

NO: 89-24

SUBJ: ST. MARY'S COUNTY
TAX SALES

RESOLUTION

WHEREAS, HB 855 was passed by the Maryland State Legislature and signed into law by Governor William Donald Schaefer on the 11th day of April 1989; and 12:43PM10/03/89A CD.COM \$0.00

WHEREAS, HB 855 requires the Board of County Commissioners of St. Mary's County to set by Resolution the date of a tax sale; and

WHEREAS, a public hearing was duly advertised and conducted on the 12th day of September 1989 concerning the date and time of a tax sale;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Mary's County, effective October 1, 1989, the collector of taxes shall proceed to advertise and sell any real property immediately after the tax is delinquent for a period of one (1) year.

This Date:

September 26, 1989

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

Carl M. Loeffler Jr.
Carl M. Loeffler Jr., President

John G. Lancaster
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 FORM AND LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
County Attorney

SUBJ: MARYLAND TRANSPORTATION BONDS
FIRST ISSUE, TWELFTH 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, Twelfth 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;

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, Twelfth Series (the "Bonds") to be used during the fiscal year beginning July 1, 1989.

WHEREAS

The Department has approved the County's participation in the proceeds of the Bonds in an amount not to exceed \$600,000.

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: 89-22

SUBJ: MARYLAND TRANSPORTATION BONDS
FIRST ISSUE, TWELFTH SERIES

PAGE 2 OF 2 - ORDINANCE

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLANDSECTION 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 which 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 \$600,000.

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 19th DAY OF September, 1989.

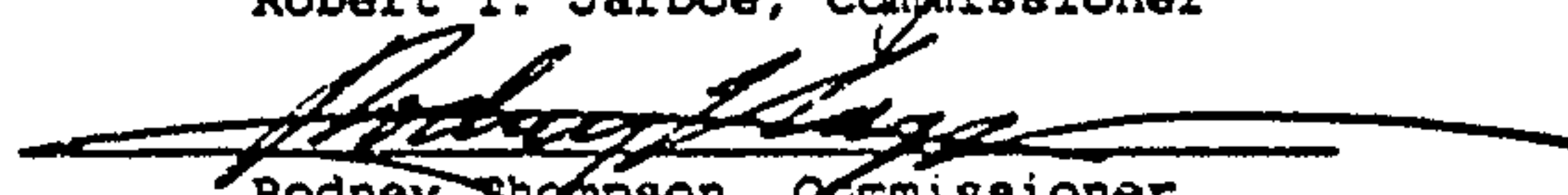
ADOPTED THIS 19th DAY OF September, 1989.BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND

 Carl M. Joffler, Sr., President


 John G. Lancaster, Vice-President


 W. Edward Bailey, Commissioner


 Robert T. Jarboe, Commissioner


 Rodney Thompson, Commissioner

ATTEST:


 Edward V. Cox, County Administrator
APPROVED AS TO FORM AND LEGAL SUFFICIENCY
THIS 15th DAY OF August, 1989.

 Joseph R. Densford, County Attorney

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

PARTICIPATION AGREEMENT

THIS PARTICIPATION AGREEMENT (the "Agreement") is made as of this 19th day of Sept, 1989, 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, together with the Temporary Regulations issued by the Internal Revenue Service on May 12, 1989.

C. "Bonds" means Department of Transportation -- County Transportation Bonds -- First Issue, Twelfth 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. 89-22, enacted by the Participant, effective on September 19, 1989, 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 Six Hundred Thousand Dollars (\$600,000), 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, Twelfth 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, Twelfth 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, 1989. 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 IIIThe Bonds; Use of Proceeds

Section 3.1 Offering of Bonds. During the fiscal year beginning July 1, 1989, 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 October 15, 1989, 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, Twelfth 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

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
_____, 1989.

Assistant Attorney General

WITNESS:

ST. MARY'S COUNTY, MARYLAND

Edward V. Cot
9/19/89

By [Signature]

APPROVED as to form and legal
sufficiency this 20th day of
September, 1989.

[Signature]
County Attorney.

Resolution No. 89-27

Subject: ALPD#89-0429; THOMAS COX
and WALDO BURNSIDE

RESOLUTION

WHEREAS, Thomas Cox and Waldo Burnside have made application to designate 181 acres of land on Maryland Route 252 in Ridge as an Agricultural Land Preservation District (ALPD). The property is zoned R1/RPD and RCA and is located in the First Election District on Tax Map 70, Parcel 41/Block 12 and Parcel 203/Block 17; and

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WHEREAS, the Agricultural Preservation Advisory Board, the Office of Planning and Zoning and the Planning Commission unanimously recommended to the Board of County Commissioners of St. Mary's County that designation of the subject property as ALPD be granted; and

WHEREAS, the Board of County Commissioners, after publication of notice as required, conducted a public hearing on the request on September 26, 1989.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Board of County Commissioners of St. Mary's County, this 24th day of October 1989, that the above mentioned request is recommended for designation as ALPD to the Agricultural Land Preservation Foundation.

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


CARL M. LOEFFLER, JR., President



W. EDWAIN 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

Rec: P. Huey

Del: P. Huey

OCT 27 1989

MARY R. BELL, CLERK

No. Z 89-04

Subj: ZONE #89-0356
BAY DISTRICT VFD
(Bailey Station)

R E S O L U T I O N

WHEREAS, BAY DISTRICT VOLUNTEER FIRE DEPARTMENT has made application to rezone approximately 13.275 acres of land from R-2, Low Density Urban Residential, to C-2, Commercial. The land is located off of Chancellor's Run Road, and is shown as Parcel 398, Block 1, Tax Map 43, in the Eighth Election District of St. Mary's County. The matter is identified as ZONE #89-0356.

WHEREAS, following published notice and notification of all 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 26, 1989.

WHEREAS, after deliberation, the St. Mary's County Planning Commission, on July 24, 1989, by a unanimous vote, recommended to the Board of County Commissioners of St. Mary's County that said rezoning be approved. 2:46PM 10/27/89A CO.COM 60.00

WHEREAS, the Board of County Commissioners, following published notice and notification of all property owners within 200 feet of the subject property by Certified Mail, conducted a public hearing on the application on August 29, 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 with the following boundaries:

North - Route 235 intersection with Old Rolling Road;

South - Route 235 intersection with Hewitts Road;

East - Line parallel with Route 235, including Holly Road, Poplar Lane and Spruce Drive;

West - Hewitts Road, Norris Road to an unnamed stream to Old Rolling Road.

The neighborhood is characterized by commercial zoning and land uses to varying depths, on both sides of Route 235, with residential uses beyond. In the vicinity of the subject site, commercial uses are located to the north and north-east. Planned Development-Industrial Park property is located north and opposite the site, also fronting on Chancellor's Run Road. Residential zoning is located to the south and west of the 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.

Subj: ZONE #89-0356
 BAY DISTRICT VFD
 (Bailey Station)

Page 2

III. Change in the Neighborhood

Since the adoption of the Zoning Ordinance in 1974, the following zoning changes have taken place in the defined neighborhood:

<u>Applicant</u>	<u>TM/BLK/Parcel</u>
1. Joe Tennison property	43/1/4, 449
2. Shomette & Stanhagen	43/1/396
3. Burch Oil Company	43/2/411
4. Mayjack, Inc.	43/1-6/202
5. Tennison	35C/po 28
6. JF Theaters	35C/po 21
7. Lester Kraft	34/24/117
8. James Lanham (Cal of Lo)	43/2/205, 206
9. Martin Barley	43/1/203
10. Joe Tennison (see #1)	43/po 449
11. Amber Meadows	42/6/51
12. Greenview Knolls West DevPlan	43/7/30
13. Tex-Land Corp. (7-11)	35C/po 25
14. J. L. Millison	43/2/po 20
15. Jerry Colvin	43/2/223
16. Mayjack, Inc.	34/24/530
17. H. T. Waring	43/1/5
18. J. L. Millison	43/2/221
19. Michael Hewitt	43/1/238
20. Barefoot (1st Tidewater, aka Spinnaker)	34/42/po 99
21. Super 8 Motel	42/po 19
22. Mayjack, Inc.	42/43/po51 etal
23. Thomas E. Canapp	42/6/10
24. O'Brien/Tennison	35C/Parcel 14
25. Ray Runco	42/6/157

IV. Adequacy of Public Facilities

Water - The site is presently designated as W-1, existing service. A 12 inch water line is in the old railroad r/w. Connection to this line is feasible and would be subject to St. Mary's County and St. Mary's County Metropolitan Commission review and approval.

Sewer - The site is designated as S-1, existing service. Existing sewer lines are located along the old railroad r/w and along the south side of Chancellor's Run Road. Extension of public sewer is possible, with a feasibility analysis to determine the best access to a sewer line, with ultimate approval from the County and the Metropolitan Commission.

Roads - An analysis provided by the applicant, detailing existing conditions, indicates that improvements to Chancellor's Run Road will be necessary to adequately serve this and other approved or recommended development. The State Highway Administration has undertaken a design study for these improvements to Chancellor's Run Road.

Schools/Parks - Due to the commercial nature of the proposed rezoning, there is a positive impact on County schools and park facilities. If the 12.26 acres were to be developed to the R-2 density allowed with central water and

Subj: ZONE #89-0356
BAY DISTRICT VFD
(Bailey Station)

Page 3

sewer, there would be approximately 47 more dwelling units. (12.25 acres - 0.5 acre r/w = 11.75 acres X 4/acro). These 47 units would generate the following increase in pupil census.

School	Factor	Students	Capacity	1988 Enrollment	Proposed Enrollment
Greenvlew Knolls Elem	0.6p/du	28	400	515	543
Esperanza Middle	0.3p/du	14	787	648	662
GM High	0.34p/du	16	1,270	1,130	1,146

V. Relationship to Comprehensive Plan

According to the October 1988 Comprehensive Plan, the subject site is within the Development District of Lexington Park. This is the area where the County wants to direct future growth; that is, to areas which have the infrastructure to support growth. The rezoning to Commercial would then be consistent with the goals and objectives of the 1988 Comprehensive Plan. Specifically, the Land Use Plan states a policy where future growth shall be concentrated in areas of the County already served or proposed to be served with public water and sewer, primarily the Lexington Park and Leonardtown areas. Further, the proposed Zoning Ordinance states that the General Commercial District is intended to provide a full range of commercial activities and establishments which are not primarily related to residential developments and which require accessibility from higher order roadways. The requested rezoning would be consistent with the above stated policy of the Comprehensive Plan and the intent of the proposed General Commercial District.

VI. Fiscal Impact on Government

The rezoning to Commercial should have a positive fiscal impact on County Government. There will be a positive impact on County schools and park facilities. The costs for remaining County services should be offset by increased tax revenue from the proposed commercial development and payment of impact fees. In addition, connection to water and sewer facilities and any required road improvements would be funded by the applicant. There are no public roads proposed by the applicant.

VII. Suitability for Uses Under Existing and Proposed Zoning Classification

The site of the proposed rezoning is undeveloped at this time. Any proposed site plan for redevelopment would have to meet the Commercial zoning requirements regarding setbacks, lot dimensions, minimum lot area and access. On-site soils and topography present no obstacle to development of the property. Public facilities are or will be available to serve the proposed use. Stormwater management, grading and erosion control requirements must be provided as part of the site plan approval process. Given the commercial nature of the immediate neighborhood and adjacent commercial or highway uses, the proposed commercial zoning request would be suitable and consistent.

Subj: ZONE #89-0356
BAY DISTRICT VFD
(Bailey Station)

Page 4

VIII. Compatibility with Existing and Proposed Development

Commercial land uses are located to the east, between the abandoned railroad right-of-way and Route 235. A Planned Development Industrial Park has been approved for the property opposite the subject site across Chancellor's Run Road to the north. Residential uses are located to the south and west.

The proposal for a commercial office park provides several opportunities for compatibility with adjacent land uses. First, the office park is a less intense commercial land use than a shopping center. This location will allow for a step down of uses between the intensive commercial shopping core along Route 235 and the residential land uses further to the west. Second, the office park concept allows greater flexibility and opportunity to retain vegetation and open space, again as a step down or gradation between higher land uses to the east and residential uses to the south and west.

Development of the site requires review and approval by the Planning Commission. This process includes incorporation of required bufferyards to reduce any potential nuisances between adjacent zoning districts. The bufferyards are typically a combination of width, planted vegetation and fences or berms (if necessary), dependent on the adjacent land uses. Incorporation of the required bufferyard would mitigate any potential nuisances, while enhancing consistency with existing adjacent commercial uses.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, this 24TH day of October, 1989, that the above-mentioned rezoning request is GRANTED, and the subject property is hereby reclassified from R-2 to C-2.

Attest:

Edward V. Cox
EDWARD V. COX
County Administrator

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

Carl M. Loppner, Jr.
CARL M. LOPPNER, JR., President

Edward V. Bailey
EDWARD V. BAILEY, Commissioner

Robert Jarboe
ROBERT JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Rodney Thompson
RODNEY THOMPSON, Commissioner

Approved as to Legal
Sufficiency:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

*Not in Legal
Planning Commission*

Ed: P. Shuff

OCT 27 1989

MARY R. BELL, CLERK

RE: WATER & SEWER PLAN AMENDMENT
FOXVIEW ESTATES
(SPEC #87-0191)

RESOLUTION

2:09PM 10/31/89A CO.COM 90.00

WHEREAS, Alva Watson applied for an amendment to the St. Mary's County Comprehensive Water and Sewer Plan for certain property located in the 8th Election District of St. Mary's County, Maryland described as Foxview Estates, as shown on Tax Map 39, Block 18, part of Parcel 127, containing 49.57 acres, more or less. The proposed amendment to the Water and Sewer Plan is from S-6 to S-3 for the subject property.

WHEREAS, the St. Mary's County Planning Commission held a public meeting on the proposed amendment on April 10, 1989, after due notice of the date, time and location of the meeting.

WHEREAS, by a unanimous decision, the Planning Commission voted on April 10, 1989 to recommend to the Board of County Commissioners of St. Mary's County, Maryland that the amendment from S-6 to S-3 be granted.

WHEREAS, the Board of County Commissioners held a public hearing on the proposed amendment on May 9, 1989, after due notice of the date, time and location of the hearing.

WHEREAS, by a unanimous decision, the Board of County Commissioners voted on May 23, 1989 to grant the amendment to the Comprehensive Water and Sewer Plan from S-6 to S-3 for the subject property.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to alter the sewer classification of the subject property from S-6 to S-3.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

DATE OF ADOPTION: 10/17/89

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
County Attorney

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, Commissioner

Del. Glass

OCT 27 1989

MARY R. BELL, CLERK

RE: WATER & SEWER PLAN AMENDMENT
MACKALL & MARTEL RICKETTS
(SPEC #89-1187)

RESOLUTION

2:09PM 10/31/89A CO.COM 40.00

WHEREAS, Mackall and Martel Ricketts applied for an amendment to the St. Mary's County Comprehensive Water and Sewer Plan for certain property located in the 3rd Election District of St. Mary's County, Maryland for three lots off of Rosebank Road as shown on Tax Map 39, Block 18, as Parcels 48, 50 and 102. The proposed amendment to the Water and Sewer Plan is from S-5 to S-3 for the subject property.

WHEREAS, the St. Mary's County Planning Commission held a public meeting on the proposed amendment on June 12, 1989, after due notice of the date, time and location of the meeting.

WHEREAS, by a unanimous decision, the Planning Commission voted on June 12, 1989 to recommend to the Board of County Commissioners of St. Mary's County, Maryland that the amendment from S-5 to S-3 be granted.

WHEREAS, the Board of County Commissioners held a public hearing on the proposed amendment on August 15, 1989, after due notice of the date, time and location of the hearing.

WHEREAS, by a unanimous decision, the Board of County Commissioners voted on August 29, 1989 to grant the amendment to the Comprehensive Water and Sewer Plan from S-5 to S-3 for the subject property.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to alter the sewer classification of the subject property from S-5 to S-3.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

DATE OF ADOPTION: 10/17/89

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
County Attorney

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

Def. J. R. Densford

OCT 27 1989

MARY R. BELL, CLERK

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 November 24, 1987 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.

2:09PM 10/31/89A CO.COM 10.00

RECITALS

On November 24, 1987, the County Commissioners of St. Mary's County (the "County") adopted its Resolution (the "Authorizing Resolution") authorizing the issuance and sale of \$5,000,000 County Commissioners of St. Mary's County Public Facilities Bonds of 1987 dated December 1, 1987 (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 11 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 \$ 748,275 of the proceeds of the Bonds to finance all or a portion of the costs of certain projects listed on Schedule A attached hereto.

LIBER 007 PAGE 23

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:

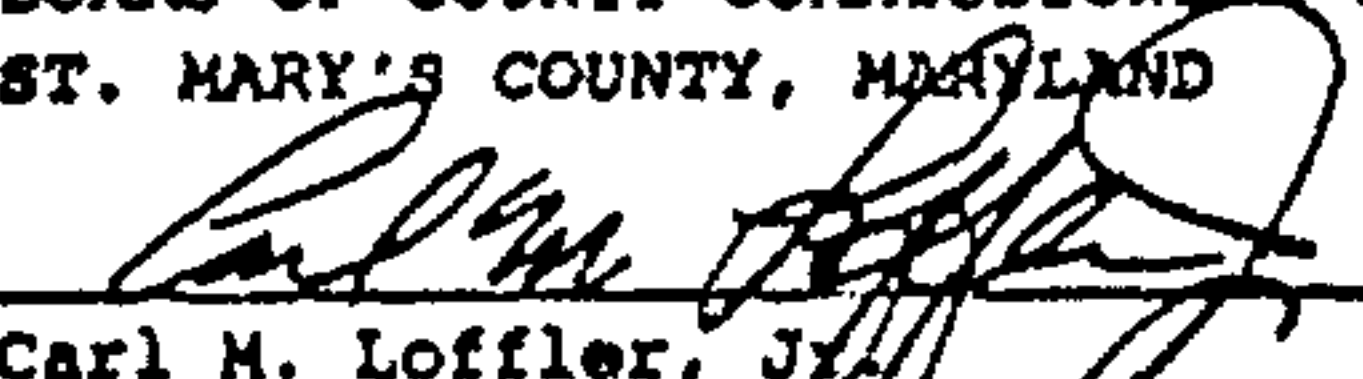
Section 1: The authorizing resolution adopted by the County Commissioners of St. Mary's County on November 24, 1987 (the "Authorizing Resolution") authorizing the issuance and sale of \$5,000,000 aggregate principal amount of County Commissioners of St. Mary's County Public Facilities Bonds of 1987, dated December 1, 1987 (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.

