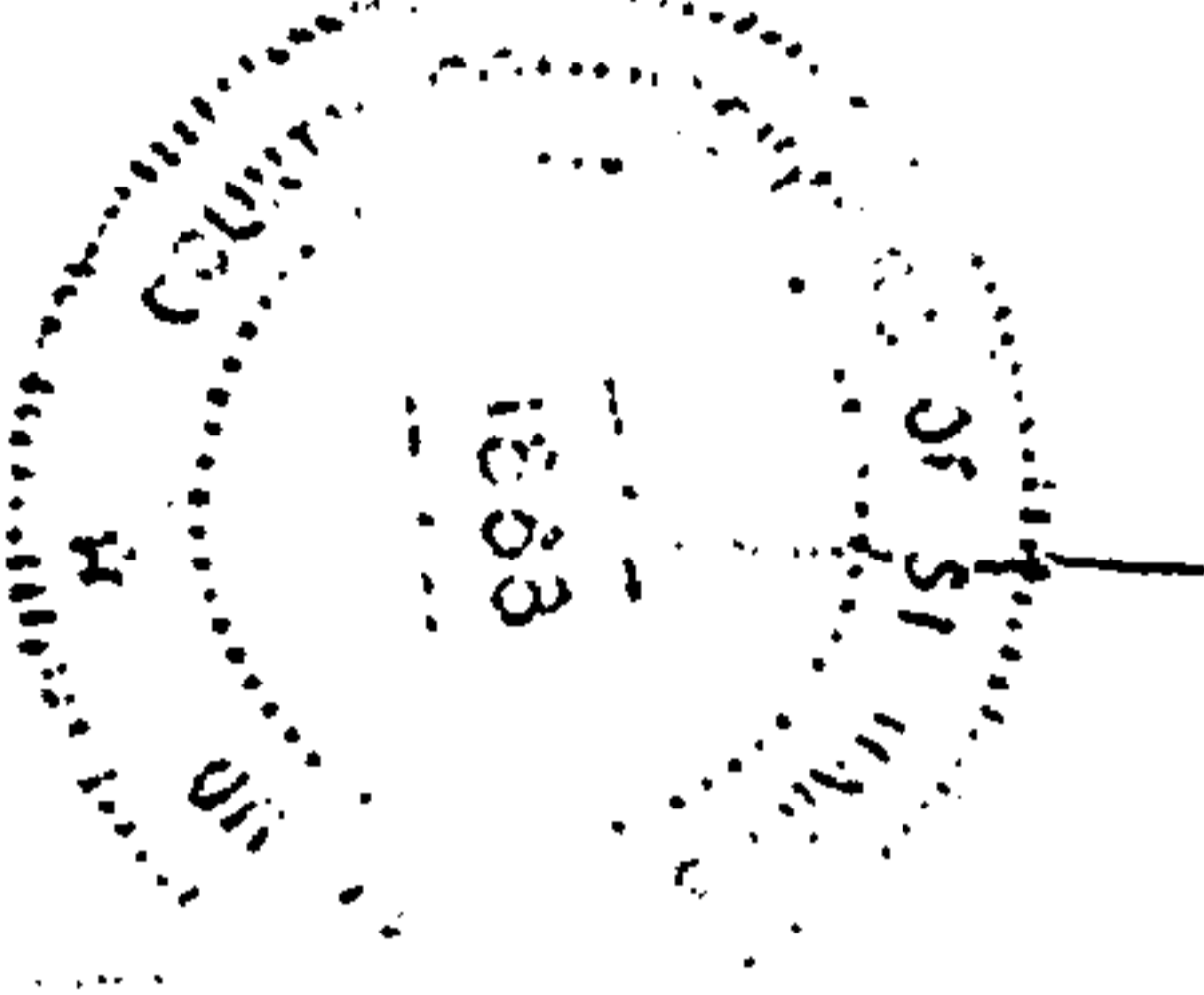

Carl M. Loffler, Jr., President



John G. Lancaster, Vice-President



W. Edward Bailey, Commissioner


Robert Jarboe, Commissioner


Rodney Thompson, Commissioner



ATTEST:

Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
County Attorney

LIBER C06 PAGE 479

SECOND AMENDED AND RESTATED
LOCAL GOVERNMENT INSURANCE TRUST
AGREEMENT

Dated as of July 1, 1989

SECOND AMENDED AND RESTATED
LOCAL GOVERNMENT INSURANCE TRUST
AGREEMENT

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SECOND AMENDED AND RESTATED
LOCAL GOVERNMENT INSURANCE TRUST
AGREEMENT

This Second Amended and Restated Local Government Insurance Trust Agreement (the "Agreement"), dated as of July 1, 1989, is made by and among Local Governments of the State of Maryland which are now or hereafter parties signatory to this Agreement and listed in Appendix A hereof, as may be amended from time to time, and those Trustees listed in Appendix B hereof, as may be amended from time to time.

WITNESSETH:

All capitalized terms in these Recitals shall have the meanings set forth in Section 1.01 of this Agreement.

WHEREAS, Local Governments in the State of Maryland desire to pool together to provide insurance protection and benefits to themselves and their employees either through the purchase of insurance or by self-insuring for insurable risks; and

WHEREAS, Section 482B of Article 48A of the Annotated Code of Maryland (1957 Edition as replaced, supplemented and amended) authorizes public entities, including Local Governments, in Maryland to pool together for the purpose of purchasing casualty or property insurance or self-insuring casualty or property risks; and

WHEREAS, Local Governments wish to pool together to provide insurance protection for casualty and property risks and to provide risk management and loss control services for Participants, all for the purpose of minimizing the cost of casualty insurance and property insurance claims and administration; and

WHEREAS, Local Governments wish to provide for the establishment of separate Pools to provide coverage for casualty-related and property-related risks, and to structure this Agreement so that Participants are not required to participate in all Pools but may participate in any one Pool or in several Pools; and

WHEREAS, funds will be paid from time to time by Participants to the Trustees, which funds will be segregated into and will constitute several trust funds, each trust fund to be held for the exclusive benefit of the Participants in the Pool for which each trust fund is established and maintained, and from which the Trustees will make payment of certain expenses on behalf of the Participants in the Pool for which each trust fund is established and maintained; and

WHEREAS, the Participants desire the Trustees to collect, receive, hold, invest, reinvest, manage, dispose of, distribute and otherwise administer the funds received hereunder, and the Trustees have indicated their willingness to do so, all pursuant to the terms of this Agreement; and

WHEREAS, the Trustees and the Participants desire to establish the terms and conditions under which the Pools and the Trust shall be operated.

NOW, THEREFORE, in consideration of the premises and the mutual covenants contained herein and for other good and valuable consideration, the receipt of which is hereby acknowledged by each party, one to the other, the Participants do hereby give and assign in trust the funds paid from time to time by the Participants to the Trustees for the purposes set forth in this Agreement and all income and profits therefrom, and the Trustees hereby accept the trusts herein contained and the funds paid from time to time by the Participants to the Trustees for the purposes set forth in this Agreement and declare that they will administer, manage, collect, receive, dispose of and distribute such trust property for the benefit of the Participants as hereinafter provided, all parties agreeing to abide by the terms and covenants contained in this Agreement, as follows:

ARTICLE I

DEFINITIONS

1.01 Definitions. The terms defined in this Section and in the preambles hereto (except as herein otherwise expressly provided or unless the context otherwise requires) for all purposes of this LGIT Agreement and of any amendment or supplement hereto shall have the respective meanings specified in this Section 1.01 or said preambles. Terms used in this LGIT Agreement but not defined herein shall have those meanings set forth in the Capitalization Agreements or the Trust Indenture, as the case may be.

"Act" means Section 482B of Article 48A of the Annotated Code of Maryland (1957 Edition as replaced, supplemented and amended) or any successor statute thereto.

"Additional Series A Capital Participant" means any Series A Capital Participant which is admitted to Capital Coverage pursuant to Section 6.1 of the Series A Capitalization Agreement.

"Ad Hoc Committee" means the Maryland Ad Hoc Committee on Liability Insurance established by the Maryland Municipal League, the Maryland Association of Counties and the Mayor and City Council of Baltimore.

"Administrator" means that person employed or appointed by the Trustees to be responsible for the daily activities of the Pools.

"Application" means that application for participation in one or more of the Pools as devised and approved by the Trustees and executed by each Participant.

"Bylaws" means the bylaws adopted by the Trustees pursuant to Section 4.03 hereof to implement this LGIT Agreement, as amended from time to time.

"Cancellation" or "Cancelled" means the expulsion of a Participant from one or more of the Pools by action of the Trustees as provided in Section 3.05(a) hereof.

"Capital and Surplus Fund" means that certain fund established by Section 8.05 of this LGIT Agreement.

"Capital Coverage" means the following insurance provided pursuant to and in accordance with this LGIT Agreement: (i) liability coverage in excess of \$2,000,000; (ii) environmental liability coverage; and (iii) property clean-up coverage for 5 or more underground storage tanks.

"Capitalization Agreements" means, collectively, the Series A Capitalization Agreement, the Series B Capitalization Agreement, and the Cash Capitalization Agreements, unless the context requires otherwise.

"Capital Participant" means any Participant which is entitled to (i) Capital Coverage under the Series A Capitalization Agreement, the Series B Capitalization Agreement or a Cash Capitalization Agreement and (ii) Standard Coverage under this LGIT Agreement. When used in this LGIT Agreement, "Capital Participant" shall be deemed to refer to the Original Series A Capital Participants, the Additional Series A Capital Participants, the Series B Capital Participant and the Cash Capital Participants, unless the context requires otherwise.

"Cash Capitalization Agreements" means, collectively, the Cash Contribution Coverage and Capitalization Agreements, dated as of July 1, 1989, each of which is made by and between the Trust and a Cash Capital Participant, as such agreements may be amended, modified or supplemented from time to time. When used herein, "Cash Capitalization Agreement" shall be deemed to refer to any of the Cash Capitalization Agreements, unless the context requires otherwise.

"Cash Capital Participant" means any Participant which is entitled to (i) Capital Coverage under a Cash Capitalization Agreement and (ii) Standard Coverage under the LGIT Agreement.