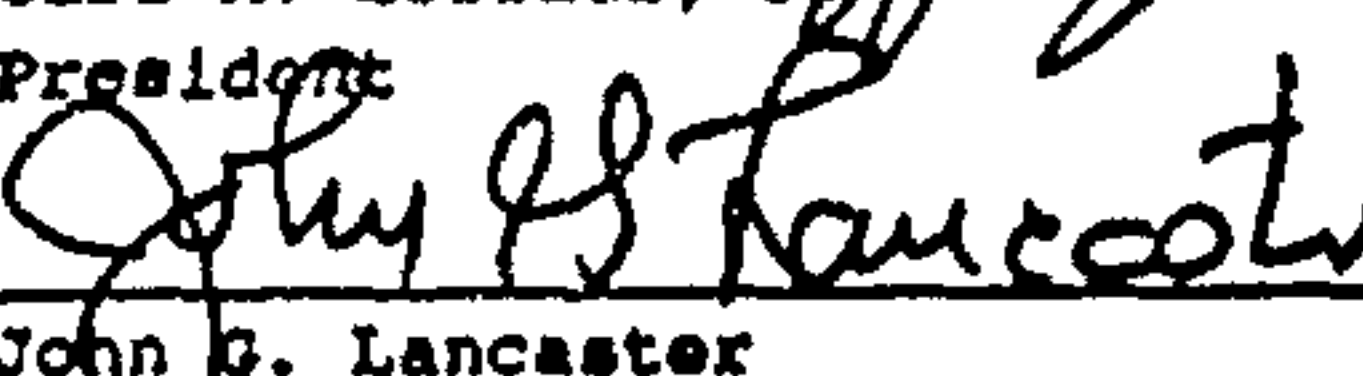
Section 2: The County hereby finds and determines that a portion of the proceeds from the sale of the Bonds designated to finance the construction, improvement or development of certain capital projects approved by the Authorizing Resolution is no longer required for such purpose. The County hereby designates \$ 748,975 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 17TH day of OCTOBER, 1989.

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


Carl M. Loffler, Jr.
President



John B. Lancaster
Vice President



W. Edward Bailey
Commissioner


Robert Jarboe
Commissioner


Rodney Thompson
Commissioner

ATTEST:


Edward V. Cox
County Administrator


Charles H. Wade, Jr.
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


Joseph R. Densford
County Attorney

Schedule A
to Resolution No. _____

Description of Additional Projects Authorized
to be Financed with the Proceeds of the County
Commissioners of St. Mary's County Public
Facilities Bonds of 1987.

Sheriff's Department Building	\$ 71,048
Greenview Knolls Elem. School Addition	\$ 609,000
Great Mills Wall Renovation	\$ 16,000
St. Andrews Landfill	\$ 52,930
	\$ 748,978

Set of Anne

OCT 27 1989

MARY R. BELL, CLERK

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 October 11, 1988 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.

2109PH10/31/89A C.C.COM \$0.00

RECITALS

On October 11, 1988, the County Commissioners of St. Mary's County (the "County") adopted its Resolution (the "Authorizing Resolution") authorizing the issuance and sale of \$1,375,000 County Commissioners of St. Mary's County Public Facilities Bonds of 1988 dated November 8, 1988 (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 11 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 \$19,870 of the proceeds of the Bonds to finance all or a portion of the costs of certain projects listed on Schedule A attached hereto.

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 October 11, 1988 (the "Authorizing Resolution") authorizing the issuance and sale of \$1,375,000 aggregate principal amount of County Commissioners of St. Mary's County Public Facilities Bonds of 1988, dated November 1, 1988 (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 \$ 19,870 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 17th day of OCTOBER, 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
W. Edward Bailey
Commissioner

Robert Jarboe
Robert Jarboe
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 FORM AND LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
County Attorney

Schedule A
to Resolution No. 89-26
(Page 4 of 4)

Description of Additional Projects Authorized
to be Financed with the Proceeds of the County
Commissioners of St. Mary's County Public
Facilities Bonds of 1988.

St. Andrew's Landfill

\$ 19,870

L. J. Curran

OCT 27 1989

MARY R. BELL, CLERK

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page 30

not used

R E S O L U T I O N

2:55PM11/03/89B CD.COM \$0.00

WHEREAS, St. Mary's County has experienced unprecedented growth over the last nine years, bringing economic prosperity to the majority of county residents and resultant higher median family incomes; and

WHEREAS, the production of housing affordable to St. Mary's Countians continues to lag far behind growth in other sectors, and whereas this lag in housing production is compounded by enactment in January 1989 of the state mandated Livability Code, enforcement of which has resulted in the condemnation of significant numbers of marginal--but affordable--housing units; and

WHEREAS, the critical lack of decent, affordable low-rent housing in St. Mary's County has reached emergency proportions calling upon immediate action to address this problem both from the private and public sector;

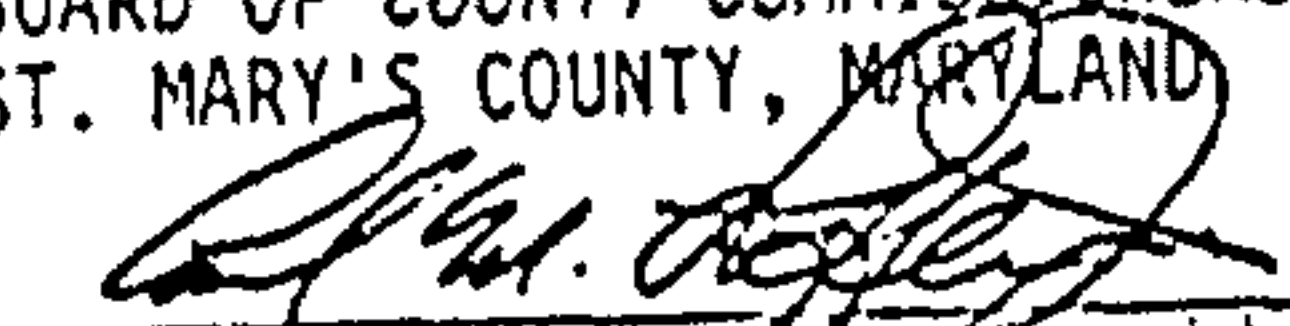
THEREFORE, BE IT RESOLVED by the Board of Commissioners of St. Mary's County, Maryland that an Affordable Housing Task Force be established and charged with the development of a strategy which will provide affordable housing for St. Mary's Countians at a level sufficient to meet the needs of those countians through the year 2000.

BE IT FURTHER RESOLVED that in conjunction with the St. Mary's County Housing Authority the Affordable Housing Task Force serve as an advisory committee and work in cooperation with the State Department of Housing and Community Development, which has offered its financial and human resources, in assisting the county in this endeavor, and the St. Mary's County Department of Economic and Community Development in developing such a strategy.

BE IT HEREBY RESOLVED that the Affordable Housing Task Force shall remain active until the approval by the Board of Commissioners of St. Mary's County, Maryland and the Maryland Department of Housing and Community Development of the aforementioned housing strategy.

THIS DATE: October 31, 1989

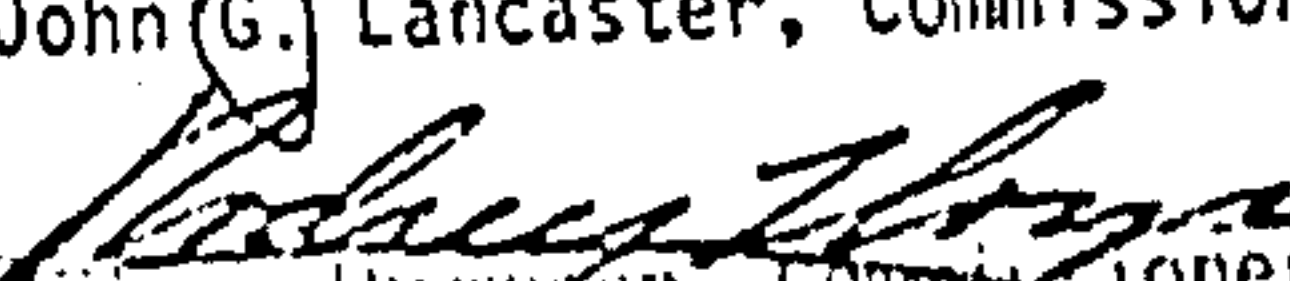
BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND


Carl M. Loffler, President



W. Edward Bailey, Commissioner


Robert I. Jarboe, Commissioner

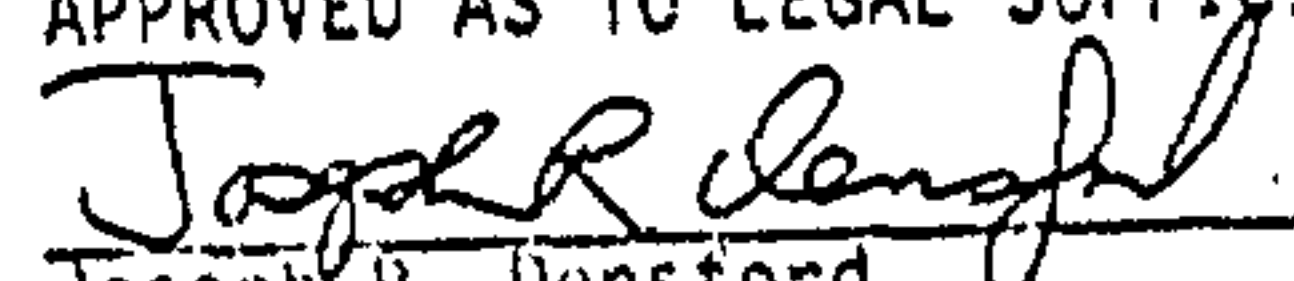

John G. Lancaster, Commissioner


Rodney Thompson, Commissioner

ATTEST:


Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:


Joseph R. Denford
County Attorney

D.M. Co. Comm.

NOV 3 - 1989

MARY R. BELL, CLERK

NO: 89-30
SUBJ: Volunteer Fire Department and
Rescue Squad Members
Workmen's Compensation

RESOLUTION

10:54AM12/01/89A CO.COM \$0.00

WHEREAS, Under the authority of Article 101, Section 34 of the Annotated Code of Maryland, the County Commissioners of St. Mary's County, Maryland may by Resolution provide for inclusion of members of volunteer fire departments and rescue squads in workmen's compensation coverage; and

WHEREAS, The County Commissioners of St. Mary's County, Maryland, deem it appropriate to provide for the inclusion of volunteer fire department and rescue squad personnel in workmen's compensation coverage; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, on this 21st day of NOVEMBER, that:

1. All members of all volunteer fire companies and rescue squads in St. Mary's County, while actually on duty as firemen or rescue squadsmen and as members of such volunteer fire companies or rescue squads, shall be deemed workmen for wages and engaged in extra-hazardous employment within the meaning of Article 101 of the Annotated of Maryland. All such members shall be deemed to be on duty within the meaning hereof whenever they are (a) fighting a fire or while engaged as members of any ambulance, first aid, or rescue squad created within such fire companies, or (b) performing work or duties assigned to them by such companies or squads or by the written by-laws or rules of government adopted for such companies or squads; or (c) going to or returning from the performance of any of the foregoing. Such members shall not be deemed on duty when they are attending social functions at which their attendance or participation is not required by such written by-laws or rules.

2. This Resolution shall take effect on the 21st day of NOVEMBER 1989.

THIS DATE: NOVEMBER 21, 1989

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 Thomson
Rodney Thomson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
County Attorney

D. St. Co. Comm.

DEC 1 - 1989 MARY R. BELL, CLERK

LIBER 007 PAGE 33

NO: 89 - 29

SUBJ: ST. MARY'S COUNTY PUBLIC
FACILITIES BOND OF 1989

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

RESOLUTION NO. R-89-29

10:54AM12/01/89A CD.COM \$0.00

A RESOLUTION of County Commissioners of St. Mary's County authorizing the issuance and sale of Two Million Six Hundred Eighty Thousand Dollars (\$2,680,000) aggregate principal amount of serial maturity, general obligation bonds under the provisions of Chapter 705 of the Laws of Maryland of 1981 and 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 1989", 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, including road improvements, public buildings, 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 705 of the Laws of Maryland of 1981 and Chapter 451 of the Laws of Maryland of 1987 (collectively, the "Act"), County Commissioners of St. Mary's County, a body politic and corporate and political subdivision of the State of Maryland

(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 122 and 123 of St. Mary's County Board of County Commissioners Approved Budget for Fiscal Year 1989-1990, adopted on May 23, 1989 and a portion of the costs of issuing the Bonds allocable to such projects, in the aggregate amount of \$2,680,000:

Road Improvements:

Governmental Center Access Road	\$ 175,000
Wicomico Shores Streets	1,355,000

Public Buildings:

County Maintenance Storage Building	40,000
County Office Space	300,000

Landfills:

St. Andrews Landfill	148,200
5th District Transfer Station	161,800
Clements Landfill Paving	40,000

Schools:

Great Mills High School Wall Renovation	42,000
Esperanza Middle School HVAC	118,000
Dynard Elementary Addition	300,000

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 Two Million Six Hundred Eighty Thousand Dollars (\$2,680,000), to be designated "County Commissioners of St. Mary's County Public Facilities Bonds of 1989" (the "Bonds").

Section 3. The Bonds shall be dated December 1, 1989, 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 December 1, as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
1990	\$130,000	2000	135,000
1991	130,000	2001	135,000
1992	130,000	2002	135,000
1993	130,000	2003	135,000
1994	135,000	2004	135,000
1995	135,000	2005	135,000
1996	135,000	2006	135,000
1997	135,000	2007	135,000
1998	135,000	2008	135,000
1999	135,000	2009	135,000

Section 4. (a) The Bonds which mature on or before December 1, 1999, shall not be subject to redemption prior to their maturities. The Bonds which mature on or after December 1, 2000, shall be subject to redemption at the option of the County, beginning December 1, 1999, 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> (both dates inclusive)	<u>Redemption Price</u>
December 1, 1999 to November 30, 2000	102½
December 1, 2000 to November 30, 2001	101 1/2½
December 1, 2001 to November 30, 2002	101½
December 1, 2002 to November 30, 2003	100 1/2½
December 1, 2003 and thereafter	100½

(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.

(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 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 December and June, beginning June 1, 1990, 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 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 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.

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

LIBER 007 PAGE 44

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:

LISER 007 PAGE 45

(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 1989

Maturity Date	Interest Rate	Original Issue Date	CUSIP
		December 1, 1989	

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), 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 December 1 and June 1 in each year, beginning June 1, 1990, 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

-13-

8085k:10/24/89
7686-28

Record 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

LIBER 007 PAGE 47

Imprinted hereon in facsimile, attested by the facsimile signature of the County Administrator all as of the first day of December, 1989.

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 1989.

_____, Baltimore Maryland,
as Bond Registrar

By: _____
Authorized Officer

-15-

8085k:10/24/89
7686-28

[REVERSE SIDE OF BOND]

This bond is one of a duly authorized issue or series of bonds of the County aggregating \$2,680,000 in principal amount, all dated December 1, 1989 (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 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 _____, 1989 (the "Resolution").

The Bonds mature and are payable on December 1 in the following years and amounts and bear interest at the following rates per annum:

<u>Maturity</u> <u>Date</u>	<u>Principal</u> <u>Amount</u>	<u>Interest</u> <u>Rate</u>	<u>Maturity</u> <u>Date</u>	<u>Principal</u> <u>Amount</u>	<u>Interest</u> <u>Rate</u>
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The Bonds which mature on or after December 1, _____ are subject to redemption at the option of the County, beginning December 1, _____, 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</u> <u>(both dates inclusive)</u>	<u>Redemption</u> <u>Price</u>
December 1, _____ to November 30, _____	102%
December 1, _____ to November 30, _____	101 1/2
December 1, _____ to November 30, _____	101
December 1, _____ to November 30, _____	100 1/2
December 1, _____ 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

LIBER 007 PAGE 50

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 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.

LIBER 007 PAGE 51

(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.

LIBER 007 PAGE 52

(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 & Harbury, 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

(Facsimile 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 14, 1989. 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

LIBER 057 PAGE 54

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.

-22-

8085k:10/24/89
7686-28

(Form of Notice of Sale)

ST. MARY'S COUNTY, MARYLAND

NOTICE OF SALE OF

\$2,680,000

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

PUBLIC FACILITIES BONDS OF 1989

Dated December 1, 1989

Sealed proposals will be received until 11:00 A.M., local Baltimore, Maryland time on Thursday, December 14, 1989, 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 \$2,680,000, all dated December 1, 1989, and maturing, subject to prior redemption, as herein stated, on the first day of December as follows:

<u>Years of</u> <u>Maturity</u>	<u>Annual</u> <u>Amounts</u> <u>Maturing</u>	<u>Years of</u> <u>Maturity</u>	<u>Annual</u> <u>Amounts</u> <u>Maturing</u>
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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 December and June, commencing June 1, 1990, 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 December 1, 1999, are not subject to redemption prior to their maturities. The Bonds which mature on or after December 1, 2000, are subject to redemption at the option of the County beginning December 1, 1999, 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>
December 1, 1999 to November 30, 2000.....	102%
December 1, 2000 to November 30, 2001.....	101 1/2
December 1, 2001 to November 30, 2002.....	101
December 1, 2002 to November 30, 2003.....	100 1/2
December 1, 2003 and thereafter.....	100

Bidders shall state in their proposals the rate or rates of interest to be paid on the Bonds 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 two percent (2%). 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/e

Rita M. Greeson, Corporate Trust Officer, 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 \$53,600 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 SUCCESSFUL BIDDER SHALL MAKE A BONA FIDE PUBLIC OFFERING OF THE BONDS AT THE INITIAL OFFERING PRICES AND SHALL PROVIDE THE RELATED CERTIFICATION DESCRIBED BELOW.

The Bonds are authorized by Chapter 705 of the Laws of Maryland of 1981, 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 _____, 1989.

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, 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 150 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 28, 1989, 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 Federal funds.

LIBER 007 PAGE 59

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

-27-

8085k:10/24/89
7686-28

(Form of Proposal for Bonds)

PROPOSAL FOR BONDS

December 14, 1989

Director of Finance
St. Mary's County, Maryland
c/o Rita M. Greeson, Corporate
Trust Officer
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 \$2,680,000 aggregate principal amount of County Commissioners of St. Mary's County Public Facilities Bonds of 1989, such bonds to be dated December 1, 1989, 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 \$2,680,000, we will pay the par value of said obligations, namely \$2,680,000, plus a premium of _____ Dollars (\$_____), plus interest on said bonds accrued from the date of said bonds (December 1, 1989) 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>
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LEDER 007 PAGE 61

We enclose herewith a certified check, bank cashier's, treasurer's or official check drawn upon or certified by a responsible banking institution, payable to the order of County Commissioners of St. Mary's County, Maryland in the amount of \$53,600 which check is to be applied in accordance with the annexed Notice of Sale.

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 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 _____.

For your information you will find attached a list of 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 \$_____ and the effective net rate of interest is ____%)

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 "Tax and Section 148 Certificate") that complies with the requirements of Section 148 of the Internal 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 Tax and 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 Tax and 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 Tax and 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.

(e) 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.

(f) The President of the Board of County Commissioners 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 and 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 shall deem advisable in order to assure the registered owners of such Bonds that the interest thereon shall be and 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 purpose for which, Bond Proceeds may be expended, or the use of specified procedures for accounting for and segregating Bond Proceeds. Such covenants and agreements may be set forth in the Tax and Section 148 Certificate.