"Certificates" means, collectively, the Series A Certificates and the Series B Certificates issued pursuant to the Trust

Indenture, unless the context requires otherwise.

"Claim" means a demand against a Participant to recover for losses or damages within or alleged to be within the scope of Standard Coverage or Capital Coverage provided by the Trust pursuant to this LGIT Agreement.

"Contact Person" means a liaison from each Participant to the Trustees selected in accordance with Section 3.04(e) hereof.

"Coverage Period" means each 12-month period for which a Participant pays Premium for Standard Coverage or Capital Coverage pursuant to this LGIT Agreement or the applicable Capitalization Agreement.

"Covered Occurrences" means those occurrences for which the Trust shall assume liability and which are set forth in the Scope of Coverage for each Pool.

"Effective Date" means the date determined by the Trustees on which each Participant in a Pool will be provided insurance coverage pursuant to the Scope of Coverage for that Pool.

"Executive Committee" means that executive committee appointed by the Trustees in accordance with Section 2.07 hereof.

"Fiscal Agent" means that financial institution employed by the Trustees to hold the funds paid from time to time by the Participants to the Trustees for the purposes set forth in this Agreement and to invest and reinvest all or part of the principal and interest of the Funds.

"Funds" means the General Funds, the Operating Fund and the Capital and Surplus Fund established in Sections 7.02(a), 7.02(b), 7.03 and 8.05 of this LGIT Agreement.

"General Funds" means those certain funds established by Section 7.02(a) of this LGIT Agreement.

"Indenture Trustee" means The First National Bank of Maryland, a national banking association, as trustee under the Trust Indenture.

"LGIT Agreement" means the Local Government Insurance Trust Agreement, as set forth herein and as amended or restated from time to time.

"Loan" means any short-term inter-Pool borrowing as authorized by the Trustees pursuant to Section 6.04 of this Agreement.

"Local Government" means

(a) a municipal corporation subject to the provisions of Article 23A of the Annotated Code of Maryland;

(b) a county, subject to the provisions of Articles 25, 25A or 25B of the Annotated Code of Maryland; or

(c) the Mayor and City Council of Baltimore.

"MACO" means the Maryland Association of Counties.

"MML" means the Maryland Municipal League.

"Noncapital Participant" means any Participant which is not entitled to Capital Coverage under the Capitalization Agreements but is entitled to Standard Coverage under this LGIT Agreement.

"Operating Fund" means that certain fund established by Section 7.03 of this LGIT Agreement.

"Original Series A Capital Participant" means any Series A Capital Participant which is an original party to the Series A Capitalization Agreement.

"Participant" means any Local Government which is an original party to this LGIT Agreement or which becomes a party to this LGIT Agreement pursuant to Article III hereof and the participation of which has not been Terminated or Cancelled pursuant to said Article. When used in this LGIT Agreement, "Participant" shall be deemed to refer to both Capital Participants and Noncapital Participants unless the context requires otherwise.

"Pools" means, collectively, the insurance pools established by the Trustees in accordance with Section 6.02 of this LGIT Agreement to provide coverage for casualty-related and property-related risks. When reference to the Pools is made hereunder with regard to a Participant, such reference shall be deemed to refer only to that Pool or those Pools of which such Participant is a member.

"Pool Year" means the fiscal year of each of the Pools as may be established by the Trustees.

"Premium" means (i) with respect to Standard Coverage, that sum or sums of money determined by the Trustees pursuant to Section 8.01 hereof and the Bylaws and charged to each Participant during the Pool Year of each Pool of which that Participant is a member, and (ii) with respect to Capital Coverage, that sum or sums of money determined by the Trustees pursuant to Section 8.02 hereof and the Capitalization Agreements and payable by each Capital Participant. When used in this LGIT Agreement, "Premium" shall be

deemed to refer to the total Premium payable by each Participant, or any component thereof, as the context requires.

"Scopes of Coverage" means those documents, as amended from time to time, which separately set forth the actual coverages provided by each of the Pools established by the Trustees pursuant to Section 6.02 of this LGIT Agreement. When reference to the Scopes of Coverage is made hereunder with regard to a Participant, such reference shall be deemed to refer only to that Scope of Coverage or those Scopes of Coverage for the Pool or Pools of which such Participant is a member.

"Series A Capital Participant" means any Participant which is entitled to (i) Capital Coverage under the Series A Capitalization Agreement and (ii) Standard Coverage under the LGIT Agreement. "Series A Capital Participants" shall be deemed to refer to both Original Series A Capital Participants and Additional Series A Capital Participants, unless the context requires otherwise.

"Series A Capitalization Agreement" means the Series A Coverage and Capitalization Agreement dated as of July 1, 1989, by and among the Trust and the Series A Capital Participants, as such agreement may be amended, modified or supplemented from time to time.

"Series A Certificates" means those certificates of participation issued pursuant to the Trust Indenture evidencing proportionate interests in the Debt Service Premium to be paid by the Original Series A Capital Participants pursuant to the Series A Capitalization Agreement.

"Series B Capital Participant" means the Mayor and City Council of Baltimore, a body politic and corporate and political subdivision of the State of Maryland.

"Series B Capitalization Agreement" means the Series B Coverage and the Capitalization Agreement dated as of July 1, 1989, by and between the Trust and the Series B Capital Participant, as such agreement may be amended, modified or supplemented from time to time.

"Series B Certificates" means those certificates of participation issued pursuant to the Trust Indenture evidencing proportionate interests in the Annual Premium to be paid by the Series B Capital Participant pursuant to the Series B Capitalization Agreement.

"Service Agent" means one or more service companies or consultants employed by the Trustees to be responsible for underwriting matters, claims administration, loss control, and such other duties as may be specified by contract.

"Service Contract" means any contract for service between the Trustees and a Service Agent.

"Settlement" means the settlement by the Trust in accordance with this LGIT Agreement of a Claim against a Participant. The amount of any Settlement may include any costs or expenses deemed appropriate by the Trust in connection therewith, including defense costs.

"Standard Coverage" means the following insurance provided pursuant to and in accordance with this LGIT Agreement: (i) primary liability coverage of \$1,000,000, (ii) liability coverage of up to \$1,000,000 in excess of primary liability coverage, and (iii) property coverage, including coverage for no more than 4 underground storage tanks.

"State" means the State of Maryland.

"Termination" or "Terminated" means the voluntary withdrawal of a Participant from one or more of the Pools in accordance with Section 3.05(b) hereof.

"Trust" means the Local Government Insurance Trust established by the Local Government Insurance Trust Agreement dated as of July 1, 1987.

"Trustee" means each person serving as a trustee hereunder from time to time pursuant to Article II hereof.

"Trust Indenture" means the Trust Indenture dated as of August 1, 1989, by and between The First National Bank of Maryland, as Indenture Trustee, the Trust, the Original Series A Capital Participants and the Series B Capital Participant.

1.02 Interpretation. The words "hereof", "herein", "hereunder", and other words of similar import refer to this LGIT Agreement as a whole. Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders. Words importing the singular number shall include the plural number and vice versa unless the context shall otherwise indicate. Headings or titles to Articles, Sections, and other subdivisions of this LGIT Agreement are for convenience only and shall be given no effect, meaning or construction whatsoever and shall not define or limit any provision of this LGIT Agreement.

ARTICLE II

TRUSTEES

2.01 Qualifications of a Trustee.

(a) A Trustee who is either elected by the Participants or appointed by the Trustees shall be either (1) an elected or appointed official of a Local Government or (2) an employee of a Local Government with expertise in finance or risk management.

(b) A Trustee shall not be employed by or have any financial interest in any Service Agent or other company providing service to the Trust.

2.02 Composition of Board of Trustees.

(a) The Trust shall be administered by a Board of Trustees consisting of eleven voting members as follows:

- (1) Four Trustees elected by the Participants will represent municipal Participants (at least one of which shall represent a municipal Participant with Capital Coverage).
- (2) Four Trustees elected by the Participants will represent county Participants (at least one of which shall represent a county Participant with Capital Coverage).
- (3) One Trustee appointed by the Trustees will represent a member of MACO or MML. Such Trustee shall have a particular expertise or interest in risk management or financial matters.
- (4) The Executive Director of MACO will serve as an ex-officio Trustee.
- (5) The Executive Director of MML will serve as an ex-officio Trustee.

No Local Government shall be represented by more than one Trustee on the Board of Trustees. For purposes of this paragraph (a), Baltimore City shall be deemed a county and not a municipality.

(b) All Trustees shall serve for a term of three (3) years.

2.03 Election of Trustees. The initial Trustees shall provide in the Bylaws for the form and method of election of subsequent Trustees.

2.04 Resignation of a Trustee. A Trustee may resign by giving at least thirty (30) days prior notice in writing sent by registered mail to the Chairman of the Trustees. Such notice shall state the date said resignation shall take effect, and such resignation shall take effect on such date.

2.05 Removal of Trustees. A Trustee shall be removed from office if he fails to meet the qualifications of Section 2.01 hereof, fails to attend three (3) consecutive meetings of the Board or is terminated for cause by a two-thirds (2/3) vote of the Trustees. Upon removal of a Trustee, the position shall be filled pursuant to Section 2.06 hereof.

2.06 Substitute Trustees. In the event a Trustee resigns, is removed or is otherwise unable to serve, the Board of Trustees shall appoint a substitute Trustee to fulfill his or her term of office.

Any Trustee, upon leaving office, shall forthwith turn over and deliver to the principal office of the Trust, any and all records, books, documents or other property in his possession or under his control which belong to the Trust.

2.07 Executive Committee. The Trustees may appoint an Executive Committee of not less than three (3) Trustees, one of which is the Chairman of the Board of Trustees. The Trustees may delegate in writing to the Executive Committee such powers and duties as the Trustees deem appropriate and desirable except the exercise of those powers for which a two-thirds (2/3) majority vote of the Trustees is required. The Executive Committee shall meet as determined by the Chairman of the Board of Trustees.

ARTICLE III

PARTICIPANTS

3.01 Eligibility Requirements.

(a) Participation in the Trust shall be limited to Local Governments which are members of MACO or MML.

(b) Each Participant shall meet the underwriting standards established by the Board of Trustees for the Pool or Pools in which participation is requested.

(c) The Board of Trustees may establish additional criteria for participation.

3.02 Approval of Participation.

(a) A prospective Participant must submit an Application to the Trustees, along with an Application fee in an amount to be determined by the Trustees and shall designate the Pool or Pools in which it wishes to participate.

(b) Each Participant shall submit evidence satisfactory to the Trustees of approval for participation by its governing body.

(c) Each Application must be approved by a majority vote of a duly constituted quorum of the Trustees, and upon such approval, the Trustees shall establish the Effective Date for such Participant.

(d) Upon execution of this LGIT Agreement by a Local Government, such Local Government shall become a Participant in the Pool or Pools for which it obtained approval of participation and be bound by all terms and conditions hereof, including the payment of Premiums when due.

3.03 Named Insureds.

(a) A Participant may direct that any policy or certificate providing or evidencing primary liability coverage or excess liability coverage as part of Standard Coverage include as a named insured an entity other than the Participant, provided that such other entity:

(i) is subject to the Local Government Tort Claims Act limitations on liability as set forth in Md. Cts. & Jud. Proc. Code Ann. Section 5-403 (1984 Replacement Volume, as replaced, supplemented and amended); and

(ii) is a unit, agency or instrumentality of the Participant and not a separate legal entity.

(b) A Capital Participant may direct that any policy or certificate providing or evidencing property coverage (including clean-up coverage for underground storage tanks), excess liability coverage as part of Capital Coverage, or environmental liability coverage include as a named insured an entity other than the Capital Participant, provided that the following conditions are met:

(1) The named insured is located entirely within the geographic boundaries of one or more Capital Participants;

(2) The named insured is either:

(i) a political subdivision or unit of State

or local government; or

(ii) a nonprofit or nonstock corporation that is exempt from taxation under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1986, as amended, and receives 50% or more of its annual operating budget from State or local government.

(3) All Premium attributable to the named insured is payable to the Indenture Trustee by the Capital Participant.

(4) The named insured's liability coverage beneath the excess liability coverage provided by the Capital Coverage is provided by a self-insurance program satisfactory to the Trust.

(5) If the named insured is located within the geographic boundaries of more than one Capital Participant, each such Capital Participant must approve the entity's participation as a named insured.

(c) For each named insured that is not (i) a unit, agency or instrumentality of a Participant and (ii) a member of MML or MACO, the Trust shall collect on behalf of MML and MACO an administrative fee which shall be remitted to MACO and MML. The amount of the administrative fee payable by the named insured to MML and MACO shall be determined by the Trustees in their sole discretion.

3.04 Obligations, Duties and Liabilities of Participants.

(a) Each Participant agrees to fulfill all obligations and duties established by this LGIT Agreement. The Termination or Cancellation of any Participant pursuant to this Article III shall not affect this LGIT Agreement nor the trusts contained herein.

(b) A Participant is liable under this LGIT Agreement for the payment of Premiums when due.

(c) Each Participant hereby agrees to use its best efforts to provide appropriations for the payment of any sum assessed by the Trustees in accordance with this LGIT Agreement and the Bylaws.

(d) The Participants agree to institute any and all reasonable safety regulations and loss prevention procedures that may be required by the Trustees or the Service Agent for the purpose of minimizing or eliminating hazards or risks that could contribute to losses. Participants have a right to appeal such requirements to the Trustees, and the decision of the Trustees shall then be final.

The Participants agree that they will cooperate fully

with the Trust's Service Agent, attorneys, claims adjusters and any other agent or employee of the Trust in relation to the purpose and powers of the Trust, including, but not limited to, investigating and defending claims.

(e) Each Participant agrees to designate a Contact Person to be responsible for all contacts with the Trust. The Trustees, the Service Agent and the Administrator shall not be required to contact any other individual except the Contact Person in dealing with a Participant. Any notice to or any agreements with a Contact Person shall be binding upon the Participant. Each Participant reserves the right to change its Contact Person from time to time by giving written notice to the Trustees, the Service Agent and the Administrator.

(f) The Participants agree that any suit brought against any Participant or Participants shall be defended in the name of such Participant or Participants by counsel selected by the Trustees. Full cooperation shall be extended by such Participant or Participants to supply any information needed by or helpful to counsel in such defense.

(g) The Participants will furnish to the Trustees such underwriting information as may be required by the Trustees at least sixty (60) days prior to the end of each Pool Year of the Pool or Pools in which they participate.

(h) The Participants hereby acknowledge and agree that this LGIT Agreement may be amended, altered or modified pursuant to Article IX hereof. Any amendment adopted pursuant to the provisions of Article IX hereof shall be considered by each Participant to be a reasonable and proper amendment to the LGIT Agreement. Moreover, the Participants agree to be bound by the decision of the Trustees with respect to any coverages, limitations or exclusions contained in the Scopes of Coverage, as such may be amended from time to time by the Trustees.

3.05 Cancellation and Termination of Participation. Membership of a Participant shall continue until it ceases under one of the following provisions:

(a) Cancellation. The Trustees shall have the authority by an affirmative vote of two-thirds (2/3) of all Trustees to cancel the membership of any Participant in any Pool or Pools for cause including but not limited to the following: non-payment of Premium or any component thereof; failure to implement reasonable safety or loss prevention requirements; failure to cooperate with the Service Agent or attorney representing the Trust; or any action which may be detrimental to the fiscal soundness or efficiency of the Pools. In addition, the Trustees shall have the authority, by informal action pursuant to unanimous written consent of all Trustees, to cancel the membership of any Participant for non-

payment of Premium or any component thereof, and no liability shall accrue to the Trust after the effective date of Cancellation, except as provided in Section 3.05(c) hereof.

The Trustees shall establish in the Bylaws a system whereby notice is provided to a Participant prior to any determination of Cancellation by the Trustees.

Each Participant agrees that regardless of any attempt to submit determination of its Cancellation under this Section 3.05(a) to arbitration as provided in Section 11.09 hereof, the Participant, upon notification of such Cancellation by the Trustees, understands coverage will terminate and the Participant will be responsible for securing adequate provision for coverage either by insurance or self-insurance so that such coverage is in effect on the effective date of the Participant's Cancellation.

If the Participant prevails in the arbitration process, it shall be reinstated in the applicable Pool or Pools within 30 days of the arbitration award, and the Trust shall have no liability for any premiums or expense, nor for any Covered Occurrences incurred by the Participant, from the date of Cancellation until the date such Participant is reinstated. The Participant shall be responsible for all costs incurred by the Trust in the arbitration procedure including, but not limited to, attorneys' fees, unless otherwise determined by a court of law in enforcing the arbitration award.

After Cancellation, the Participant shall still be liable for any Risk Premium Adjustment made by the Trustees pursuant to Section 8.07(d) hereof for the Coverage Period in which such Cancellation occurred.

(b) Termination by Participant. Any Participant may terminate its membership in any Pool as of the end of the Pool Year for that Pool by giving written notice to the Trustees at least sixty (60) days prior to the expiration of such Pool Year, and no liability shall accrue to the Trust after the effective date of Termination except as provided in Section 3.05(c) hereof. Such notice of Termination may be rescinded by a Participant at any time prior to the end of the Pool Year in which such notice was given.

After Termination by a Participant, the Participant shall still be liable for any Risk Premium Adjustment made by the Trustees pursuant to Section 8.07(d) hereof for the Coverage Period in which such Termination occurred.

(c) Liability of Trust after Termination or Cancellation.

(i) For those casualty-related risks covered on an occurrence basis, the Trust shall continue to service, defend and

otherwise be responsible for any claim which arose prior to Cancellation or Termination of a Participant, including incurred but not reported claims.

(ii) For those casualty-related risks covered on a claims-made basis, the Trust shall continue to service, defend and otherwise be responsible for any claim which arose prior to Cancellation or Termination but only if such claim is reported prior to Cancellation or Termination or during an extended reporting period purchased by the Participant pursuant to the applicable Scope of Coverage.

(iii) For those property-related risks covered by a Pool established by the Trustees in accordance with Section 6.02 of this LGIT Agreement, the Trust shall continue to be responsible for any claim arising out of an event occurring prior to Cancellation or Termination but only if such claim is reported within the period required by the applicable Scope of Coverage.

(iv) The Pools shall not cover a claim which arises out of an act, error, omission, or event occurring after the date of the Participant's Termination or Cancellation.

(v) No amounts held by the Trust in any of its Funds shall be returned to a Terminated or Cancelled Participant, except as provided in the Capitalization Agreements with respect to Capital Participants.

ARTICLE IV

ACCEPTANCE OF TRUST

4.01 Acceptance. The Trustees hereby accept the trusts imposed upon them by this LGIT Agreement and agree to perform said trusts in accordance with the terms and conditions of this LGIT Agreement. The Trustees shall hold legal title to all property of the Trust and shall have absolute and exclusive power and control over the management and conduct of the business of the Trust.

4.02 Future Trustees. Whenever any change shall occur in the membership of the Board of Trustees, the legal title to property hereby created by this Trust shall automatically pass to those duly appointed Trustees. Each future Trustee appointed in accordance with this LGIT Agreement shall accept the office of Trustee and the terms and conditions of this LGIT Agreement in writing.

4.03 Trustees' Duties and Obligations. The Trustees shall discharge their duties and obligations under this LGIT Agreement solely in the interests of the Participants, and defraying reasonable expenses of administering the Pools, with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent man acting in a like capacity and

familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.

The Trustees shall adopt Bylaws for the management and control of the Trust, so long as such Bylaws are not inconsistent or in conflict with the terms and provisions of this LGIT Agreement. Said Bylaws may be amended by the Trustees as they shall provide.

4.04 Liability of Trustees.

(a) The Trustees shall not be liable for errors of judgment either in holding property originally conveyed to them or in acquiring and afterwards holding additional property, in the performance of their duties hereunder, nor for any act or omission to act, performed or omitted by them, in the execution of the trusts created hereunder.