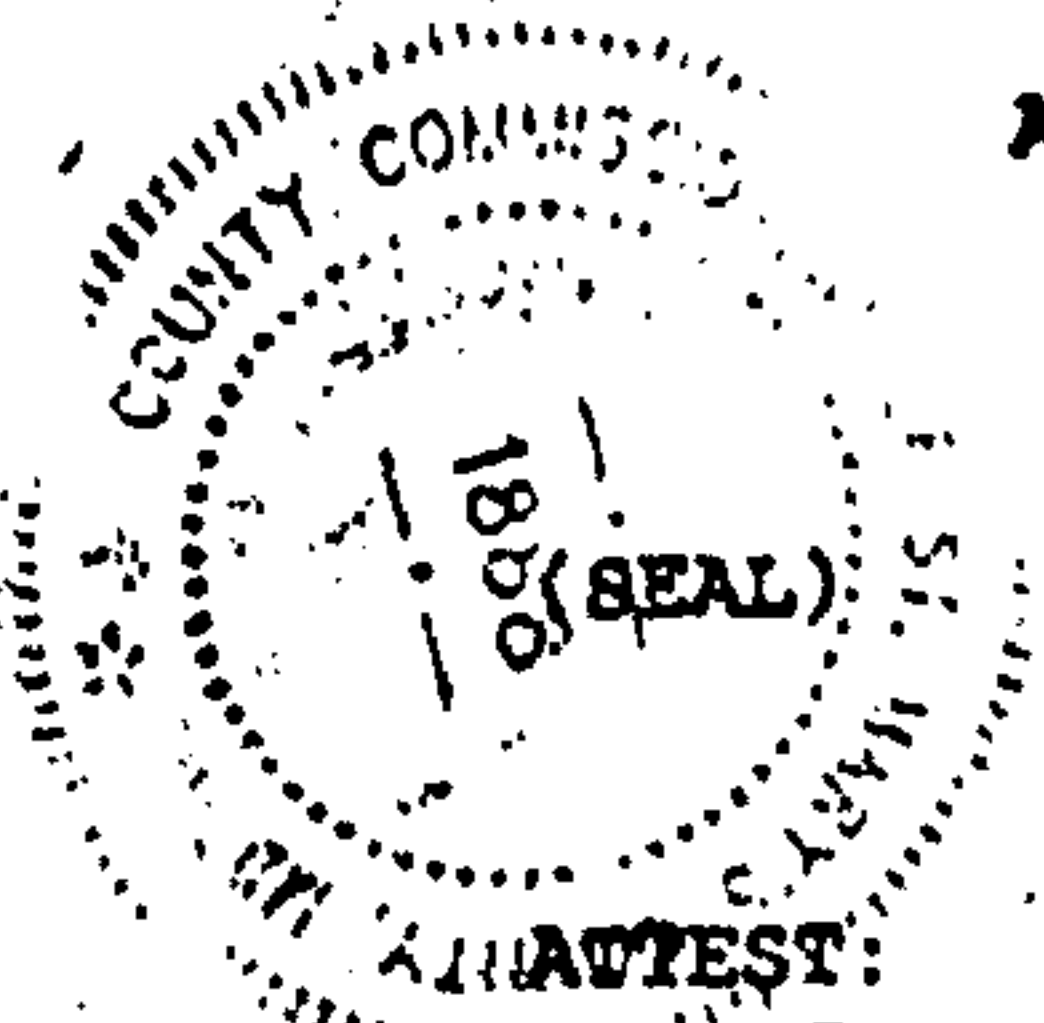
Section 14. The distribution of an Official Statement pertaining to the Bonds is hereby authorized, the final form of such Official Statement to be approved by the President of the Board of County Commissioners as evidenced by his signature thereon. The distribution of a Preliminary Official Statement 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 passage.

ADOPTED this 21st day of November, 1989.

COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY



Carl M. Loeffler
Carl M. Loeffler, President

John G. Lancaster
John G. Lancaster,
Vice President

Edward V. Cox
Edward V. Cox, County
Administrator

Robert T. Jarboe
Robert T. Jarboe, Commissioner

W. Edward Bailey
W. Edward Bailey, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

D.H. Co. Comm.

DEC 1 - 1989

MARY R. BELL, CLERK

No : 89 - 31

SUBJ: BOARD OF EDUCATION CAPITAL
IMPROVEMENT PROGRAM
FISCAL YEAR 1991

RESOLUTION

3:07PM12/14/89D CO.COM \$0.00

WHEREAS, The Board of Education of St. Mary's County has prepared a Six-Year Capital Improvement Program Request for Fiscal Year 1991 through Fiscal Year 1996 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 Fiscal Year 1991.

This Date: 12/5/89

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

Carl M. Loffler
Carl M. Loffler, President

W. Edward Bailey, Commissioner

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
County Attorney

Resolution No. W/S 89-04
Subj.: Water and Sewer Plan
Amendment
Lexington Park McDonald's
(SPEC #89-0846)

RESOLUTION

11:04AM 12/22/898 CD.COM \$0.00

WHEREAS, application has been made to amend the St. Mary's County Comprehensive Water and Sewer Plan for certain property located in the Eighth Election District of St. Mary's County, Maryland called and known as the Lexington Park McDonald's, containing 2.29 acres of land, more or less, on the northeast side of Maryland Route 235 near its intersection with Millstone Landing Road. The application requests that the water category be amended from W-5D to W-3D, and the sewer category by amended from S-5D to S-3D. The subject property is shown on Tax Map 43, Block 2 as Parcel 332.

WHEREAS, the St. Mary's County Planning Commission deliberated on the proposed amendment at its public meeting on October 23, 1989, and voted unanimously to recommend to the Board of County Commissioners of St. Mary's County, Maryland that the water classification of the subject property be amended from W-5D to W-3D, and the sewer classification from S-5D to S-3D.

WHEREAS, The Board of County Commissioners held a public hearing on the proposed amendment on October 24, 1989, after due publication of notice.

WHEREAS, the Board of County Commissioners deliberated on the proposed amendment at its public meeting on November 14, 1989 and voted unanimously to approve the request.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to reclassify the subject property from S-5D to S-3D and from W-5D to W-3D.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: December 12, 1989

ATTEST:

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

Edward V. Cox
EDWARD V. COX
County Administrator

Carl M. Loeffler, Jr.
CARL M. LOEFFLER, JR. President

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

Robert T. Jarboe
ROBERT T. JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Rodney Thompson
RODNEY THOMPSON, Commissioner

Del. Co. Com.

JAN 02 1990

MARY R. BELL, CLERK

Resolution No. W/S 89-05
Subj.: Water and Sewer Plan
Amendment
Robert Lee Owens
(SPEC #88-0547)

11:04AM 12/22/89B CJ.COM \$0.00

RESOLUTION

WHEREAS, Robert Lee Owens has made application to amend the St. Mary's County Comprehensive Water and Sewer Plan for certain property located in the First Election District of St. Mary's County, Maryland containing 74.143 acres of land, more or less, on Maryland Route Five north of Chisleytown Road. The application requests that the water category be amended from W-6 to W-3D. The subject property is shown on Tax Map 67, Block 11 as Parcel 14.

WHEREAS, the St. Mary's County Planning Commission deliberated on a request for subdivision approval by the applicant at its public meeting on September 11, 1989, and decided to table the request pending further presentations by the applicant for developing the entire property.

WHEREAS, the Planning Commission held further deliberations on the request for subdivision approval at its public meeting on September 25, 1989, and by a vote of five (5) to one (1) approved the subdivision request, with a recommendation to the Board of County Commissioners of St. Mary's County, Maryland that the water classification of the subject property be amended from W-6 to W-3D.

WHEREAS, The Board of County Commissioners held a public hearing on the proposed amendment on October 24, 1989, after due publication of notice.


WHEREAS, the Board of County Commissioners deliberated on the proposed amendment at its public meeting on November 14, 1989 and approved the request by a unanimous vote.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to reclassify the subject property from W-6 to W-3D.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: December 12, 1989

ATTEST:


EDWARD V. COX
County Administrator

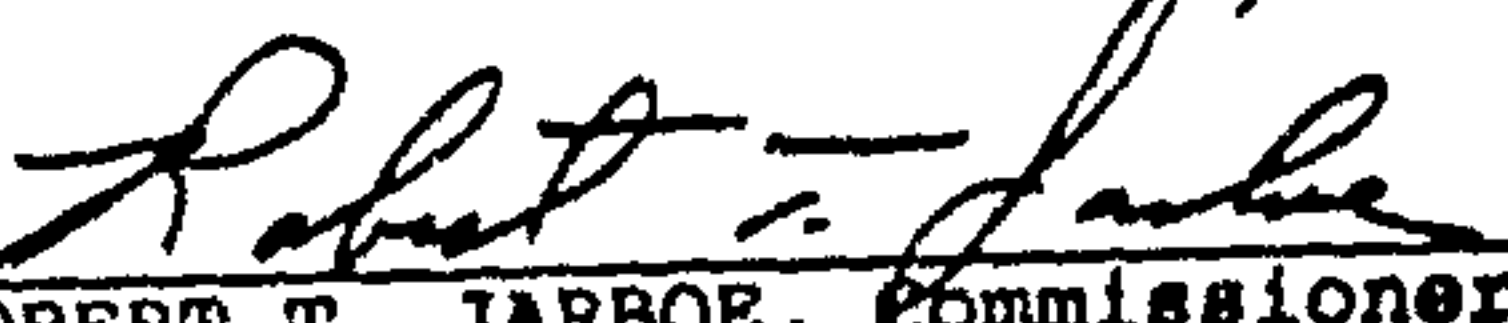
APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:


JOSEPH R. DENSFORD
County Attorney

BOARD OF COUNTY COMMISSIONERS
OF 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

Del: Co. Rom

JAN 02 1990

MARY R. BELL, CLERK

ORDINANCE

WHEREAS, the 1989 Session of the Maryland General Assembly passed the Drug Free School Zones - Youth Protection Act (Chapter 286 of the 1989 Acts of the General Assembly) which has been incorporated into Article 27 and the Education Article of the Annotated Code of Maryland; and

WHEREAS, Section 4-122 of Education Article allows the County Board of Education to adopt regulations requiring the posting of signs designating the areas within 1,000 feet of public and non-public elementary and secondary schools as "Drug Free School Zones"; and

WHEREAS, the St. Mary's County Board of Education adopted regulations in accordance with Section 4-122 of the Education Article on July 11, 1989; and

10:45AM 12/29/89A CD.COM \$0.00

WHEREAS, Section 286D of Article 27 requires the governing body of the county to approve the maps depicting the location and boundaries of the Drug Free School Zones as the official record of the location and boundaries of the areas; and

WHEREAS, the Board of County Commissioners now concludes it necessary to adopt an ordinance establishing the Drug Free School Zones having conducted a public hearing for this purpose on December 5, 1989.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners that the St. Mary's County Drug Free School Zones as hereinafter set forth are hereby adopted and made effective immediately.

Section 1. In accordance with and pursuant to the authority of the 1989 Acts of the General Assembly, Chapter 286, the Drug Free School Zone maps produced on or about October 1989 by the Department of Planning and Zoning are hereby approved and adopted as the official finding and record of the location and areas within the county of property which is used for school purposes and which is owned by or leased to any elementary or secondary school or school board, and of the areas in, on or within one thousand feet of such school property.

Section 2. The Drug Free School Zone maps approved and adopted pursuant to Section 1 of this ordinance shall continue to constitute an official finding and record as to the location and boundaries of areas in, on or within one thousand feet of property owned by or leased to any elementary or secondary school or school board which is used for school purposes until such time if any that this ordinance shall be amended to reflect any additions or deletions with respect to the location and boundaries of school property and Drug Free School Zones.

Section 3. The school board, or the chief administrative officer in the case of any private or parochial school, is hereby directed and shall have the continuing obligation to promptly notify the county attorney and the Department of Planning and Zoning of any changes or contemplated changes in the location and boundaries of any property owned by or leased to any elementary or secondary school or school board and which is used for school purposes.

Section 4. The County Administrator is hereby directed to receive and to keep on file the original of the map approved and adopted pursuant to Section 1 of this ordinance, or a true copy, and to provide at a reasonable cost a true copy thereof to any person, agency or court which may from time to time request such a copy, along with a certification that such copy is a true copy of the map approved and adopted herein and kept on file.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) It is understood that the maps approved and adopted pursuant to Section 1 of this ordinance were prepared and are intended to be used as evidence in prosecutions arising under the criminal laws of this State, and that pursuant to State law, such maps shall constitute prima facie evidence of the following:

- 1) the location of elementary and secondary schools within the municipality;
- 2) the boundaries of the real property which is owned by or leased to such schools or a school board;
- 3) that such school property is and continues to be used for school purposes; and
- 4) the location and boundaries of areas which are in, on or within one thousand feet of such school property.

(b) Except as is otherwise expressly noted on the face of the approved and adopted maps, all of the property depicted on the maps approved and adopted herein as school property owned by or leased to a school or school board and was being used for school purposes as of July 1, 1989, that being the effective date of the 1989 Acts of the General Assembly, Chapter 286.

(c) Pursuant to the provisions of the 1989 Acts of the General Assembly, Chapter 286, a prosecutor is not precluded from introducing or relying upon any other evidence or testimony to establish a violation of the offense defined in that statute, including use of a map or diagram other than the one approved and adopted pursuant to Section 1 of this ordinance. The failure of the maps approved herein to depict the location and boundaries of any property which is, in fact, used for school purposes and which is owned by or leased to any elementary or secondary school or school board, whether the absence of such depiction is the result of inadvertent omission or the result of any changes in the location and boundaries of such property which have not yet been incorporated into a revised approved map, shall not be deemed to be an official finding and record that such property is not owned by or leased to a school or school board, or that such property is not used for school purposes.

(d) All of the requirements set forth in the 1989 Acts of the General Assembly, Chapter 286, concerning the preparation, approval and adoption of Drug Free School Zone maps have been complied with.

Section 6. This ordinance shall take effect immediately after final passage and publication according to law.

ENACTED: 12/19/89

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

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

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

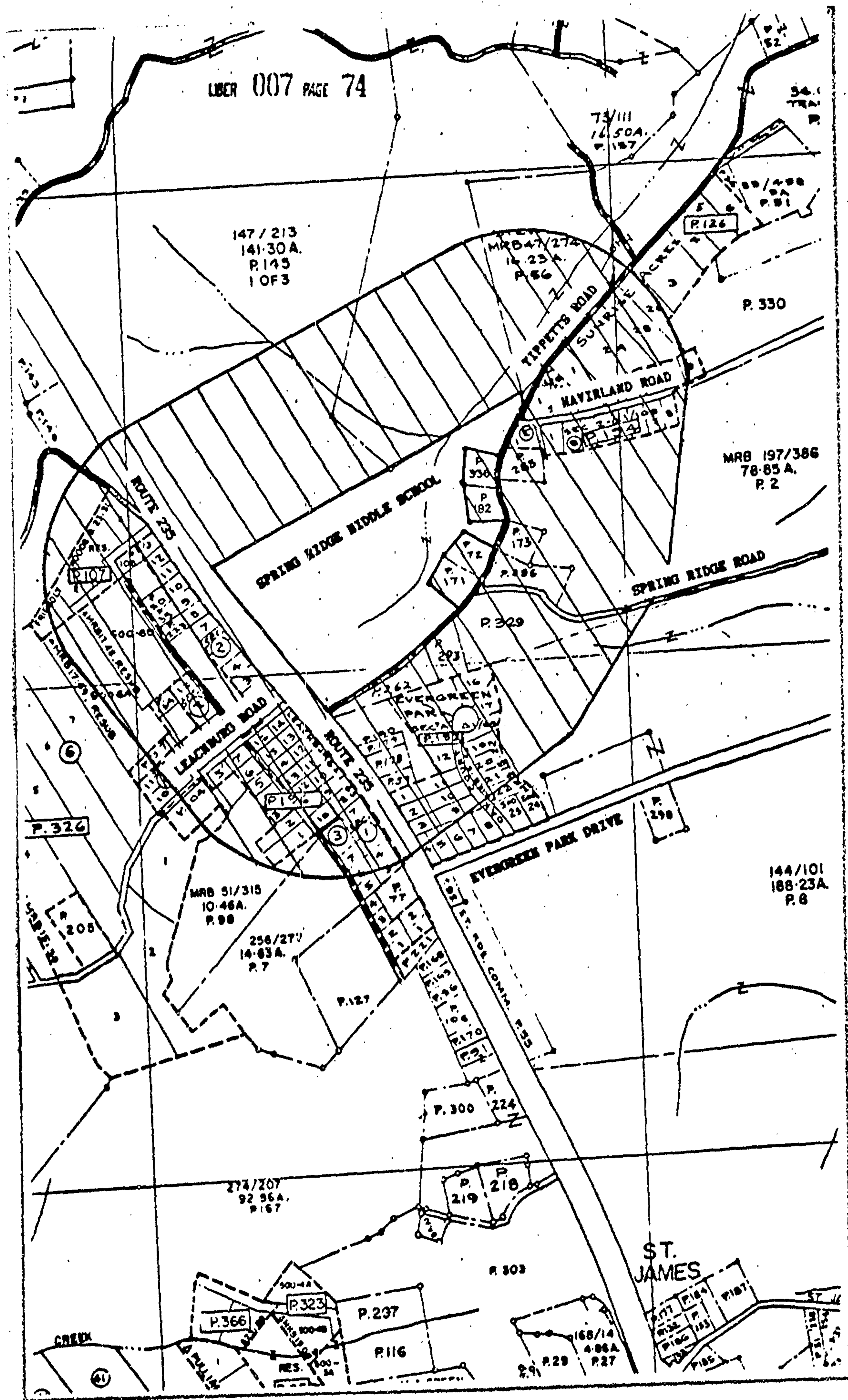
Carl M. Loffler
Carl M. Loffler, President

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



147/213
141-30A.
P.145
1 OF 3

73/111
14-50A.
P.187

MRB 47/274
14-23A.
P.86

P.126

P.330

MRB 197/386
78-85A.
P.2

SPRING RIDGE MIDDLE SCHOOL

SPRING RIDGE ROAD

MAYRLAND ROAD

TIPPETTS ROAD

ROUTE 235

LEACHWOOD ROAD

ROUTE 235

EVERGREEN PARK DRIVE

P.326

MRB 51/315
10-46A.
P.98

256/277
14-63A.
P.7

144/101
188-23A.
P.6

P.300

274/207
92-96A.
P.167

P.219

P.303

ST. JAMES

P.366

P.323

P.297

P.116

P.29

168/14
4-88A.
P.27

P.177

P.182

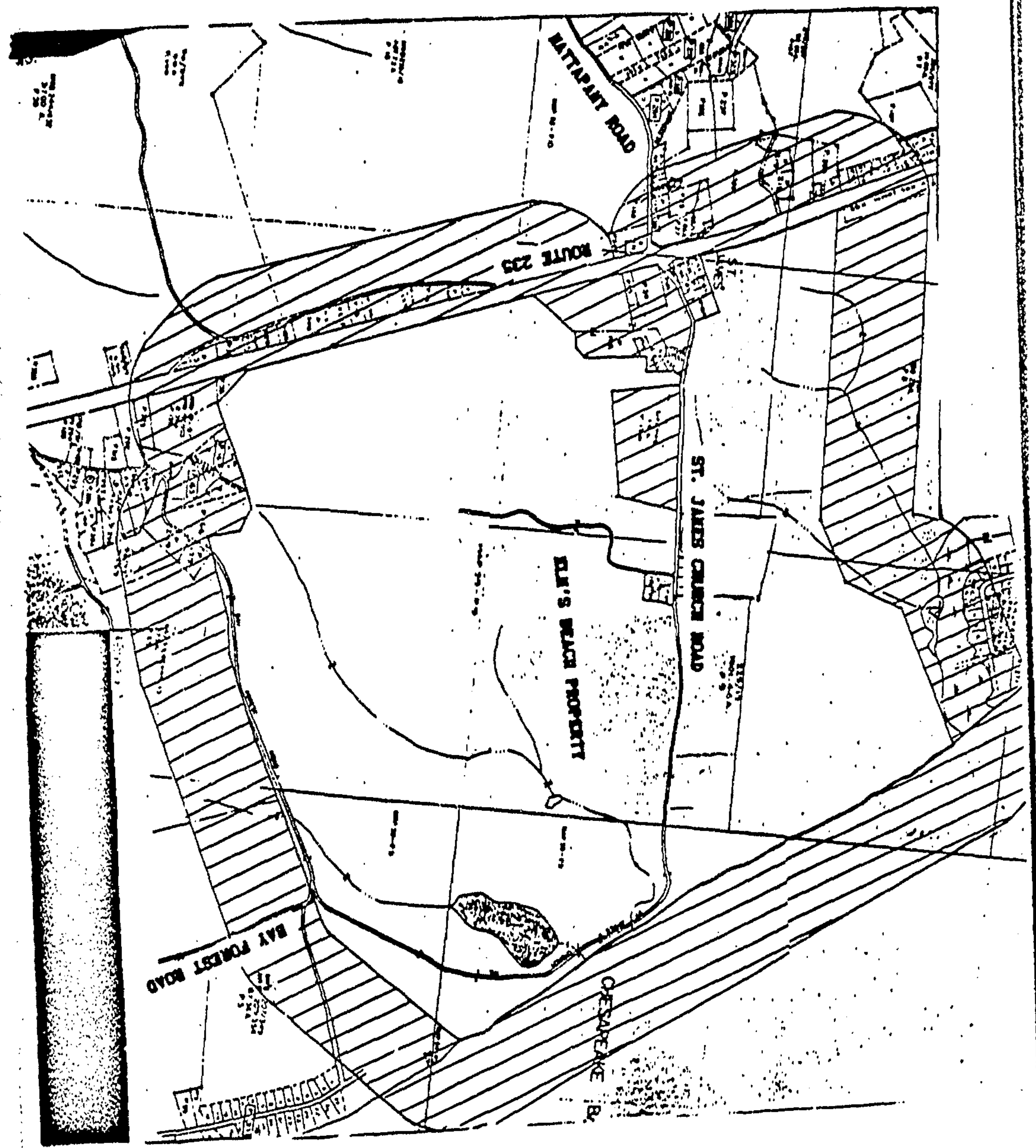
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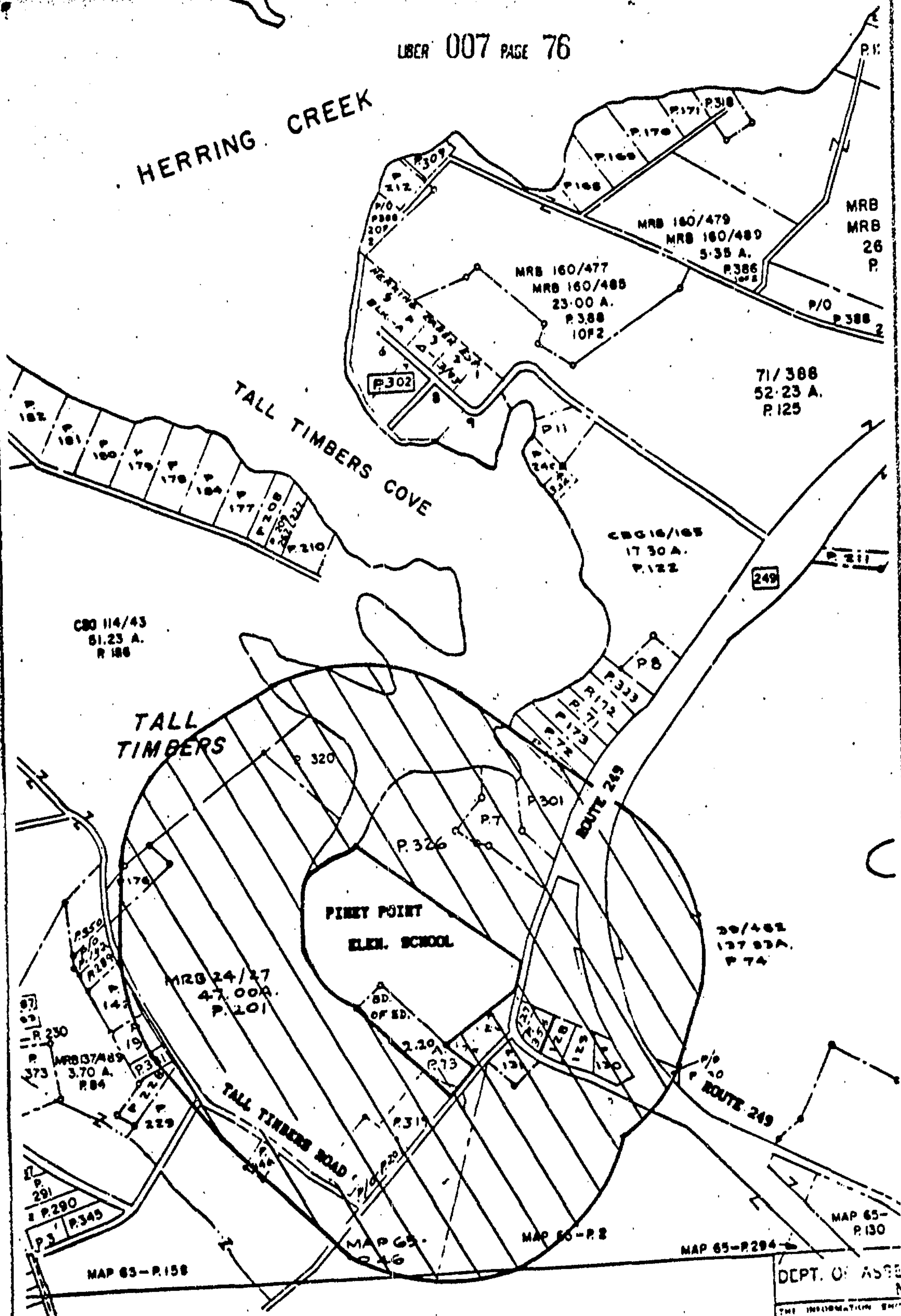
P.188

P.189

CREEK

(41)

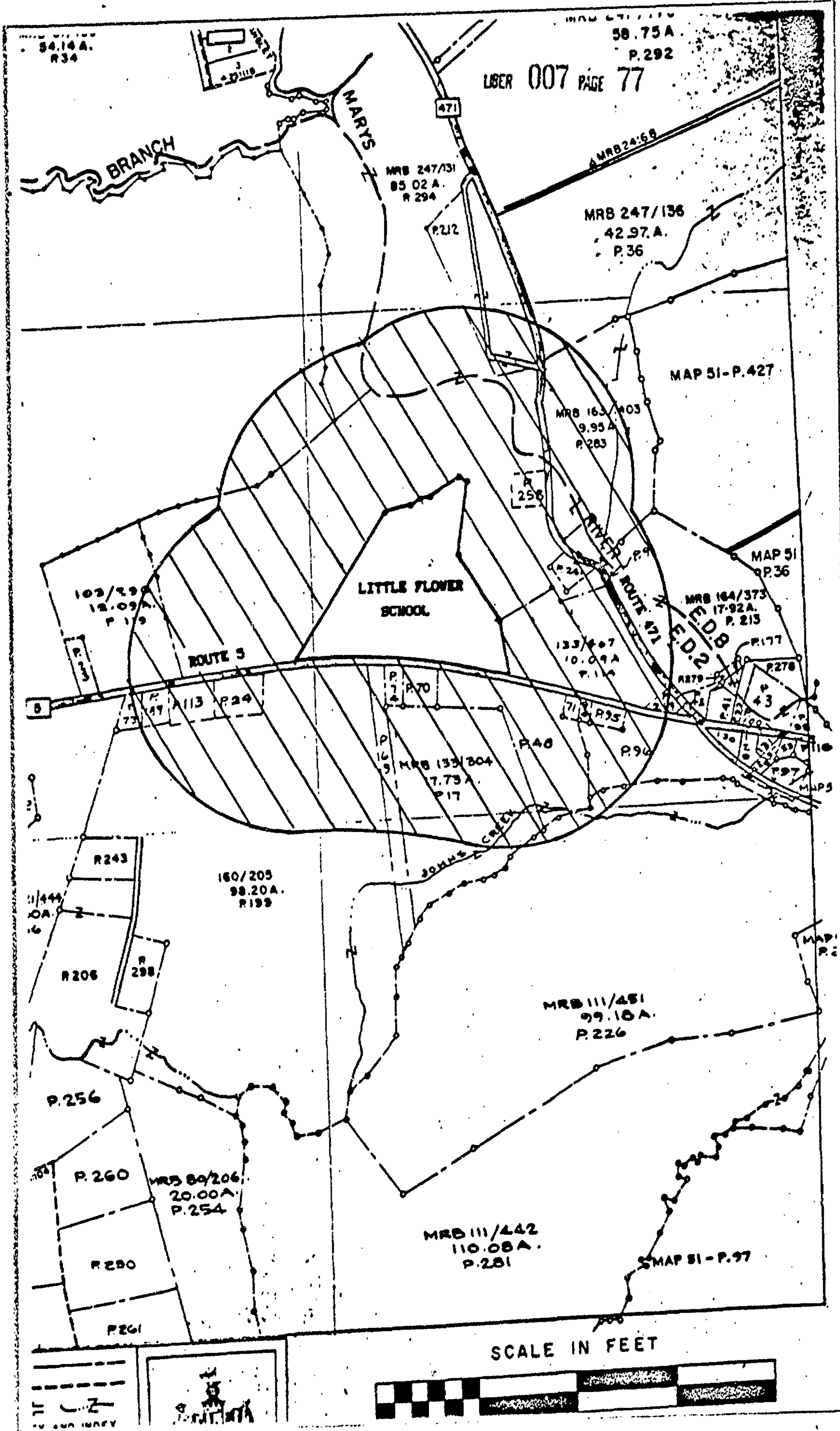




DEPT. OF ASSESSMENT
 THE INFORMATION SHOWN
 FROM THIS DESCRIPTION
 IT SHOULD NOT BE USED
 FOR ANY PURPOSES AND
 AGENTS ARE NOT RESPONSIBLE

935

932



54.14 A.
R34

58.75 A.
P.292

LBER 007 PAGE 77

BRANCH

MARYS

MRB 247/31
85.02 A.
R 294

MRB 247/136
42.97 A.
P.36

MAP 51-P.427

MRB 163/403
9.95 A.
P.283

103/230
12.09 A.
P.119

LITTLE FLOWER
SCHOOL

MRB 164/373
17.92 A.
P.213

ROUTE 5

133/407
10.04 A.
P.116

MRB 164/373
17.92 A.
P.213

R 243

160/205
98.20 A.
R199

MRB 133/204
17.73 A.
P.117

133/407
10.04 A.
P.116

MRB 164/373
17.92 A.
P.213

R 206

R 298

MRB 111/431
99.10 A.
P.226

P.256

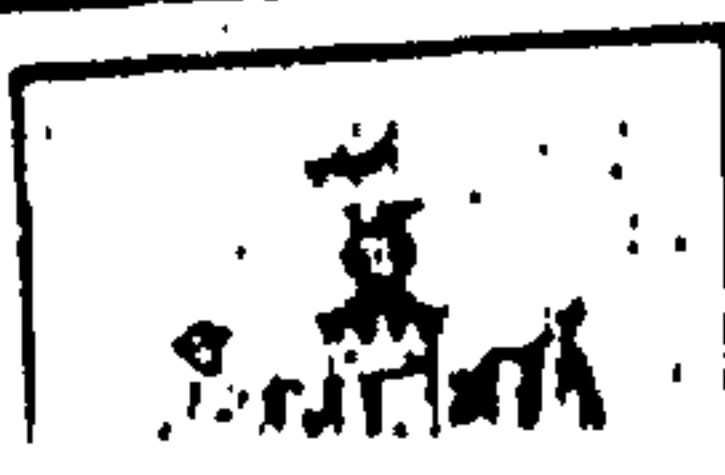
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MRB 80/206
20.00 A.
P.254

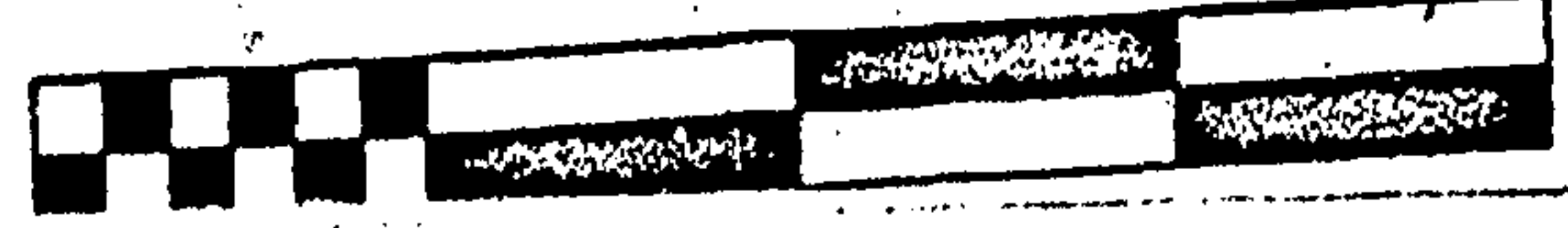
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110.08 A.
P.281