(b) Every act done, power exercised or obligation assumed by the Trustees, pursuant to the provisions of this LGIT Agreement, or in carrying out the trusts herein contained, shall be held to be done, exercised or assumed by them as Trustees and not as individuals, and any person or corporation contracting with the Trustees, shall look only to the Trust and property of the Trust available for payment under such contract, or for the payment of any debt, mortgage, judgment or decree or the payment of any money that may otherwise become due or payable on account of the trusts herein provided for, and any other obligation arising out of this LGIT Agreement in whole or in part, and neither the Trustees nor the Participants, present or future, shall be personally or individually liable therefor.

(c) Notwithstanding the provisions of (a) and (b) above, a Trustee shall be liable in connection with the performance of his duties hereunder for his own willful misconduct or gross negligence.

ARTICLE V

OPERATION OF THE TRUSTEES

5.01 Office. The Trustees shall designate a principal office of the Trust. Such principal office shall be in the State of Maryland. At such principal office there shall be maintained the books, reports and records pertaining to the Trust and its administration.

5.02 Meetings. There shall be an annual meeting of the Trustees on a day and at a place designated by the Trustees. At the annual meeting, the Trustees shall elect a Chairman and such other officers as provided in the Bylaws and transact such other business as may come before them.

The Trustees shall hold such other meetings and shall establish such procedures for the conduct of those meetings as they shall provide in the Bylaws.

5.03 Extraordinary Votes. An affirmative vote of two-thirds (2/3) of all Trustees shall be required to:

- (a) remove a Trustee pursuant to Section 2.05 of this LGIT Agreement;
- (b) cancel a Participant pursuant to Section 3.05(a) of this LGIT Agreement;
- (c) establish a Pool which provides coverage for casualty-related or property-related risks pursuant to Section 6.02 of this LGIT Agreement;
- (d) authorize Loans pursuant to Section 6.04 of this LGIT Agreement;
- (e) amend this LGIT Agreement pursuant to Section 9.01 of this LGIT Agreement; or
- (f) terminate the provision of coverages of any Pool pursuant to Section 10.03 of this LGIT Agreement.

5.04 Indemnification.

(a) The Trust shall indemnify: (i) each member of the Board of Trustees and the estate, executor, administrator, personal representatives, heirs, legatees and devisees of any such person; and (ii) every officer and employee of the Trust and the estate, executor, administrator, personal representatives, heirs, legatees or devisees of such person; against all judgments, including interest, fines, amounts paid or agreed upon in settlement, reasonable costs and expenses including attorneys' fees and any other liability that may be incurred as a result of any claim, action, suit or proceeding, whether civil, criminal, administrative, or other, prosecuted or threatened to be prosecuted, for or on account of any act performed or omitted or obligation entered into, if done or omitted in good faith without intent to defraud and within what he reasonably believed to be the scope of his employment or authority and for a purpose which he reasonably believed to be in the best interest of and in connection with the administration, management, conduct or affairs of the Trust, and with respect to any criminal actions or proceedings, if such person, in addition, had no reasonable cause to believe that his or its conduct was unlawful. Provided, however, that if any such claim, action, suit, or proceeding is compromised or settled, it must be done with the prior and express approval of the Board of

Trustees or such other persons as may be authorized to make determinations with respect to indemnification pursuant to paragraph (d) of this Section.

(b) Such indemnification shall not depend upon whether or not such person is a member of the Board of Trustees at the time such claim, action, suit or proceeding is begun, prosecuted or threatened, nor on whether the liability to be indemnified was incurred or the act or omission occurred prior to the adoption of this Section.

(c) The right of indemnification hereunder shall not be exclusive of other rights such person or Board may have as a matter of law or otherwise.

(d) In each instance in which a question of indemnification hereunder arises, determination in the first instance of the right to indemnification hereunder, and of the time, manner and amount of payment thereof, shall be made by a majority vote of a quorum of the Board of Trustees; provided, however, that no member of the Board of Trustees seeking indemnification hereunder as a result of the same occurrence shall participate in the determination. In the event that a majority of the members of the Board of Trustees are seeking indemnification hereunder as a result of the same occurrence or the number of Board of Trustees members eligible to vote does not constitute a quorum, such determination in the first instance shall be made by independent legal counsel retained by the Trust for the purpose of making the determination. Nothing in this paragraph is intended to make an adverse determination finally binding upon the person seeking indemnity under this Section, or to preclude any such person from appealing an adverse determination against him or it, or from instituting legal proceedings to enforce a right of indemnification under this Section.

(e) The indemnification provided for in this Section shall be deemed to be an expense of the Trust to which all of the Participants of the Pools shall contribute.

(f) The indemnification provided by this Section shall be secondary to any benefits to which the person may be entitled to receive from any applicable insurance policy providing Directors and Officers, Errors and Omissions or other applicable insurance coverages which have been procured by the Trust or for which the Trust paid the required premium. The indemnification provided by this Section shall be primary over any indemnification provided by a Trustee at his or its own expense.

(g) (i) Notwithstanding any other provision of this Section to the contrary, a person may seek, and the Trust may pay, advance indemnification prior to the rendering of a final determination of entitlement to indemnification pursuant to the provisions of paragraph (d) of this Section. Any award of such advance

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indemnification by the Trust shall be discretionary and subject to the provisions of this Section.

(ii) In each instance where a question of advance indemnification hereunder arises, determination of the right to indemnification and of any conditions or restrictions attached thereto shall be made by a majority vote of a quorum of the Board of Trustees; provided, however, that no member of the Board of Trustees seeking indemnification hereunder shall participate in the determination. In the event that a majority of the members of the Board of Trustees are seeking indemnification as a result of the same occurrence or the number of members of the Board of Trustees eligible to vote does not constitute a quorum, such determination shall be made by independent legal counsel retained by the Trust for the purpose of making the determination.

(iii) Any determination of advance indemnification shall be discretionary and may provide for the time, manner and amounts advanced hereunder and shall include such limitations on rate of payment, the total amount to be advanced, and the security, if required, for repayment of such advances as may be deemed appropriate in the particular circumstances.

(iv) Any advance authorized hereunder shall be repaid to the Trust if the person on whose behalf the advance was made is not entitled to indemnification of his costs and expenses under the provisions and in accordance with the standards for indemnification provided in this Section.

ARTICLE VI

PURPOSE OF THE TRUST; CREATION OF THE POOLS; POWERS OF TRUSTEES

6.01 Purpose of the Trust. The purpose and objective of the Trust is to provide economical insurance coverage for the Participants of the Pools, to reduce the amount and frequency of losses, to minimize the costs incurred by Participants in the handling and litigation of claims and to do all necessary and proper things incident to the provision of insurance in such manner as to be in the best interest of the Participants.

The association being formed hereunder is not intended to be a partnership or corporation, but it is the intent of the parties hereto that this LGIT Agreement create a trust under the laws of the State.

It is the express intent of the Participants in entering into this LGIT Agreement that they do not waive and are not hereby waiving any immunity provided to the Participants or their officials, employees or agents by law.

6.02 Creation of the Pools. Upon an affirmative vote of two-thirds (2/3) of all Trustees, the Trustees may establish a Pool to provide coverage to Local Governments for any class of casualty-related or property-related risks which the Trustees deem appropriate. There shall be no limitation on the number of Pools which may be established under the authority of this Section. Any Pool established pursuant to this Section 6.02 shall be separately maintained and administered by the Trustees.

The Pools and the Funds created pursuant to this LGIT Agreement comprise the Trust. A Participant may participate in any Pool or Pools, subject only to the approval of its Application for participation in the Pool or Pools in which it wishes to participate.

Except as provided in Sections 6.04, 7.03 and Article VIII hereof, relating to Loans, the Operating Fund and the Capital and Surplus Fund, respectively, funds paid from time to time by the Participants to the Trustees for deposit in a Fund shall be segregated and shall be available only to pay losses and expenses relating to the Pool for which that Fund was created.

6.03 Powers of Trustees. The Trustees shall have the power to control and manage the Pools and the Funds and to perform such acts, enter into such contracts, engage in such proceedings, and generally to exercise any and all rights and privileges, although not specifically mentioned herein, as the Trustees may deem necessary or advisable to administer the Pools and the Funds or to carry out the purposes of this LGIT Agreement. Any determination made by the Trustees in the exercise of these powers shall be binding upon all Participants. In addition to the powers set forth elsewhere in this LGIT Agreement, the powers of the Trustees, in connection with their managing and controlling the Pools and the Funds, shall include, but shall not be limited to, the following:

(a) To invest and reinvest all or part of the principal and income of the Funds, without distinction between principal and income as the Trustees determine, pursuant to applicable State law.

(b) To receive, hold, manage, invest, reinvest, and control all moneys at any time forming part of the Pools and the Funds.

(c) To purchase contracts of insurance or reinsurance through such broker or brokers as the Trustees may choose and to pay premiums on such policies.

(d) To borrow or raise money for the purposes of the Pools, in such amount, and upon such terms and conditions as the Trustees shall deem advisable, subject to applicable law and statutes; and for any sum so borrowed to issue the promissory note of the applicable Pool or Pools, and to secure the repayment

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thereof by creating a security interest in all or any part of the applicable Pool or Pools; and no person lending such money shall be obligated to see that the money lent is applied to Pool purposes or to inquire into the validity, expedience or propriety of any such borrowing.

(e) To hold cash, uninvested, for such length of time as the Trustees may determine without liability for interest thereon.

(f) To make, execute, acknowledge and deliver any and all documents of transfer and conveyance, including but not limited to, deeds, leases, mortgages, conveyances, contracts, waivers and releases, and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted.

(g) To employ suitable agents, advisors and counsel as the Trustees may deem necessary and advisable for the efficient operation and administration of the Trust, to delegate duties and powers hereunder to such agents, advisors and counsel, and to charge the expense thereof to the Trust. The Trustees are entitled to rely upon and may act upon the opinion or advice of any attorney or Service Agent approved by the Trustees in the exercise of reasonable care. The Trustees shall not be responsible for any loss or damage resulting from any action or non-action made in good faith reliance upon such opinion or advice. All delegated authority shall be specifically defined in the Bylaws or the written minutes of the Trustees' meetings.