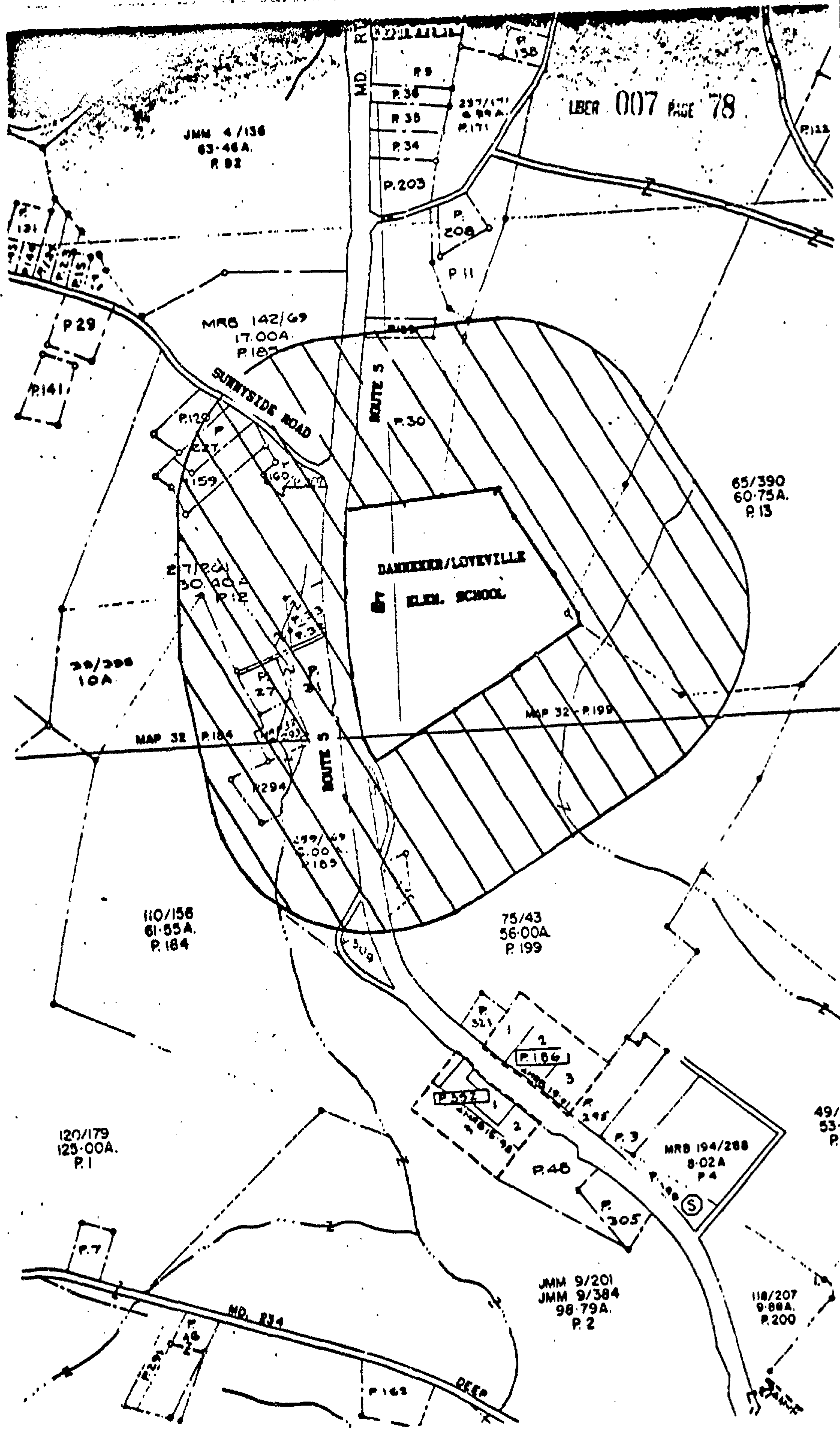
MAP 51-P.97

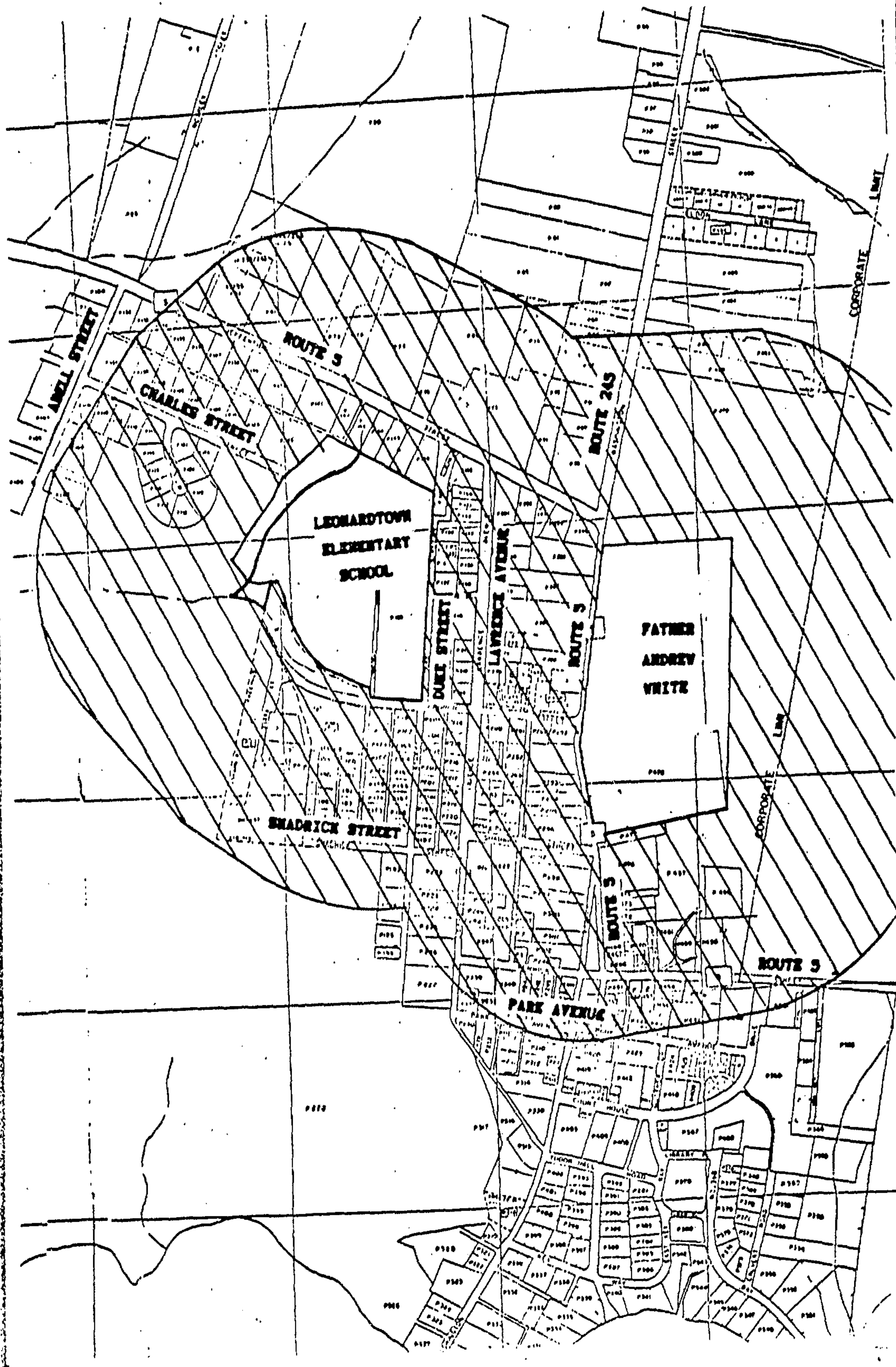
11/444
16.00 A.
P.119

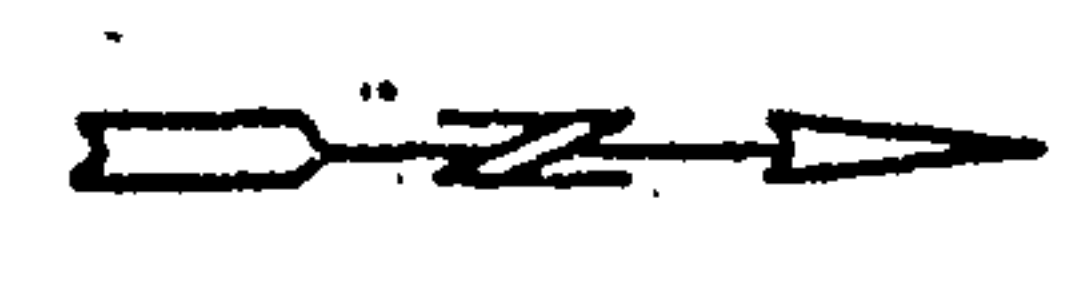
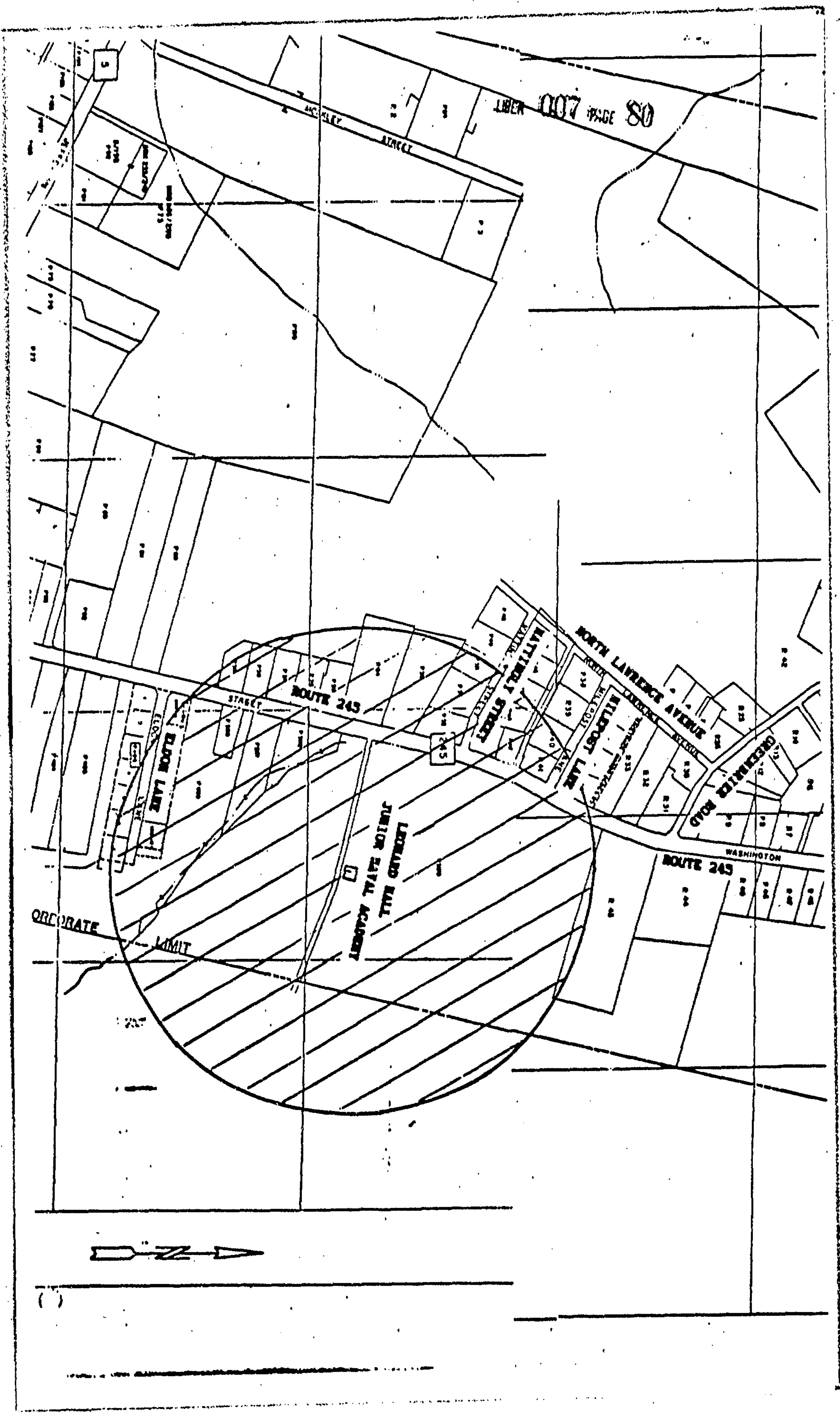


SCALE IN FEET









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132.42 A.
P. 144

LIBER 007 PAGE 81

98/472
19.84 A.
P. 18

102/459
152.88 A.
P. 41

W/R ROC 4/22
113.00 A.
R 92

P. 140

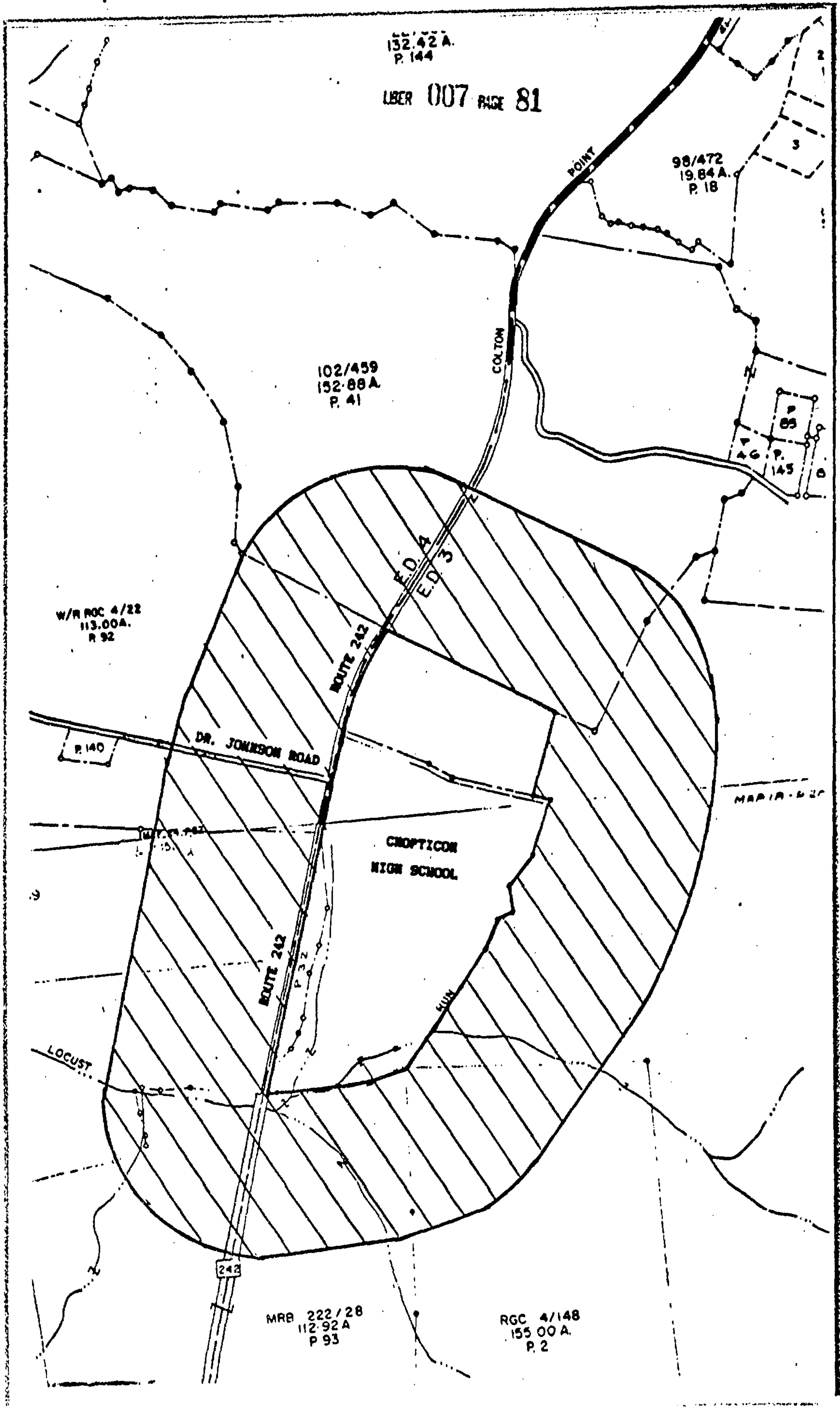
DR. JOHNSON ROAD

CROFTICOR
HIGH SCHOOL

LOGUST

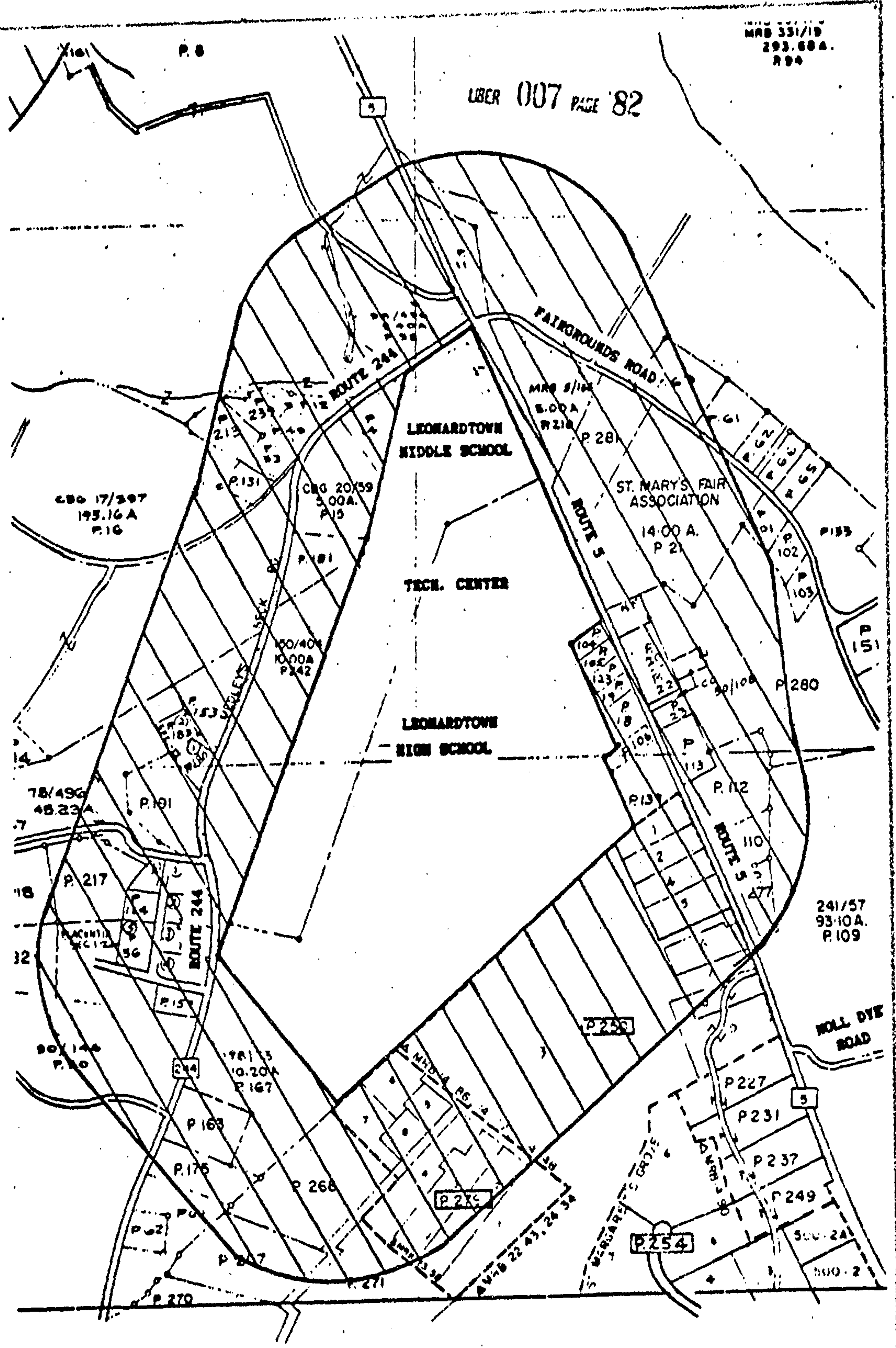
MRB 222/28
112.92 A.
P. 93

RGC 4/148
155.00 A.
P. 2



MAR 331/19
293.68A.
R94

LIBER 007 PAGE 82

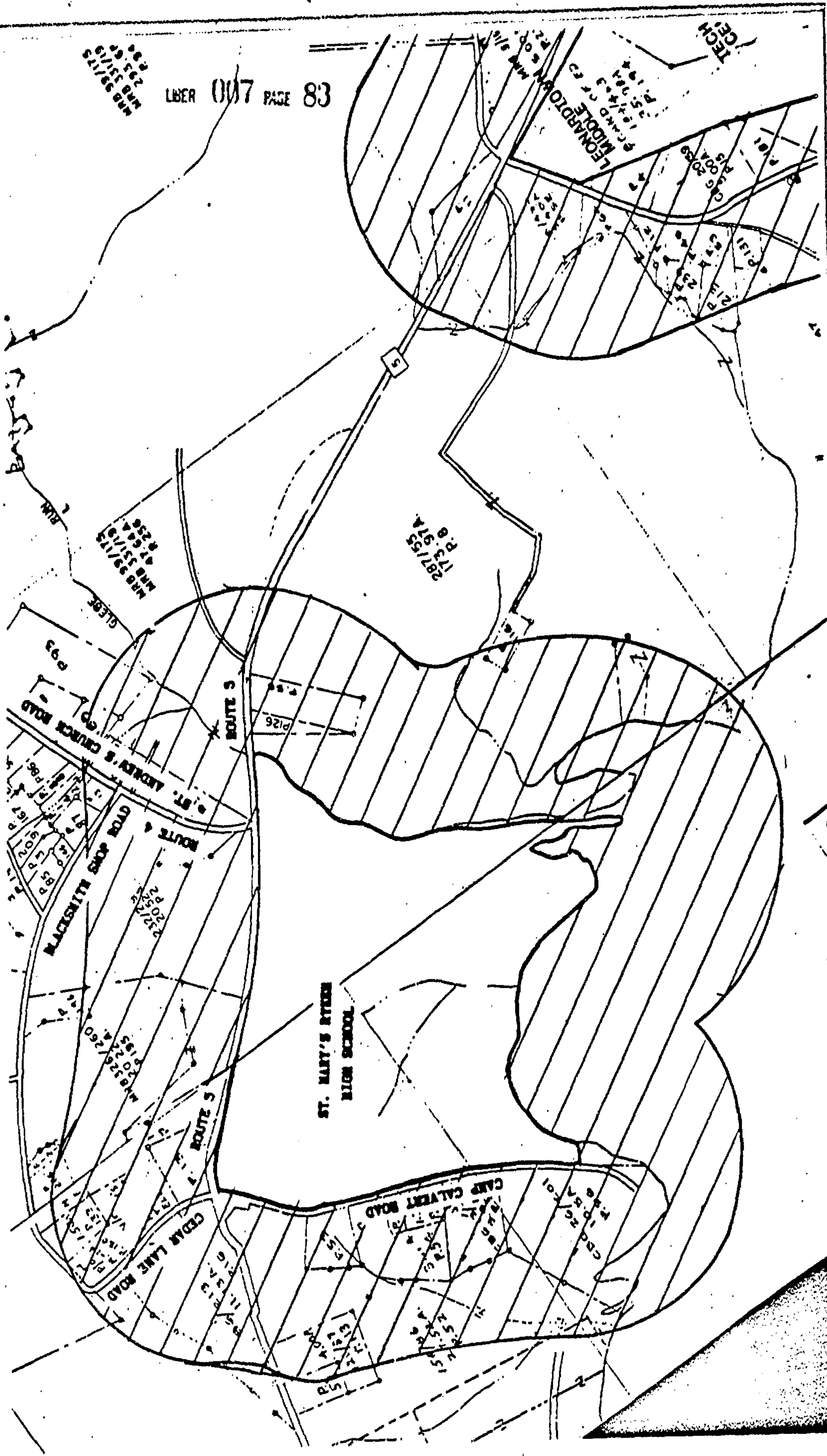


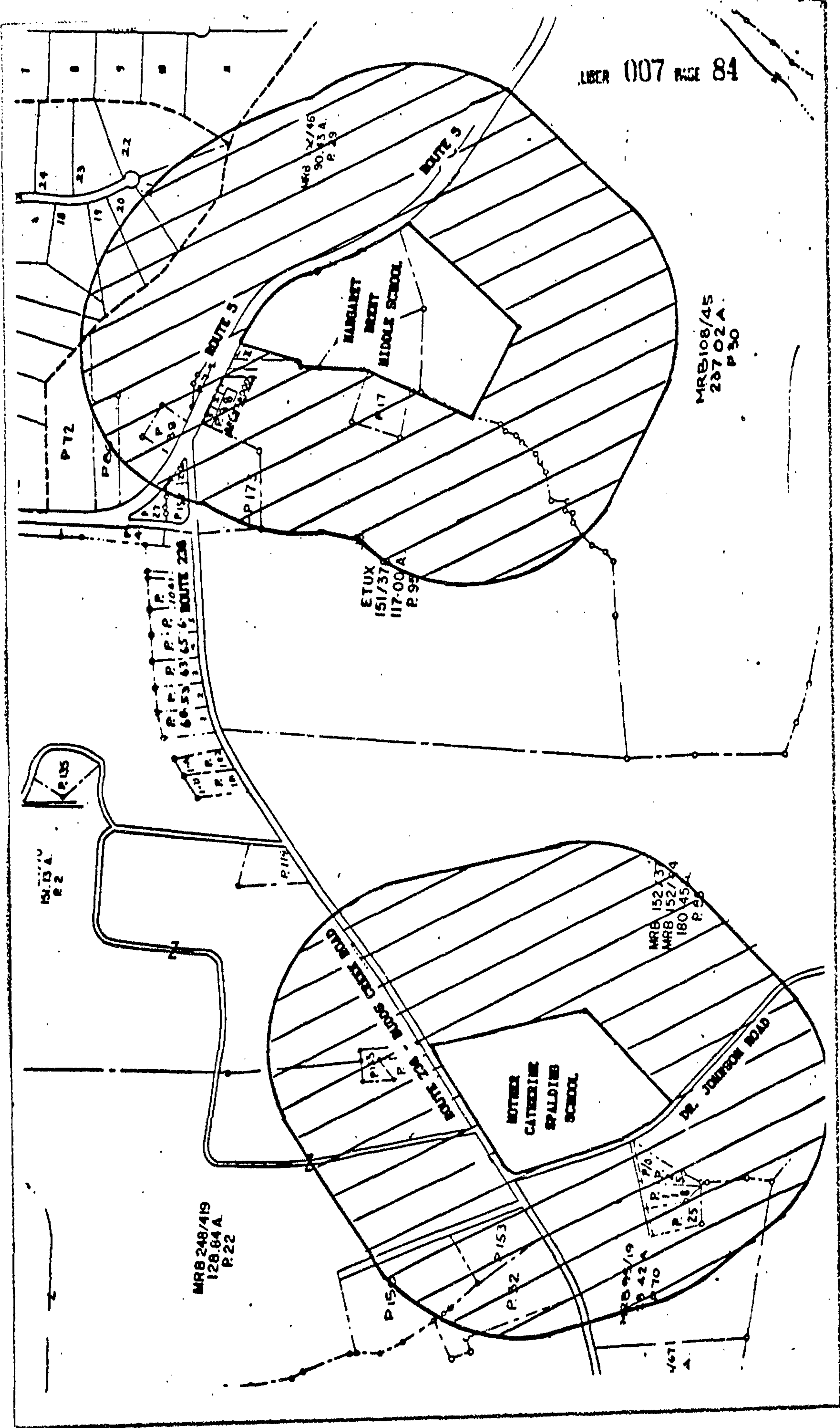
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MD. DEPT. OF ASSES'S & TAX

MR 29715
MR 29716
MR 29717
MR 29718
MR 29719
MR 29720

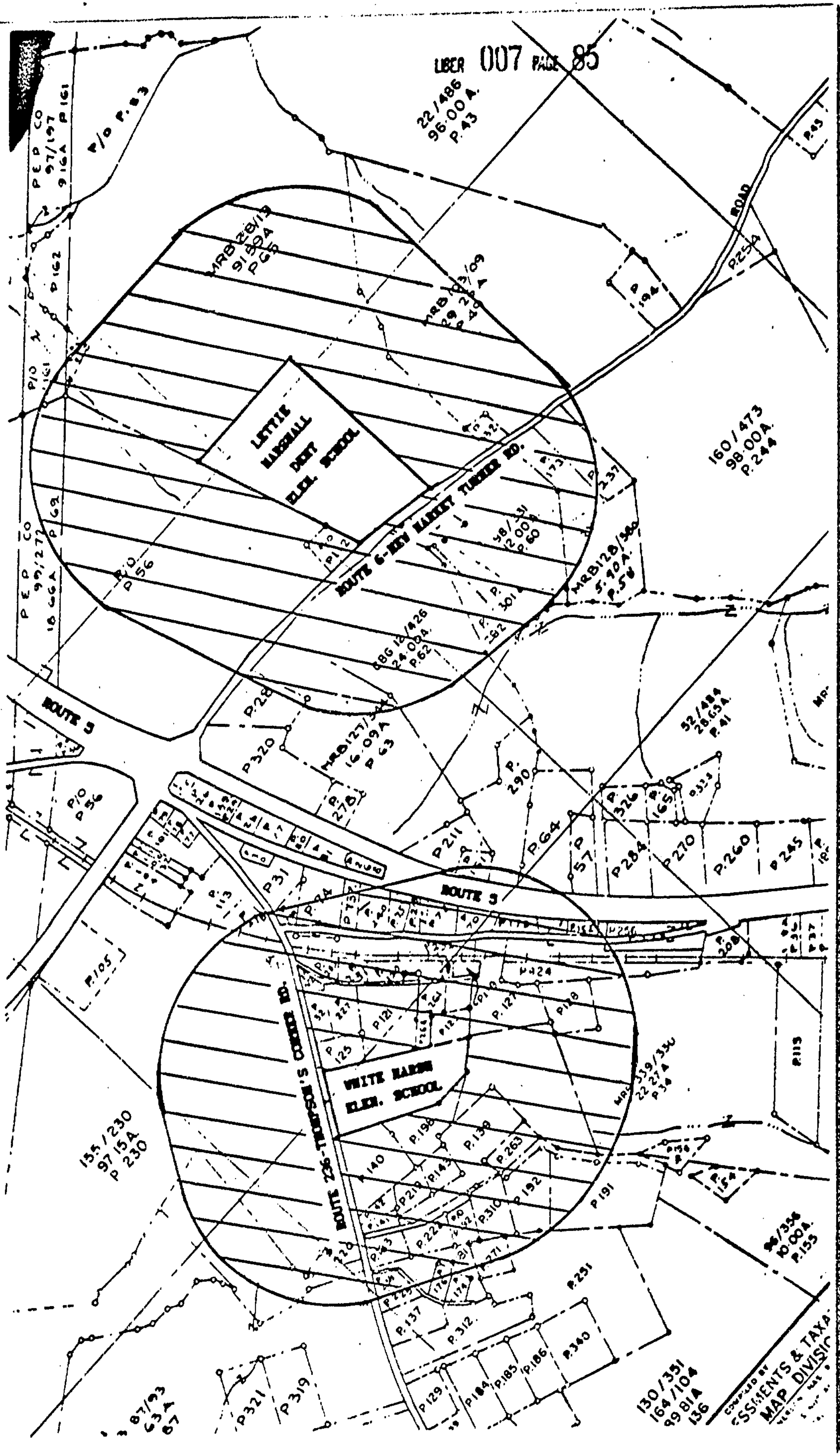
TECH

LEONARDO
MIDDLE
SCHOOL





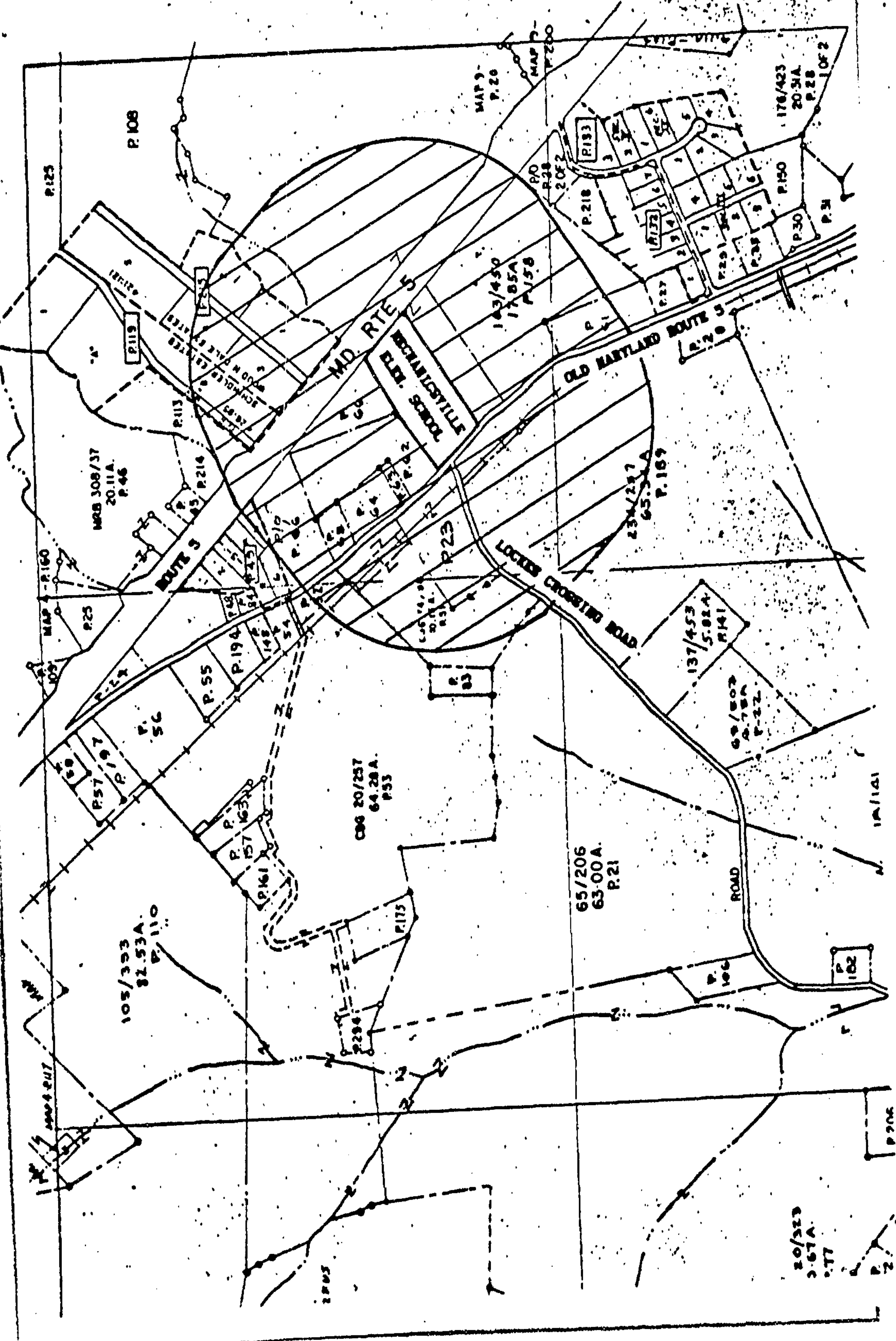
22/486
96 00A
P.43



160/473
98 00A
P.244

130/351
164/104
99 81A
136

PREPARED BY
ASSESSMENTS & TAX
MAP DIVISION



281/167
56 00A
P. 475

101/612
19-16A
P. 476

224
29
P. 4

MRB 302/13
18-28A
P. 358

MRB 115/408
33-93A
P. 431

MAP 26-
351 85

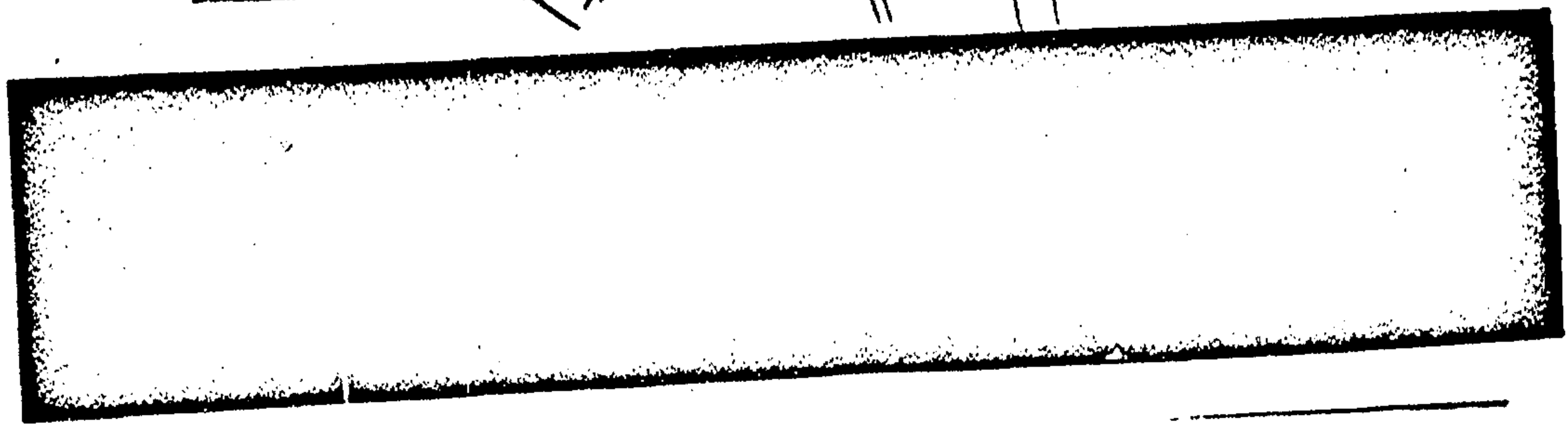
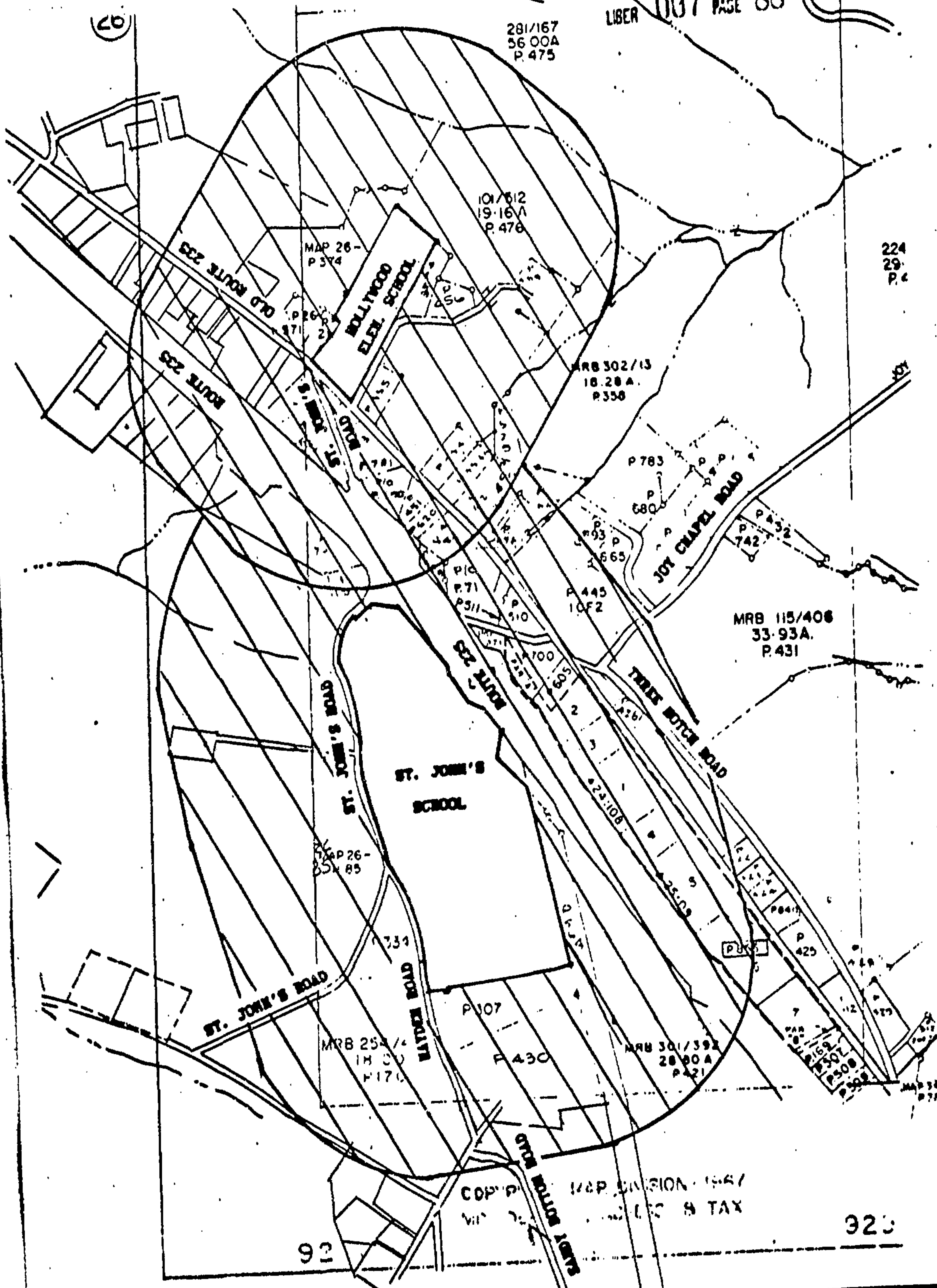
MRB 251/4
18-30
P. 170