(h) To hire employees or independent contractors as the Trustees may deem necessary or advisable to render the services required and permitted for the proper operation of the Pools and the Trust, and to charge the expense thereof to the Trust.

(i) To continue to have and to exercise, after the termination of the Trust and until final distribution, all of the title, powers, discretions, rights and duties conferred or imposed upon the Trustees hereunder, by the Bylaws or by law.

(j) To construe and interpret the LGIT Agreement.

(k) To receive from Participants and other relevant sources, such information as shall be necessary for the proper administration of the Trust.

(l) To maintain bank accounts for the administration of the Pools and the Funds and to authorize certain Trustees, the Administrator, the Service Agent or other appropriate persons to make payments from any appropriate account for purposes of the Trust.

(m) To receive and review reports of the financial condition and of the receipts and disbursements of the Pools and the Funds.

(n) To adopt Bylaws, rules, regulations, formulas, actuarial tables, forms, and procedures by resolution from time to time as they deem advisable and appropriate for the proper administration of the Trust, including membership criteria, provided the same are consistent with the terms of this LGIT Agreement.

(o) To have a judicial settlement of their accounts and judicial determination of any questions in connection with their duties and obligations hereunder, or in connection with the administration or distribution thereof. The costs and expenses, including accounting and legal fees, for such judicial settlement of accounts or other judicial determination shall be paid by the Trust as a general administrative expense to the extent permitted by applicable law.

(p) To purchase as a general administrative expense of the Trust so-called director's liability insurance and other insurance for the benefit of the Trust and/or the protection of the Trustees, Trust officers, employees, or agents against any losses by reason of errors or omissions or breach of fiduciary duty or negligence.

(q) To enter into any and all contracts and agreements for carrying out the terms of this LGIT Agreement and for the administration and operation of the Trust and to do all acts as they, in their discretion, may deem necessary or advisable, and such contracts and agreements and acts shall be binding and conclusive on the Participants and the Participants' employees. All such contracts and agreements, or other legal documents herein authorized, shall be approved by the Trustees and shall be executed by individuals authorized by the Trustees.

(r) To write off as uncollectible any Participant's Premium or any other indebtedness or other obligation as the Trustees may deem appropriate. A decision to write off as uncollectible shall be deemed appropriate if the Trustees determine that the likelihood of collection or the anticipated expense of collecting justifies such action.

(s) To receive Premiums, contributions or payments from any source whatsoever but such Premiums, contribution or payments may not be utilized for any purpose unrelated to the coverages herein provided.

(t) To pay or contest any claim or to settle a claim by or against the Trust by negotiation, compromise, arbitration, or otherwise.

(u) To pay taxes, assessments, and other expenses incurred in the collection, care, administration, and protection of the Trust.

(v) To review Applications for memberships in the Pools submitted to them and to approve or disapprove such Applications.

(w) To cancel the membership of any Participant in accordance with the terms of this LGIT Agreement.

(x) To establish the type and scope of coverages available to Participants and the Premiums for such coverages.

(y) To do all acts, whether or not expressly authorized herein, which the Trustees may deem necessary or proper in connection with the administration of the Trust, although the power to do such acts is not specifically set forth herein.

Notwithstanding the foregoing grant of powers, the Trustees shall be required to maintain and administer the property of each Pool and the Funds created thereunder separately except as provided in Sections 6.04, 7.03 and Article VIII hereof relating to Loans, the Operating Fund and the Capital and Surplus Fund, respectively. Losses and expenses charged against a Pool shall be paid solely from the funds in that Pool.

6.04 Inter-Pool Borrowings. Upon an affirmative vote of two-thirds (2/3) of all Trustees, the Trustees may authorize and direct the Fiscal Agent to transfer moneys from one Pool to any other Pool. Any such transfer shall be deemed a Loan and shall be strictly subject to the following conditions:

(i) A Loan shall be made only for the purpose of purchasing insurance or funding a retention;

(ii) The aggregate Loans outstanding from any Pool shall not exceed \$500,000;

(iii) All Loans shall be made from the Pool's General Fund only;

(iv) Any Loan shall be repaid (A) out of the first funds received by the Pool to which the Loan is made; (B) within 12 months of the date on which the Loan is made and (C) with interest at the rate of 5% per annum.

Notwithstanding anything to the contrary contained herein, any of the foregoing conditions may be waived, altered or modified upon the unanimous vote of all Trustees. The Trustees may authorize any Loan upon such other terms and conditions as they deem necessary or advisable and in the best interests of the Trust.

Any decisions concerning Loans hereunder shall be made in the sole and absolute discretion of the Trustees.

6.05 Underwriting; Retention; Excess Liability Coverage

(a) Notwithstanding any other provision of this Agreement or the Capitalization Agreements, the Trust expressly reserves the right to make any and all underwriting decisions with respect to both Standard Coverage and Capital Coverage and further reserves the right, in its sole and absolute discretion, to fix and determine all retention levels which it deems appropriate with respect to Standard Coverage, Capital Coverage or any portion of either.

(b) Notwithstanding any other provision of this Agreement or the Capitalization Agreements, Capital Coverage for excess liability insurance will only be available to a Capital Participant if such Capital Participant's primary liability insurance coverage is provided by (i) the Trust or (ii) a self-insurance program satisfactory to the Trust.

ARTICLE VII

ESTABLISHMENT OF CERTAIN FUNDS; REVENUES

7.01 Collection of Premiums. The Trustees shall appoint a Fiscal Agent to collect all Premiums and hold them as provided in this Article VII and in Article VIII hereof.

7.02 Establishment of General Funds by Trustees. The Trustees shall direct the Fiscal Agent to establish a General Fund to hold the corpus of each of the Pools. The General Fund of each Pool shall be an interest bearing account in the name of the Trustees and shall consist of all income of the Pool which is not transferred to (i) the Operating Fund, (ii) the Non-Proceeds Subaccount of the Capital Account of the Capital and Surplus Fund, (iii) the Non-Proceeds Subaccount of the Restricted Surplus Account of the Capital and Surplus Fund, or (iv) the Unrestricted Surplus Account of the Capital and Surplus Fund. The General Fund of each Pool shall be separately maintained and administered.

The Trustees shall cause adequate reserves to be maintained in the General Fund of each Pool to provide for current claims and claims incurred but not reported.

Within 5 business days following the end of each calendar month, an amount equal to the costs attributable to a particular Pool during that month, including, but not limited to, service fees, self-insurance bond costs, insurance premium costs, Trustees' counsel's fees, accountants' fees, taxes, compensation and expense reimbursements, as determined by the Trustees, shall be transferred

by the Administrator from the General Fund of that Pool to (i) the Non-Proceeds Subaccount of the Capital Account of the Capital and Surplus Fund or (ii) the Non-Proceeds Subaccount of the Restricted Surplus Account of the Capital and Surplus Fund, as authorized and directed by the Trustees.

Within 30 business days following the end of the Pool Year of each Pool, an amount equal to the ending balance in the General Fund of each Pool, less the amount determined by the Trustees to be adequate reserves for the Pool, shall be transferred by the Administrator from the General Fund of that Pool to the Unrestricted Surplus Account of the Capital and Surplus Fund.

7.03 Establishment of Operating Fund. The Trustees shall direct the Fiscal Agent to establish a separate fund known as the Operating Fund. The Operating Fund shall be an interest bearing account in the name of the Trustees and shall consist of moneys allocated by the Trustees from the General Funds.

Moneys in the Operating Fund shall be transferred by the Administrator or the Service Agent on the last business day of each month to the Non-Proceeds Subaccount of the Capital Account or the Non-Proceeds Subaccount of the Restricted Surplus Account of the Capital and Surplus Fund as reimbursement for general non-allocable administrative expenses of the Trust, as determined by the Trustees.

7.04 Bonds. The Trustees may require that a fidelity bond be furnished as to all persons handling money for or on behalf of the Trustees and the Trust, including but not limited to individual Trustees, the Administrator and the Service Agent.

ARTICLE VIII

PREMIUMS; CAPITAL AND SURPLUS

8.01 Premiums for Standard Coverage. Premiums for Standard Coverage shall be payable by the Participants to the Trust as follows:

(a) Each Participant in a Pool providing Standard Coverage and each Noncapital Participant in a Pool providing both Standard and Capital Coverage shall pay an administrative premium representing its share of the administrative costs of that Pool as determined in the sole discretion of the Trustees upon recommendation of the Administrator.

(b) Each Participant in a Pool providing Standard Coverage and each Noncapital Participant in a Pool providing both Standard and Capital Coverage shall pay risk premium representing its share of the total amount necessary (i) to pay claim costs and to fund estimated loss reserves attributable to Standard Coverage

during that Pool Year and (ii) to purchase insurance or reinsurance for Standard Coverage during that Pool Year. Risk premium for each such Participant shall be determined in the sole discretion of the Trustees upon recommendation of the Administrator based upon such Participant's historical loss experience and such other factors as are deemed actuarially relevant. The Trustees shall utilize the services of actuaries and/or other independent consultants as the Trustees deem necessary in setting the risk premium.

(c) Each Noncapital Participant shall pay any Risk Premium Adjustment assessed in accordance with Section 8.07(d) of this LGIT Agreement to the Trust.

8.02 Premiums for Capital Coverage. Premiums for Capital Coverage shall be payable by the Capital Participants to the Indenture Trustee for deposit in the applicable Premium Fund established by the Trust Indenture as follows:

(a) The Debt Service Premium, Annual Surcharge, Annual Premium, Administrative Premium, Financing Premium and Supplemental Risk Premium payable by the Capital Participants shall be established by and payable in accordance with Section 4.4 of the applicable Capitalization Agreement.