MRB 301/392
28-80A
P. 421

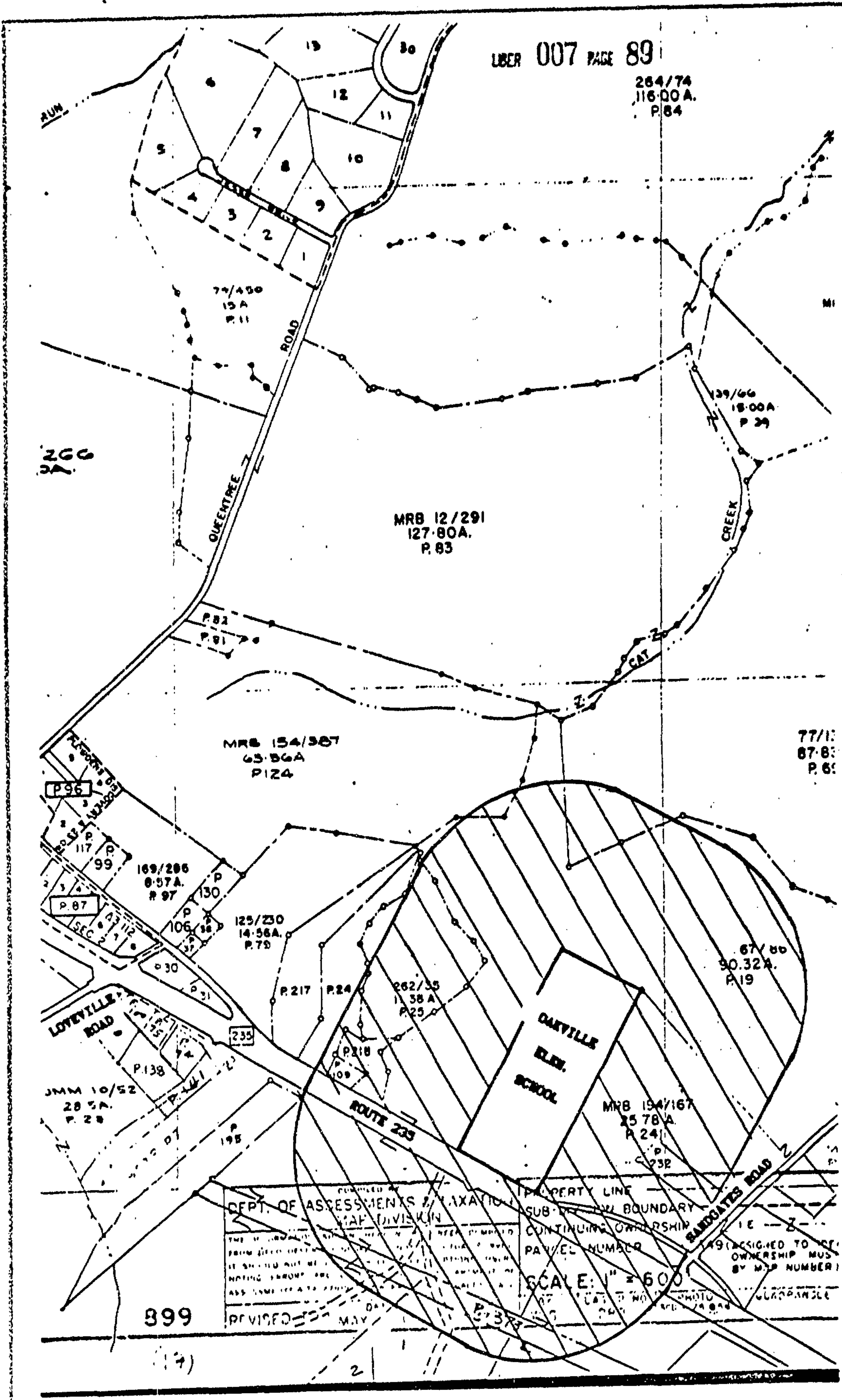
COPY MAP DIVISION 1967
L.C. & TAX

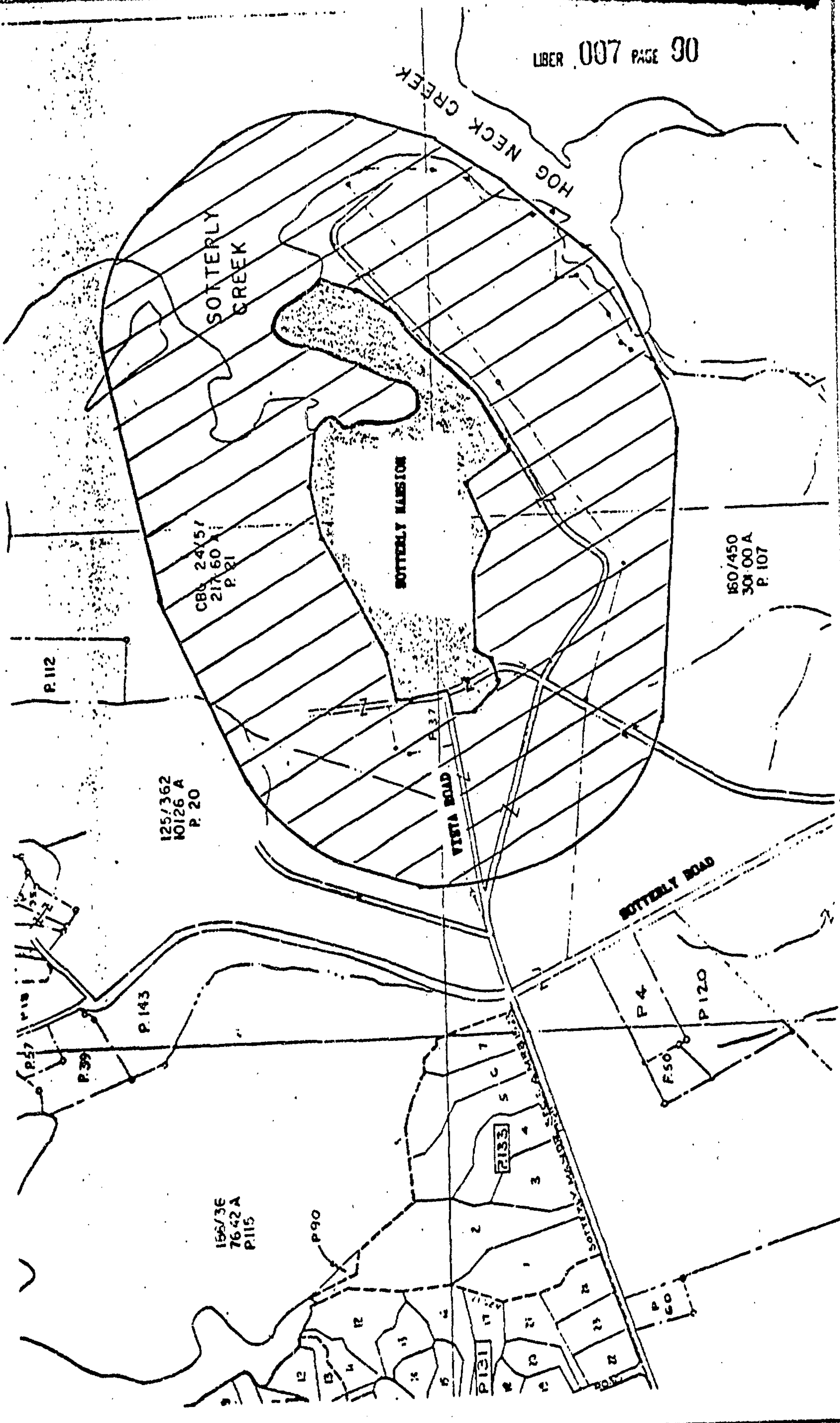
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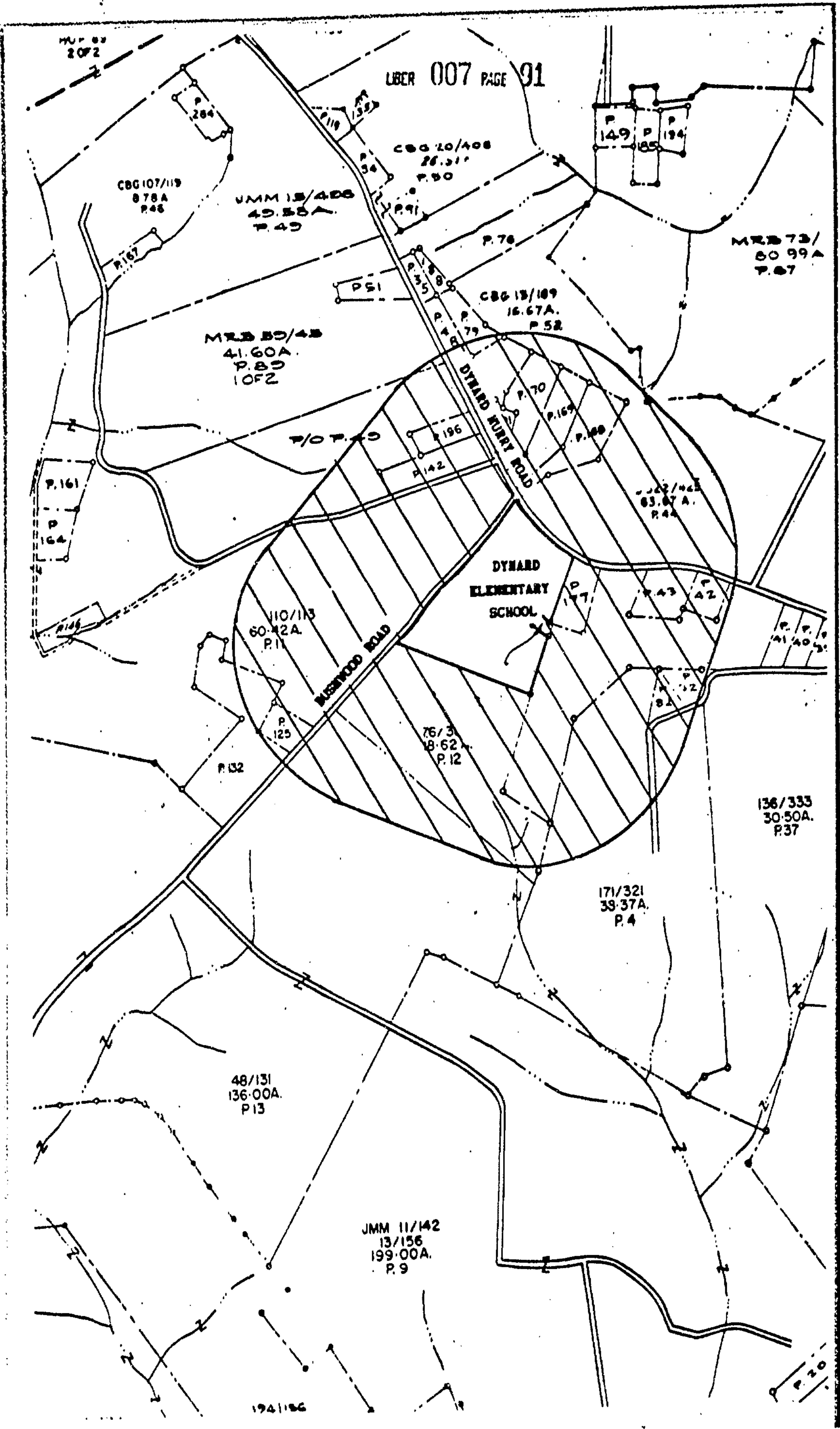
92



264/74
116-00A.
P.84







CBG 107/119
878A
P.46

JMM 15/408
49.55A
P.49

CBG 20/408
28.51
P.50

MRB 73/
60 99A
P.67

MRB 59/48
41.60A
P.89
10F2

CBG 15/189
16.67A
P.52

JMM 2/425
63.67A
P.44

DYNARD
ELEMENTARY
SCHOOL

110/113
60.42A
P.11

76/3
18.62
P.12

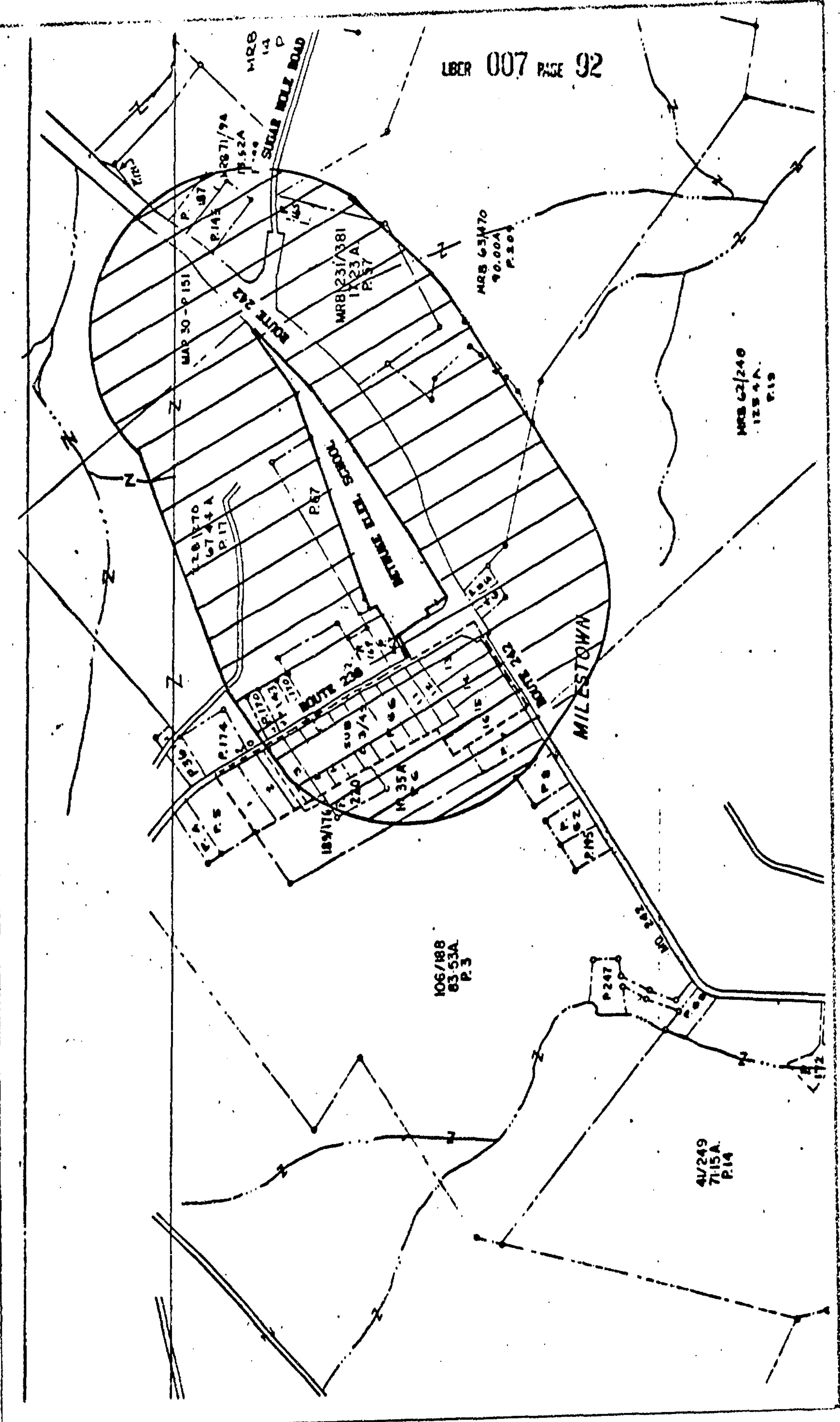
136/333
30.50A
P.37

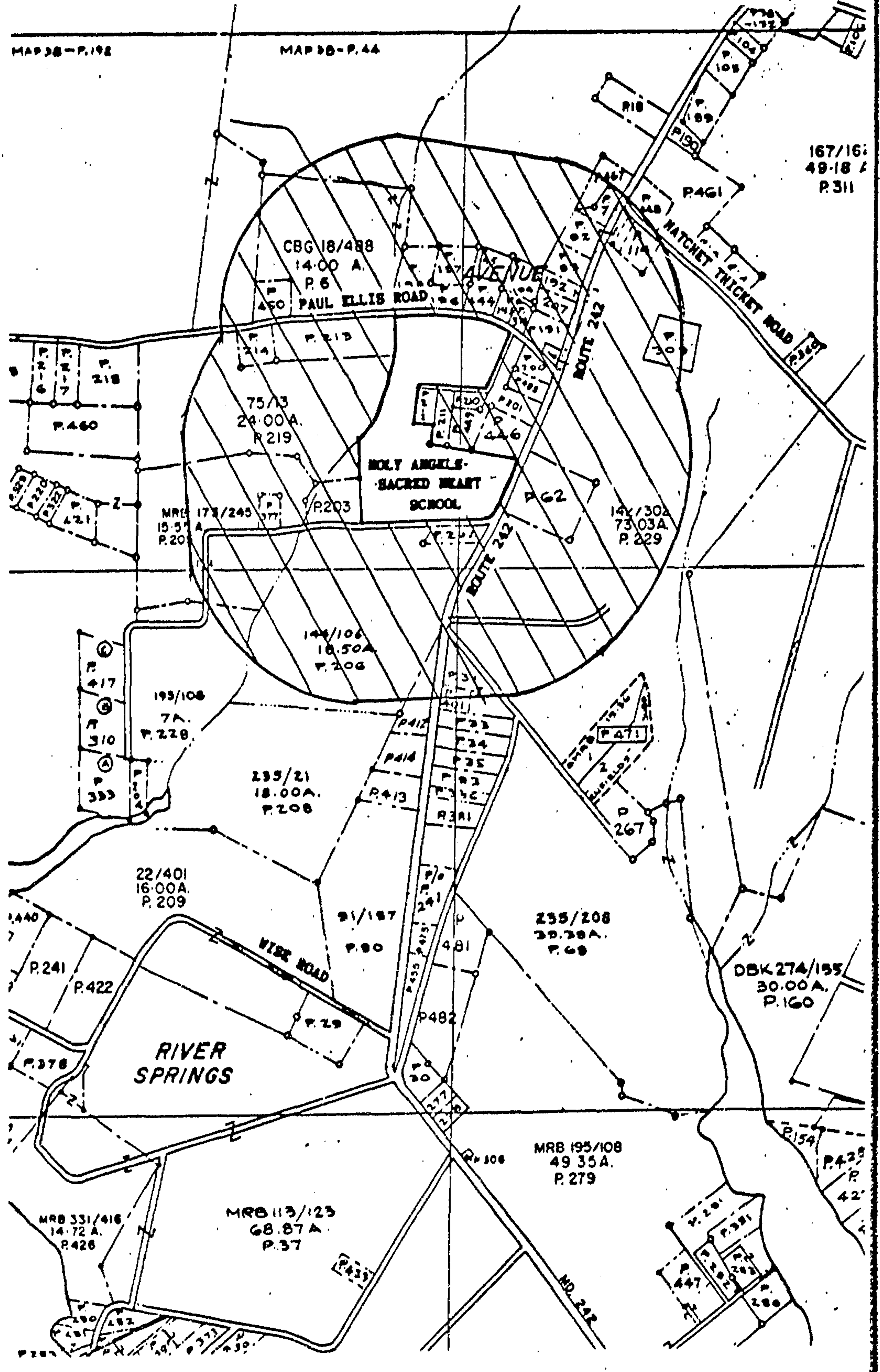
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39.37A
P.4