(b) Each Capital Participant shall pay Risk Premium representing its share of the total amount necessary (i) to pay claims costs and to fund estimated loss reserves attributable to Capital Coverage during that Coverage Period and (ii) to purchase insurance or reinsurance for Capital Coverage during that Coverage Period. Risk Premium shall be determined in the sole discretion of the Trustees upon recommendation of the Administrator based upon the Capital Participants' historical loss experience and such other factors as are deemed actuarially relevant. The Trustees shall utilize the services of actuaries and/or other independent consultants as the Trustees deem necessary in setting the Risk Premium.

(c) Each Capital Participant shall pay any Risk Premium Adjustment assessed in accordance with Section 8.07(d) of this LGIT Agreement to the Indenture Trustee for deposit and application in accordance with Section 3.02 of the Trust Indenture.

8.03 Deposit of Premiums Received for Standard Coverage. The Fiscal Agent shall deposit the Premium received for Standard Coverage in the General Fund or General Funds of the Pool or Pools of which the Participant is a member, or in the Operating Fund, as directed by the Administrator upon determination by the Trustees.

8.04 Deposit of Premiums Received for Capital Coverage.

(a) Moneys Representing Supplemental Risk Premium. The Fiscal Agent shall deposit moneys representing Supplemental Risk

Premium in the Capital Account of the Capital and Surplus Fund upon receipt thereof from the Indenture Trustee pursuant to the Trust Indenture.

(b) Moneys Representing Financing Premium. The Fiscal Agent shall deposit moneys representing Financing Premium in the Operating Fund upon receipt thereof from the Indenture Trustee pursuant to the Trust Indenture.

(c) Moneys Representing Administrative Premium. The Fiscal Agent shall deposit moneys representing Administrative Premium upon receipt thereof from the Indenture Trustee pursuant to the Trust Indenture in the applicable General Funds of the Pools, or in the Operating Fund, as directed by the Administrator upon determination by the Trustees.

(d) Moneys Representing Risk Premium. The Fiscal Agent shall deposit moneys representing Risk Premium upon receipt thereof from the Indenture Trustee pursuant to the Trust Indenture in the applicable General Funds of the Pools for which such Risk Premium was paid, or in the Operating Fund, as directed by the Administrator upon determination by the Trustees.

(e) Moneys Representing Annual Surcharge. The Fiscal Agent shall deposit moneys representing Annual Surcharge upon receipt thereof from the Indenture Trustee pursuant to the Trust Indenture in the Non-Proceeds Subaccount of the Capital Account and the Non-Proceeds Subaccount of the Restricted Surplus Account of the Capital and Surplus Fund.

(f) Moneys Representing Risk Premium Adjustment. The Fiscal Agent shall deposit moneys representing Risk Premium Adjustment upon receipt thereof from the Indenture Trustee pursuant to the Trust Indenture in the applicable General Funds of the Pools, or in the Operating Fund, as directed by the Administrator upon determination by the Trustees.

8.05 Capital and Surplus Fund. The Trustees shall direct the Fiscal Agent to establish a separate fund known as the Capital and Surplus Fund. The Capital and Surplus Fund shall be an interest-bearing account in the name of the Trustees. Moneys on deposit in the Capital and Surplus Fund shall be used and applied as provided in this Article VIII.

The Fiscal Agent shall establish the following Accounts and Subaccounts within the Capital and Surplus Fund:

- (a) Capital Account --
 - (i) Proceeds Subaccount,
 - (ii) Non-Proceeds Subaccount;

(b) Restricted Surplus Account --

- (i) Proceeds Subaccount,
- (ii) Non-Proceeds Subaccount; and

(c) Unrestricted Surplus Account.

The Capital and Surplus Fund and the Accounts and Subaccounts established thereunder shall be maintained and administered separately from all other Funds established under this LGIT Agreement.

8.06 Initial Deposits to Capital and Surplus Fund.

(a) A portion of the proceeds of the sale of the Certificates to be issued pursuant to the Trust Indenture (in an amount to be determined by the Trustees at the time of such sale) shall be transferred by the Indenture Trustee to the Trust for deposit in:

(i) the Proceeds Subaccount of the Capital Account, representing a portion of the capital requirement for Capital Coverage; or

(ii) the Proceeds Subaccount of the Restricted Surplus Account, representing a portion of the capital requirement for Standard Coverage.

(b) A portion of the Capital Contributions paid by Cash Capital Participants on or before the date on which the proceeds of the sale of the Certificates are transferred to the Trust in accordance with the Trust Indenture (in an amount to be determined by the Trustees at the time of deposit) shall be deposited upon receipt thereof in:

(i) the Non-Proceeds Subaccount of the Capital Account, representing a portion of the capital requirement for Capital Coverage; or

(ii) the Non-Proceeds Subaccount of the Restricted Surplus Account, representing a portion of the capital requirement for Standard Coverage.

(c) Amounts held by the Trust in the Restricted Surplus Account as of July 1, 1989 shall be:

(i) maintained in the Non-Proceeds Subaccount of the Restricted Surplus Account to the extent such amounts represent a portion of the capital requirement for Standard Coverage; or

(ii) transferred to the Non-Proceeds Subaccount of the Capital Account to the extent such amounts represent a portion of the capital requirement for Capital Coverage.

8.07 Capital Account.

(a) Establishment of Checking Accounts. The Administrator shall establish one or more checking accounts, which may be interest or non-interest bearing accounts, with the Fiscal Agent under the Capital Account. All payments made by the Trust for the purposes set forth in paragraph (b) below shall be drawn from the checking account or accounts established under the Capital Account of the Capital and Surplus Fund. Amounts on deposit in the Proceeds Subaccount of the Capital Account shall be applied first to such payments. Only upon exhaustion of amounts in the Proceeds Subaccount shall amounts on deposit in the Non-Proceeds Subaccount be drawn against for such payments.

(b) Payments from Capital Account. The Service Agent or the Administrator shall use and apply the moneys on deposit in the Capital Account for the following purposes:

- (i) To pay the administrative expenses of the Trust;
- (ii) To pay Settlements for Claims; and
- (iii) To pay reinsurance expenses for any Pool.

(c) Monthly Accounting. Within 5 business days following the end of each calendar month, the Administrator shall direct the Fiscal Agent to transfer first, from the Proceeds Subaccount of the Restricted Surplus Account to the Proceeds Subaccount of the Capital Account as provided in Section 8.08 of this LGIT Agreement, and second, from the applicable General Funds or Operating Fund to the Non-Proceeds Subaccount of the Capital Account as provided in Sections 7.02 and 7.03 of this LGIT Agreement, an amount equal to the aggregate amount withdrawn from the Capital Account in such month.

(d) Maintenance of Capital Account Balance. Following the monthly accounting referred to in paragraph (c) above, the amount on deposit in the Capital Account shall never be less than the sum of (i) the amount originally deposited in the Proceeds Subaccount of the Capital Account upon issuance of the Certificates, (ii) the amount deposited in the Non-Proceeds Subaccount of the Capital Account from Capital Contributions of Cash Capital Participants received by the Trust at the time of or prior to the issuance of the Certificates and (iii) the amount transferred to the Non-Proceeds Subaccount of the Capital Account from the Restricted Surplus Account on July 1, 1989 (the "Original Capital Account Deposit"). In the event the amount on deposit in the Capital Account becomes less than the Original Capital Account

Deposit, the Administrator shall direct the Fiscal Agent to transfer moneys first from the Unrestricted Surplus Account and then from the Restricted Surplus Account to the Non-Proceeds Subaccount of the Capital Account in order to restore the amounts on deposit therein to a level at least equal to the Original Capital Account Deposit.

If the amount on deposit in the Capital Account remains less than the Original Capital Account Deposit after the Fiscal Agent makes the transfers set forth above, the Trustees shall, in their sole discretion, determine the manner in which the amount on deposit in the Capital Account shall be increased to equal or exceed the Original Capital Account Deposit. The Trustees may elect to increase the amount on deposit in the Capital Account to equal or exceed the Original Capital Account Deposit through any of the following mechanisms:

- (i) Assessment of a Risk Premium Adjustment against the Participants. Such Risk Premium Adjustment shall be assessed in an amount and in the manner determined by the Trustees, in their sole discretion, provided, however, that a Risk Premium Adjustment shall not be assessed against any Participant that was not a Participant during the Coverage Period in which the deficit occurred and provided, further, that the Risk Premium Adjustment assessed against any Participant shall not exceed two times the Participant's annual Premium paid in the Coverage Period in which the deficit occurred.
 - (ii) Assessment of Supplemental Risk Premium against the Capital Participants in accordance with Section 4.4(f) of the Capitalization Agreements. Such Supplemental Risk Premium shall be assessed in an amount and in the manner determined by the Trustees, in their sole discretion, provided, however, that a Supplemental Risk Premium shall not be assessed against any Capital Participant that was not a Capital Participant during the Coverage Period in which the deficit occurred.
 - (iii) Issuance of Additional Certificates in accordance with Sections 2.01(f) or 2.02(f) of the Trust Indenture.
- (e) Pool Year Accounting. Within 30 business days following the end of the Pool Year of each Pool, if (i) the amounts on deposit in the Capital Account are equal to or greater than the Original Capital Account Deposit, and (ii) adequate reserves have been established in the General Fund of such Pool pursuant to Article VII hereof, the Administrator shall direct the Fiscal Agent to transfer any excess amounts on deposit in the General Fund of

the Pool to the Unrestricted Surplus Account.

8.08 Restricted Surplus Account.

(a) A portion of the annual Premium payable by each Participant for Standard Coverage will be deposited by the Fiscal Agent in the Non-Proceeds Subaccount of the Restricted Surplus Account, as determined by the Trustees.

(b) Moneys on deposit in the Restricted Surplus Account shall be transferred by the Fiscal Agent (i) to the Proceeds Subaccount of the Capital Account at the direction of the Administrator in accordance with Section 8.07(c) hereof in order to restore amounts withdrawn from the Proceeds Subaccount of the Capital Account during the preceding month, and (ii) to the Non-Proceeds Subaccount of the Capital Account in accordance with Section 8.07(d) hereof in order to restore amounts on deposit in the Capital Account to a level at least equal to the Original Capital Account Deposit.

(c) Immediately upon the transfer of any amount from the Proceeds Account of the Restricted Surplus Account to the Proceeds Account of the Capital Account, the Fiscal Agent shall transfer from the applicable General Funds or Operating Fund to the Non-Proceeds Subaccount of the Restricted Surplus Account an amount equal to the amount so transferred from the Restricted Surplus Account to the Capital Account as provided in Sections 7.02 and 7.03 of this LGIT Agreement.

(d) Following the transfer referred to in paragraph (c) above, the amount on deposit in the Restricted Surplus Account shall never be less than the sum of (i) the amount originally deposited in the Proceeds Subaccount of the Restricted Surplus Account upon issuance of the Certificates, (ii) the amount deposited in the Non-Proceeds Subaccount of the Restricted Surplus Account from Capital Contributions of Cash Capital Participants received at the time of or prior to the issuance of the Certificates, and (iii) the amount maintained in the Non-Proceeds Subaccount of the Restricted Surplus Account on July 1, 1989 (the "Original Restricted Surplus Account Deposit"). In the event the amount on deposit in the Restricted Surplus Account becomes less than the Original Restricted Surplus Account Deposit, the Trustees shall restore the amount on deposit in the Restricted Surplus Account to a level at least equal to or greater than the Original Restricted Surplus Account Deposit using any of the mechanisms described in Section 8.07(d).

8.09 Unrestricted Surplus Account. Moneys on deposit in the Unrestricted Surplus Account shall be used and applied (i) to restore the amount on deposit in the Capital Account to the Original Capital Account Deposit in accordance with Section 8.07(d) hereof, (ii) to pay a Capital Participant's Termination Premium and

any Risk Premium Adjustment upon such Capital Participant's withdrawal or expulsion from Capital Coverage in accordance with Section 8.10 hereof, and (iii) to make distributions of surplus as the Trustees shall determine in accordance with Section 8.12 hereof.

8.10 Withdrawal or Expulsion of a Capital Participant.

(a) In the event a Capital Participant withdraws or is expelled from Capital Coverage pursuant to Sections 6.2 or 6.3 of the Capitalization Agreements and to the extent moneys are then available therefor in the Unrestricted Surplus Account, the Fiscal Agent shall establish a separate account for such Capital Participant within the Unrestricted Surplus Account of the Capital and Surplus Fund and shall deposit within such account the Capital Participant's Allocable Share, as determined in accordance with Section 5.2 of the Capitalization Agreements. Amounts on deposit in a Capital Participant's account in the Unrestricted Surplus Account may be used and applied only for the payment of Termination Premium and any Risk Premium Adjustment as provided in Sections 6.2 and 6.3 of the Capitalization Agreements. Such amounts shall not be available for transfer to the Capital Account. Upon the earliest practicable date determined in accordance with Sections 6.2 and 6.3 of the Capitalization Agreements, the Administrator shall pay to such Capital Participant, its Allocable Share plus any interest thereon, less any payment therefrom of Termination Premium and any Risk Premium Adjustment.

(b) In the event an Original Series A Capital Participant or the Series B Capital Participant withdraws or is expelled from Capital Coverage pursuant to Sections 6.2 or 6.3 of the Capitalization Agreements and to the extent moneys are on deposit in the separate account established by the Fiscal Agent for such Original Series A Capital Participant or Series B Capital Participant pursuant to paragraph (a) above, the Administrator shall direct the Fiscal Agent to transfer to the Indenture Trustee for deposit in the appropriate Original Series A Capital Participant's account of the Series A Termination and Prepayment Fund or to the Series B Termination and Prepayment Fund, as the case may be, an amount equal to the Debt Service Premium component of such Original Series A Capital Participant's Termination Premium or the Annual Premium component of the Series B Capital Participant's Termination Premium.

8.11 Use of Investment Income. Within 15 business days following the end of each calendar month, the Administrator shall direct the Fiscal Agent to transfer investment income earned on the amount on deposit in the Capital Account and the Restricted Surplus Account in that month as follows:

(i) to the Indenture Trustee for deposit in the Series A Certificate Payment Fund, an amount equal to the product of (A)

the aggregate investment earnings on the Capital Account and Restricted Surplus Account during such month and (B) a fraction, the numerator of which is the aggregate Capital Contribution of the Original Series A Capital Participants and the denominator of which is the aggregate Capital Contribution of the Original Series A Capital Participants, the Series B Capital Participant and the Cash Capital Participants;

(ii) to the Indenture Trustee for deposit in the Series B Certificate Payment Fund, an amount equal to the product of (A) the aggregate investment earnings on the Capital Account and Restricted Surplus Account during such month and (B) a fraction, the numerator of which is the Capital Contribution of the Series B Capital Participant and the denominator of which is the aggregate Capital Contribution of the Series A Capital Participants, the Series B Capital Participant and the Cash Capital Participants; and

(iii) to the General Funds in amounts determined by the Trustees upon the recommendation of the Administrator for the sole purpose of reducing the Risk Premium of the Cash Capital Participants, the Additional Series A Capital Participants, and the Noncapital Participants in proportion to the capital contributed to the Capital Account and the Restricted Surplus Account by such Participants.

Investment income earned on the amounts on deposit in the Unrestricted Surplus Account shall be retained in such accounts.

8.12 Return of Surplus Moneys. In the event amounts on deposit in the Unrestricted Surplus Account exceed that amount which the Trustees deem necessary or prudent to provide for payment of current claims, including provision for claims incurred but not reported, premiums, expenses, liabilities and reserves, the Trustees, in their sole discretion, may direct the return of such surplus moneys to the Participants. Distributions of surplus from the Unrestricted Surplus Account will be made in accordance with a formula adopted by the Trustees based upon the loss experience of the Trust as a whole, the size of each Participant's Premium paid to the Trust, and the loss experience of each individual Participant. Prior to making any distribution of surplus, the Trustees and the Trust shall receive a certificate from an Actuary (as defined in the Capitalization Agreements) that such distribution of surplus will not harm the actuarial soundness of the Trust.

ARTICLE IX

AMENDMENTS

9.01 Amendments Not Requiring Consent of Participants. The terms and provisions of this LGIT Agreement may be amended at any time by a two-thirds (2/3) vote of the Trustees for one (1) or more of the following purposes:

(a) To cure any ambiguity or formal defect or omission in this LGIT Agreement.

(b) To change or modify any provision of this LGIT Agreement so as to comply with any applicable law, regulation or administrative ruling which may be in effect; or

(c) To change or modify any provision of this LGIT Agreement so as to grant any additional rights, authority or power to the Trustees and to the Participants as may lawfully be granted to or conferred upon them.

9.02 Amendments Requiring Consent of Participants. The Participants by a two-thirds (2/3) vote may consent to and approve any amendment approved by a two-thirds (2/3) vote of the Trustees and presented to the Participants, as shall be deemed necessary and desirable by the Participants for the purpose of modifying, altering or amending, adding to or rescinding any of the terms or provisions contained in this LGIT Agreement, subject to the limitations contained in Section 9.03 hereof. The Trustees shall prescribe rules and procedures for submission of proposed amendments to the Participants. Each Participant shall have only one (1) vote hereunder, regardless of the number of Pools in which it is a Participant.

9.03 Limitation on Amendments. No amendment shall be adopted which alters the basic purpose of the Trust or alters the rights of Participants to receive surplus moneys as provided in Section 8.12 hereof or alters the obligation of Participants to pay any Risk Premium Adjustment assessments which may be established under Section 8.07(d) hereof.

ARTICLE X

TERMINATION

10.01 Term of the Trust. The Trust shall continue unless and until terminated pursuant to law or by an instrument in writing signed by two-thirds (2/3) of the Participants.

10.02 Termination of the Trust. In the event of termination of the Trust, the Participants covenant and agree to make any provision for payment of claims against the Trust as may be required by the Trustees, including the deposit with the Trustees of funds, surety bonds, or such other guarantees of payment as deemed required and sufficient by the Trustees. Upon termination, the Trustees shall continue to serve as Trustees to wind up the affairs of the Trust, including providing for all outstanding obligations, and each Participant shall be entitled to receive distribution of its pro rata share of any remaining funds, the calculation of such distribution to be determined by the Trustees.

10.03 Termination of Coverage by a Pool. Upon an affirmative vote of two-thirds (2/3) of all Trustees, the Trustees may terminate the coverage of any Pool as of the end of the Pool Year of that Pool. The Trustees shall provide the Participants of that Pool with written notice of termination sixty (60) days prior to the end of the Pool Year of that Pool. In the event of termination of coverage by a Pool, each Participant of that Pool as of the date of termination shall be (i) liable for any Risk Premium Adjustment assessment made by the Trustees pursuant to Section 8.07(d) hereof for the Pool Years in which the Participant participated in the Pool and (ii) entitled to receive distribution of its pro rata share of any remaining funds in the Pool after the payment of all outstanding obligations, the calculation of such distributions to be determined by the Trustees.

ARTICLE XI

MISCELLANEOUS

11.01 Title to the Trust. Title to the Trust shall be vested in and remain exclusively in the Trustees to carry out the purposes hereunder and no Participant or any official, employee or agent of any Participant nor any individual shall have any right, title or interest in the Trust nor any right to Premium payments made or to be made thereto, nor any claim against any Participant on account thereof, except to the extent of the right of Participants to receive their pro rata share of any excess funds as provided hereunder.

No Participant may assign any right, claim or interest it may have under this LGIT Agreement.

11.02 Execution of Documents. The Trustees may authorize any Trustee or the Administrator to execute any notice, certificate or other written instrument relating to the Trust (except an instrument of amendment or termination) and all persons, partnerships, corporations, or associations may rely upon such notice or instrument so executed as having been duly authorized and as binding on the Trust and the Trustees.

11.03 Notice. All notices, requests, demands and other communications related to this LGIT Agreement, unless otherwise so provided herein, shall be in writing and shall be deemed to be duly given when sent by first-class, registered or certified mail, postage prepaid, return receipt requested, or when personally delivered by hand, or when transmitted by cable, telex or telegraph, at such addresses as have been last provided to the Trust. The initial address for such notices, requests, demands or other communications to the Trustees and each Participant shall be provided to the Administrator.

The parties hereto shall notify the Administrator as to any change in address.

11.04 Construction. This LGIT Agreement shall be governed by the laws of the State.

11.05 Counterparts. This LGIT Agreement may be executed in any number of counterparts (each of which shall be deemed an original) by the Trustees and the Chief Executive Officer of the Local Government, by a counterpart signature page in the forms attached hereto, which together with this LGIT Agreement and all other duly executed signature pages shall constitute the complete agreement among all the parties hereto.

11.06 Subrogation. Each Participant agrees that in the event of the payment of any loss by the Trust from a Pool under this LGIT Agreement, the Trust shall be subrogated to the extent of such payment to all the rights of the Participant against any person or other entity legally responsible for damages for said loss, and in such event the Participant hereby agrees to render all reasonable assistance, other than pecuniary, to effect recovery by the Trust. Any such recovery shall be credited to the Pool from which the loss was paid.

11.07 Defense by the Trust. The Trust is to defend in the name of and on behalf of the Participants any claims, suits or other proceedings which may at any time be instituted against it arising out of Covered Occurrences, including suits or other proceedings alleging such injuries and demanding damages or compensation therefor, although such suits, other proceedings, allegations or demands are wholly groundless, false, or fraudulent, and to pay all costs taxed against this Participant in any legal proceeding, all interest accruing after entry of judgment, and all expenses incurred for investigation, negotiation or defense. If a personal appearance by an official or employee of a Participant is necessary in any suit or proceeding, the expense of such appearance shall be paid by the Participant. Legal representation for such claims, suits or other proceedings shall be as determined by the Trustees.

11.08 Limitation of Liability. Liability of the Trust to any Participant in any Pool is specifically limited to those coverages provided in the Scope of Coverage for that Pool subject to any deductible amounts contained therein.

Participants' liability shall be limited to the extent of the financial contributions to the Pools set forth herein, and any additional obligations as may come about through amendment hereto. No Participant agrees or contracts herein to be held responsible for any claims in tort, contract or otherwise made against any other Participant. Nothing contained in this LGIT Agreement or in the Bylaws thereto or the Scopes of Coverage shall be deemed to

create any relationship of surety, indemnification or responsibility between Participants for the debts of or claims against any other Participant.

11.09 Arbitration. Any controversy or claim arising out of or relating to this LGIT Agreement or the breach thereof shall be settled by arbitration in accordance with the law of the State and no suit at law or in equity based on such controversy or claim shall be instituted by either party hereto, other than to enforce the award of the arbitrators.

11.10 General Representations of Participants.

(a) Each Participant represents that it is a body corporate and politic and a Local Government as defined in this LGIT Agreement. Each Participant has the power to enter into this LGIT Agreement and any other documents in connection herewith and the transactions contemplated hereunder and thereunder. The party executing this LGIT Agreement on behalf of each Participant has full power and authority to execute the same and any documents executed in connection herewith.

(b) This LGIT Agreement has been duly and validly executed and is a valid and binding agreement on the Participant, enforceable in accordance with its terms, subject to bankruptcy, insolvency and other laws affecting creditors' rights generally and such principles of equity as the court, in its discretion, may impose with respect to remedies which may require enforcement by a court of equity.

11.11 Severability of Invalid Provisions. If any one or more of the provisions contained in this LGIT Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, then such provision or provisions shall be deemed severable from the remaining provisions contained in this LGIT Agreement and such invalidity, illegality or unenforceability shall not affect any other provision of this LGIT Agreement, and the remaining parts of this LGIT Agreement shall be construed so as to give practical realization to the purposes intended to be achieved by the parties as if such invalid or illegal or unenforceable provision had never been contained herein.

11.12 Effectiveness. This second amended and restated LGIT Agreement shall be dated as of July 1, 1989 and shall be effective from and after that date on which two-thirds (2/3) of the Participants in the Trust on June 14, 1989, approve this second amended and restated LGIT Agreement. Prior to the effective date of this second amended and restated LGIT Agreement, the Amended and Restated Local Government Insurance Trust Agreement dated as of March 1, 1988 shall be and remain in full force and effect. From and after the effective date of this second amended and restated LGIT Agreement, this second amended and restated LGIT Agreement

shall be and remain in full force and effect and shall supersede and replace the Amended and Restated Local Government Insurance Trust Agreement dated as of March 1, 1988.

IN WITNESS WHEREOF, the Trustees have executed this Second Amended and Restated Local Government Insurance Trust Agreement, all as of June 14, 1989.

WITNESS:

/s/

/s/
William R. Brown,
Chairman

/s/

/s/
G. Charles Moore, Vice Chairman

/s/

/s/
Janice S. Almquist

/s/

/s/
Loretta Christian

/s/

/s/
Adolph B. Gayle

/s/

/s/
Julia W. Gouge

/s/

/s/
Edwin G. Richards

/s/

/s/
Thomas Routzahn

/s/

/s/
James S. Wilson, Jr.

/s/

/s/
Jon C. Surrell, Ex-Officio

/s/

/s/
Raquel Sanudo, Ex-Officio

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APPENDIX A

Participants

<u>Name</u>	<u>Effective Date</u>
<u>Counties</u>	
Baltimore County	7/1/88
Calvert County	4/1/88
Caroline County	9/1/87
Carroll County	12/1/87
Cecil County	11/15/87
Charles County	7/1/88
Garrett County	7/1/87
Howard County	7/1/88
Kent County	7/1/87
Prince George's County	9/1/88
Queen Anne's County	7/1/87
St. Mary's County	7/1/87
Somerset County	7/1/87
Talbot County	7/1/87
Worcester County	7/1/87
<u>Cities/Towns/Villages</u>	
Barnesville	7/1/87
Bel Air	7/1/88
Berwyn Heights	7/1/87
Betterton	7/1/88
Bowie	7/1/87
Brunswick	7/1/87
Burkittsville	3/31/88
Cambridge	6/25/88
Cecilton	2/16/88
Centreville	8/13/87
Charlestown	7/19/88
Chestertown	7/1/87
Cheverly	10/1/87
Church Hill	7/1/87
College Park	12/2/87
Colmar Manor	2/15/88
Cottage City	2/5/88
Denton	9/1/87
Easton and Easton Utilities	11/1/87
Edmonston	3/16/88
Emmitsburg	9/27/87
Frostburg	7/1/87
Gaithersburg	7/1/87
Garrett Park	1/1/88
Greensboro	11/18/87

Participants

<u>Name</u>	<u>Effective Date</u>
<u>Cities/Towns/Villages</u>	
Hampstead	3/22/88
Hancock	4/15/88
Havre de Grace	3/22/88
Hebron	11/1/88
Hurlock	5/1/88
Hyattsville	7/1/88
Indian Head	9/1/87
Kensington	3/7/88
Kitzmilller	9/1/88
Landover Hills	7/1/88
La Plata	9/1/87
Laurel	7/1/87
Leonardtwn	10/1/87
Lonaconing	9/7/88
Luke	11/22/87
Middletown	1/14/88
Mount Airy	11/22/87
New Market	7/1/88
New Windsor	7/1/87
North Brentwood	8/1/87
North Chevy Chase	7/1/87
North East	4/10/89
Pocomoke City	7/1/88
Port Deposit	9/30/88
Princess Anne	11/9/87
Queen Anne	5/16/88
Rising Sun	7/1/88
Rock Hall	7/1/88
St Michaels	8/29/88
Salisbury	8/1/87
Sharpsburg	7/1/87
Sharptown	7/1/87
Sudlersville	12/13/87
Sykesville	7/1/87
Takoma Park	8/1/87
Taneytown	7/15/87
Vienna	2/5/88
Washington Grove	7/1/87
Westminster	7/1/87
Willards	10/1/87

Dated: June 14, 1989

APPENDIX B

Trustees

<u>Name</u>	<u>Date</u>
William R. Brown, Chairman	7/1/87
G. Charles Moore, Vice Chairman	7/1/87
Janice S. Alquist	7/1/87
Loretta Christian	7/1/88
Adolph B. Gayle	5/8/88
Julia W. Gouge	7/1/87
Edwin G. Richards	7/1/87
Thomas Routzahn	7/1/88
James S. Wilson, Jr.	7/1/87
Jon C. Burrell, Ex-Officio	7/1/87
Raquel Sanudo, Ex-Officio	7/1/87

Dated: June 14, 1989

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PARTICIPANT CERTIFICATE

Participant: St. Mary's County
Name of County, City, Town

Authorized Officer: Carl M. Loffler, Jr.
Name of Officer executing Participant Approval
President, Board of St. Mary's County Commissioners
Title of Officer executing Participant Approval

Approval Date: September 19, 1989
Date of Participant Approval

Official Authorization: Resolution 89-23
Identification of Ordinance, Resolution,
Order or other official action authorizing
Participant Approval (Please attach copy)
September 19, 1989
Effective date of Official Authorization

The undersigned certifying officer hereby certifies as follows:

1. The second amended and restated Local Government Insurance Trust Agreement dated as of July 1, 1989 was duly approved in accordance with applicable law by appropriate official action of the Participant.

2. The attached copy of the Official Authorization is true, correct and complete and has not been repealed, revoked or rescinded and is in full force and effect as of the date hereof.

3. The attached Participant Approval was duly executed on behalf of the Participant on the Approval Date by the Authorized Officer; the Authorized Officer was duly authorized on the Approval Date to execute the Participant Approval.

Edward V. Culp
Certifying Officer

County Administrator
Title

September 19, 1989
Date of Certification

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PARTICIPANT APPROVAL

The Participant named below hereby approves, accepts and agrees to the foregoing second amended and restated Local Government Insurance Trust Agreement dated as of July 1, 1989, as witness the signature of the undersigned authorized officer.

(SEAL)

St. Mary's County
Name of Participant

ATTEST:

Edward V. Cap
Attesting Officer

By: [Signature]
Authorized Officer

County Administrator
Title of Attesting Officer

President, Board of St. Mary's County Commissioners
Title of Authorized Officer

Date of Approval: September 19, 1989

Returned: J. Casie

OCT 03 1989

MARY R. BELL, CLERK