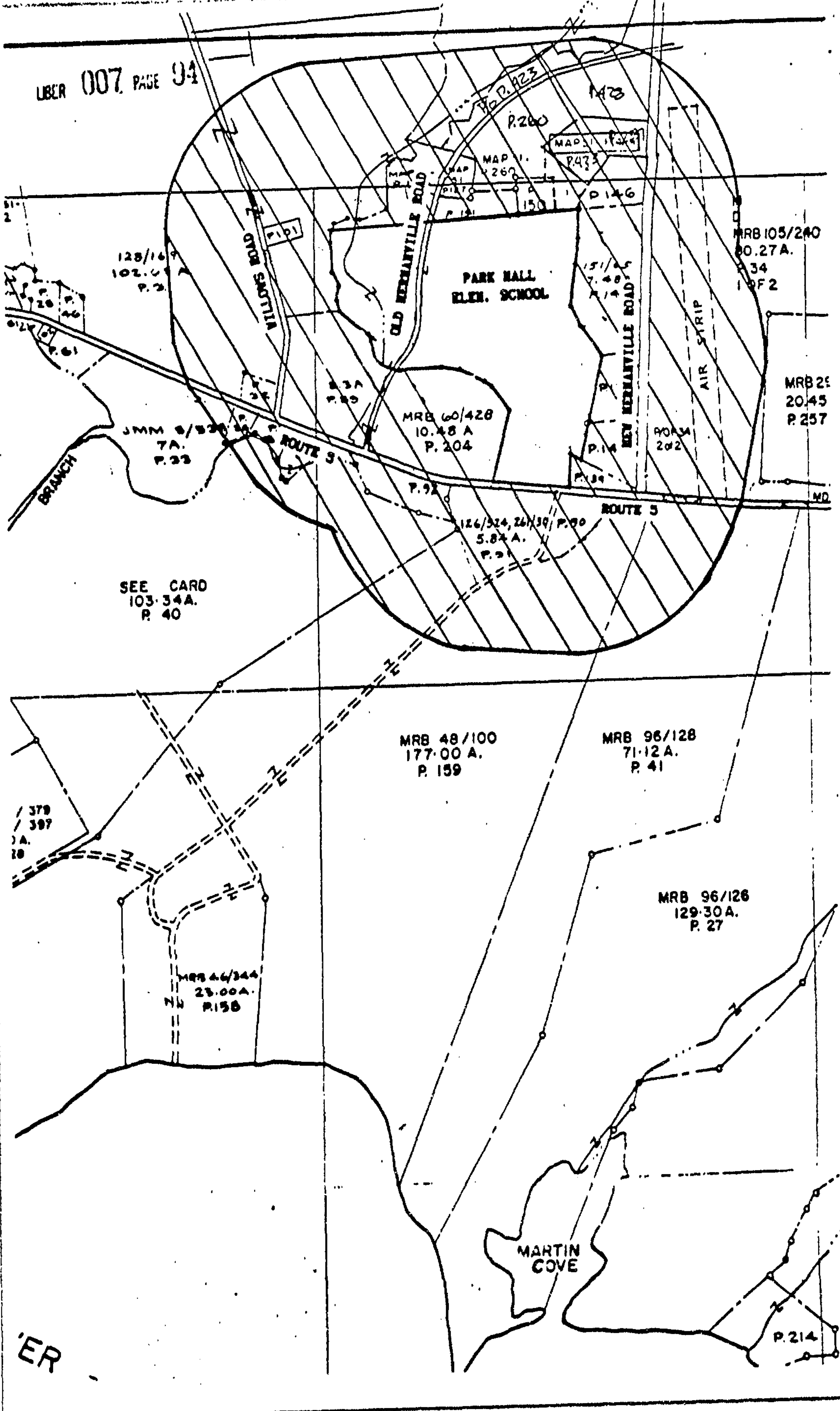
48/131
136.00A
P.13

JMM 11/142
13/156
199.00A
P.9

1941186







SEE CARD
103-34A.
P. 40

MRB 48/100
177.00 A.
P. 159

MRB 96/128
71.12 A.
P. 41

MRB 96/126
129.30 A.
P. 27

MRB 46/344
23.00 A.
P. 158

MARTIN
COVE

ER

MRB 105/240
80.27 A.
P. 34
P. 2

MRB 25
20.45
P. 257

MRB 60/428
10.48 A.
P. 204

126/324, 26/39 P. 90
5.84 A.
P. 91

128/167
102.67 A.
P. 2

JMM 8/528
7A.
P. 33

379
397
7A.
28

P. 214

P. 200

MAP 11/1347
P. 47

MAP 11/260
P. 17

M. 73

P. 146

151/47
7.48 A.
P. 146

POALM
202

AIR STRIP

OLD KERNVILLE ROAD

OLD KERNVILLE ROAD

NEW KERNVILLE ROAD

ROUTE 5

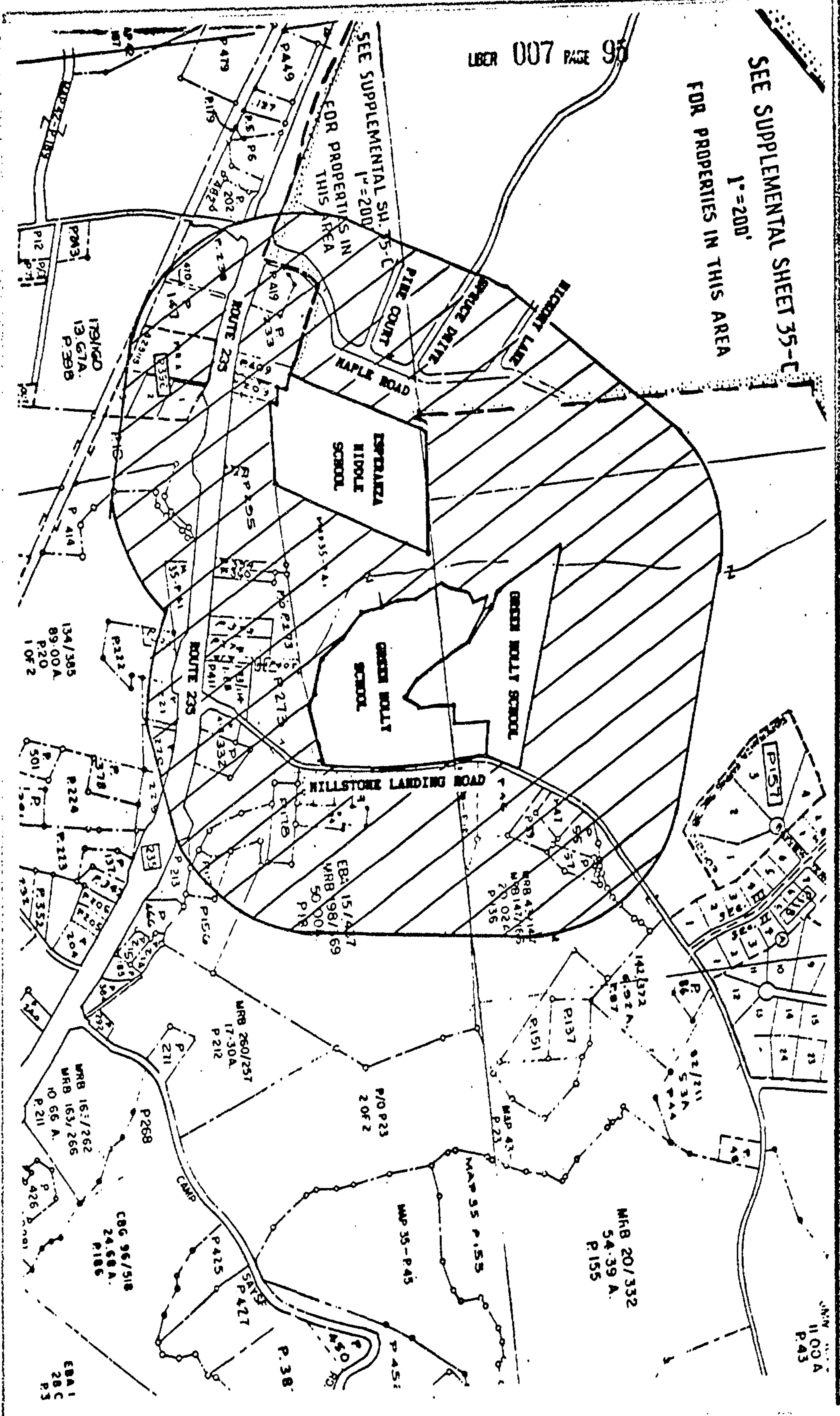
ROUTE 5

BRANCH

MD

SEE SUPPLEMENTAL SHEET 35-C
1"=200'
FOR PROPERTIES IN THIS AREA

SEE SUPPLEMENTAL SHEET 35-C
1"=200'
FOR PROPERTIES IN THIS AREA



UNW 11 00 A
P 43

MRB 20/332
54.39 A.
P 155

MAP 35-P 45

P 38

EBB 1
28 C
P 3

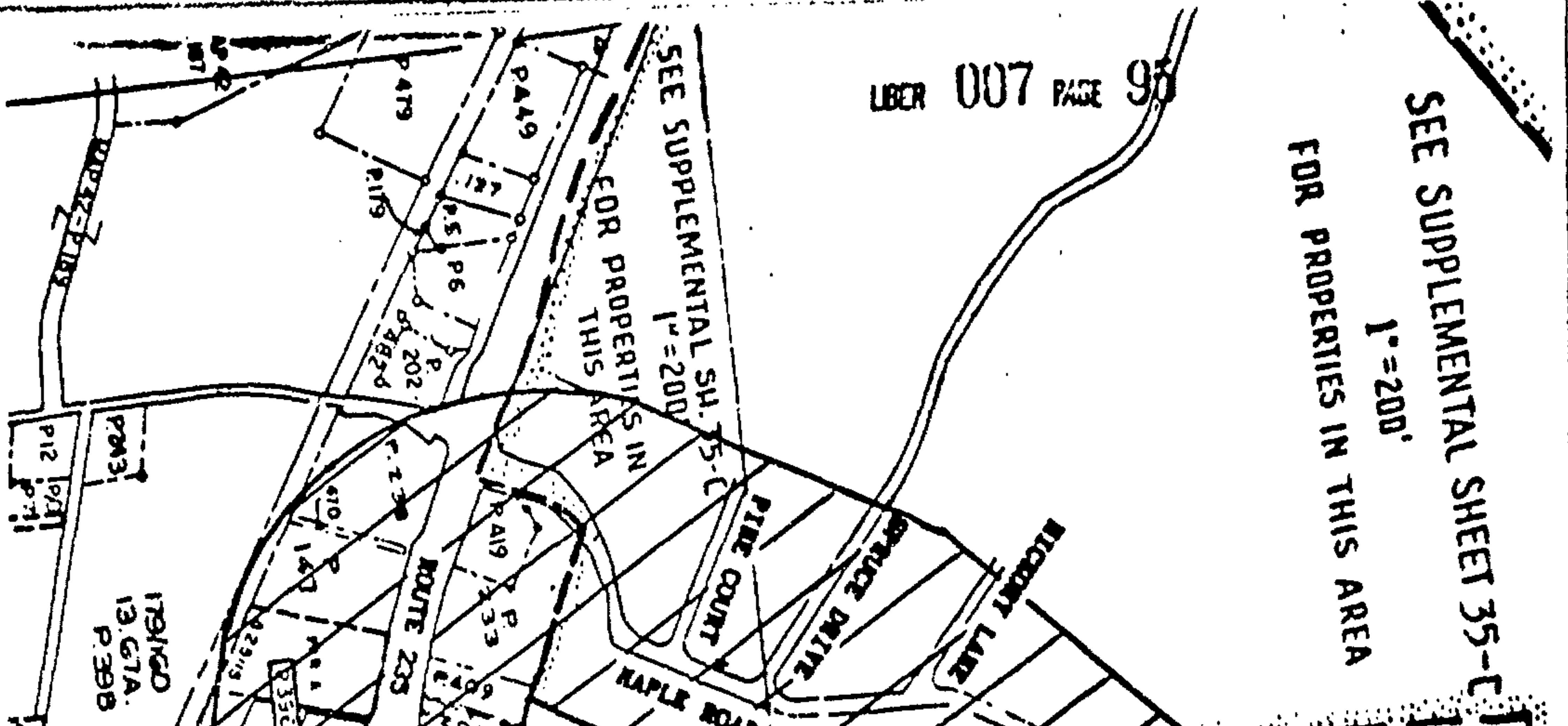
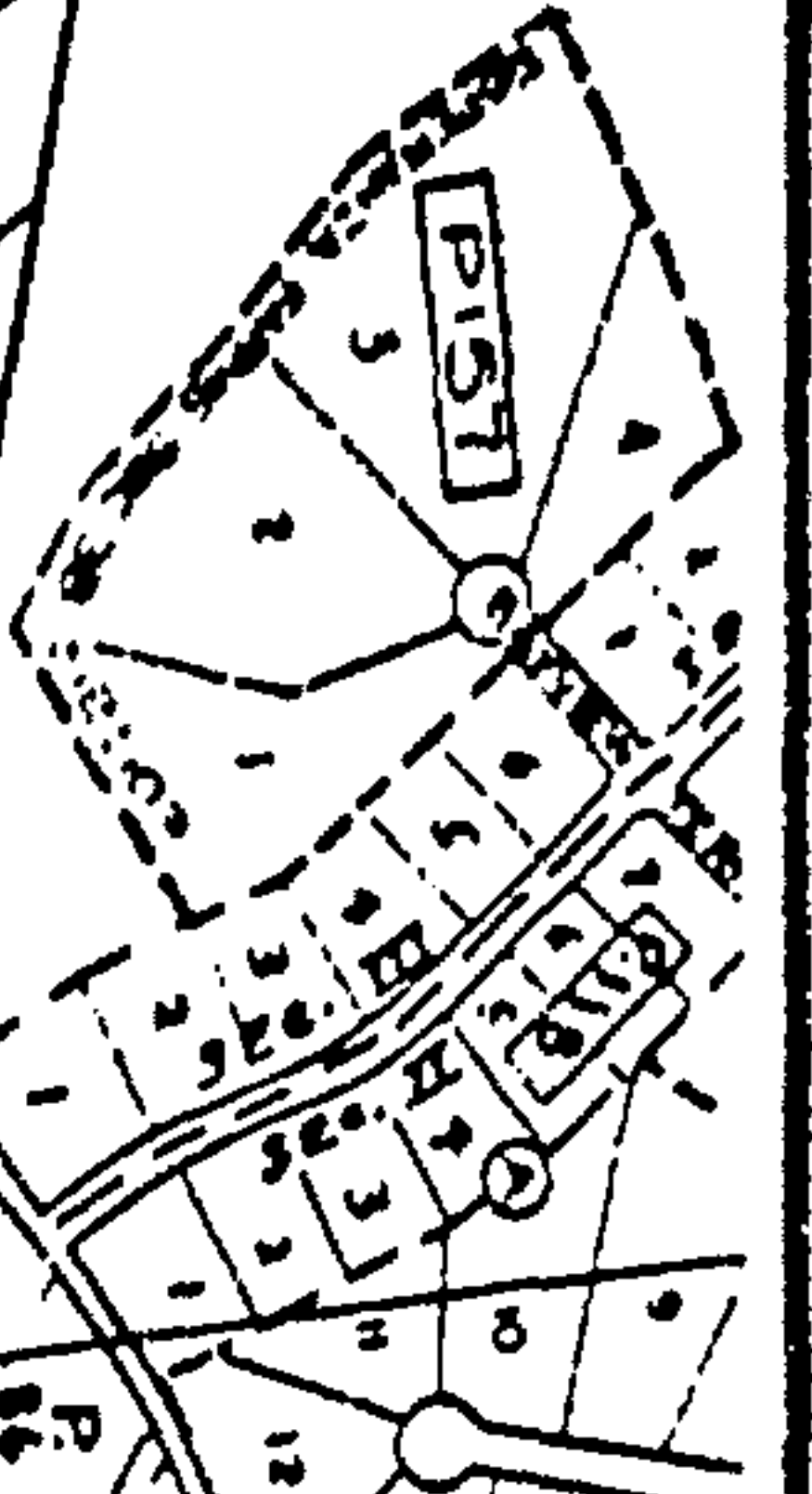
CBG 96/518
24.68 A.
P 186

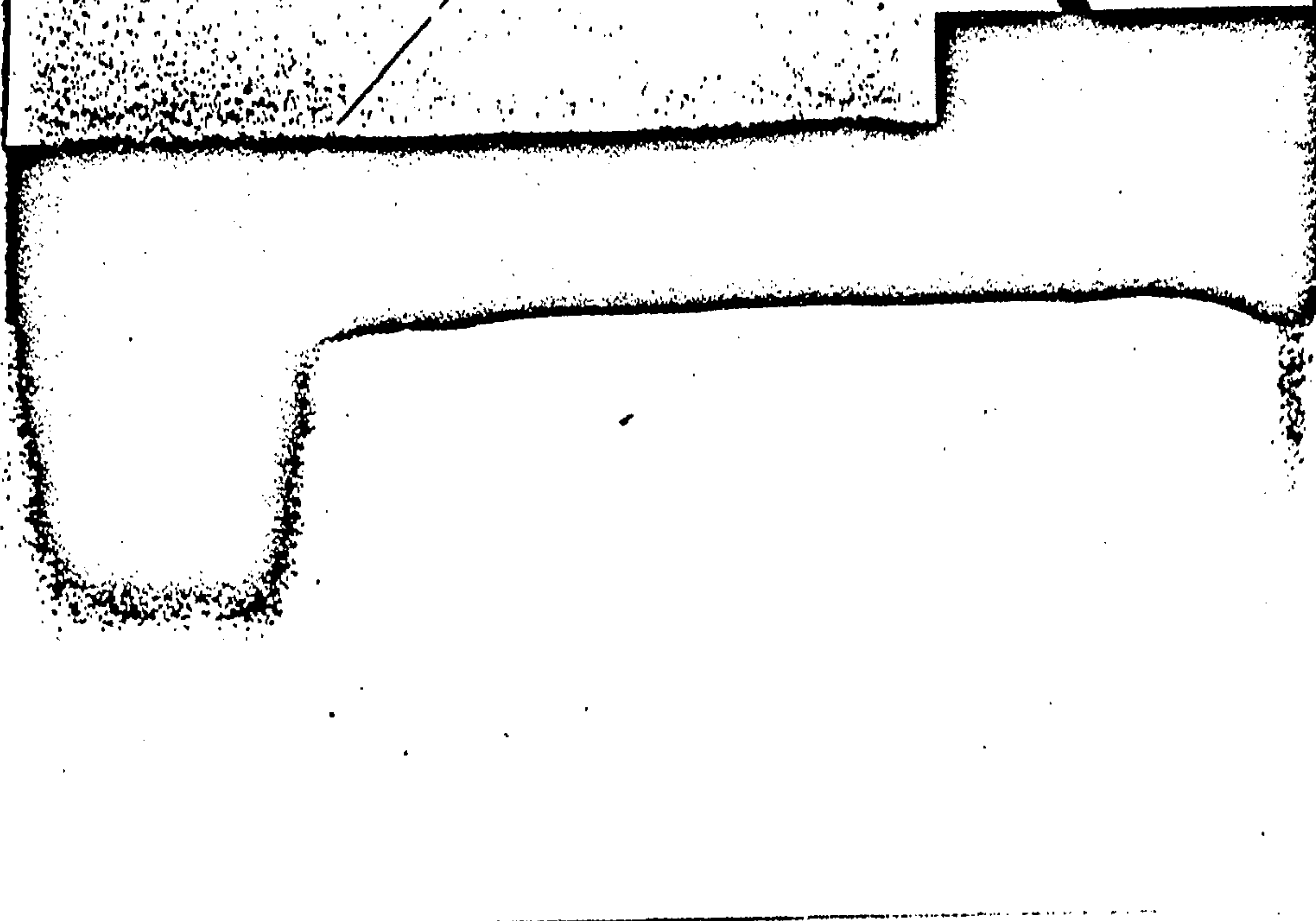
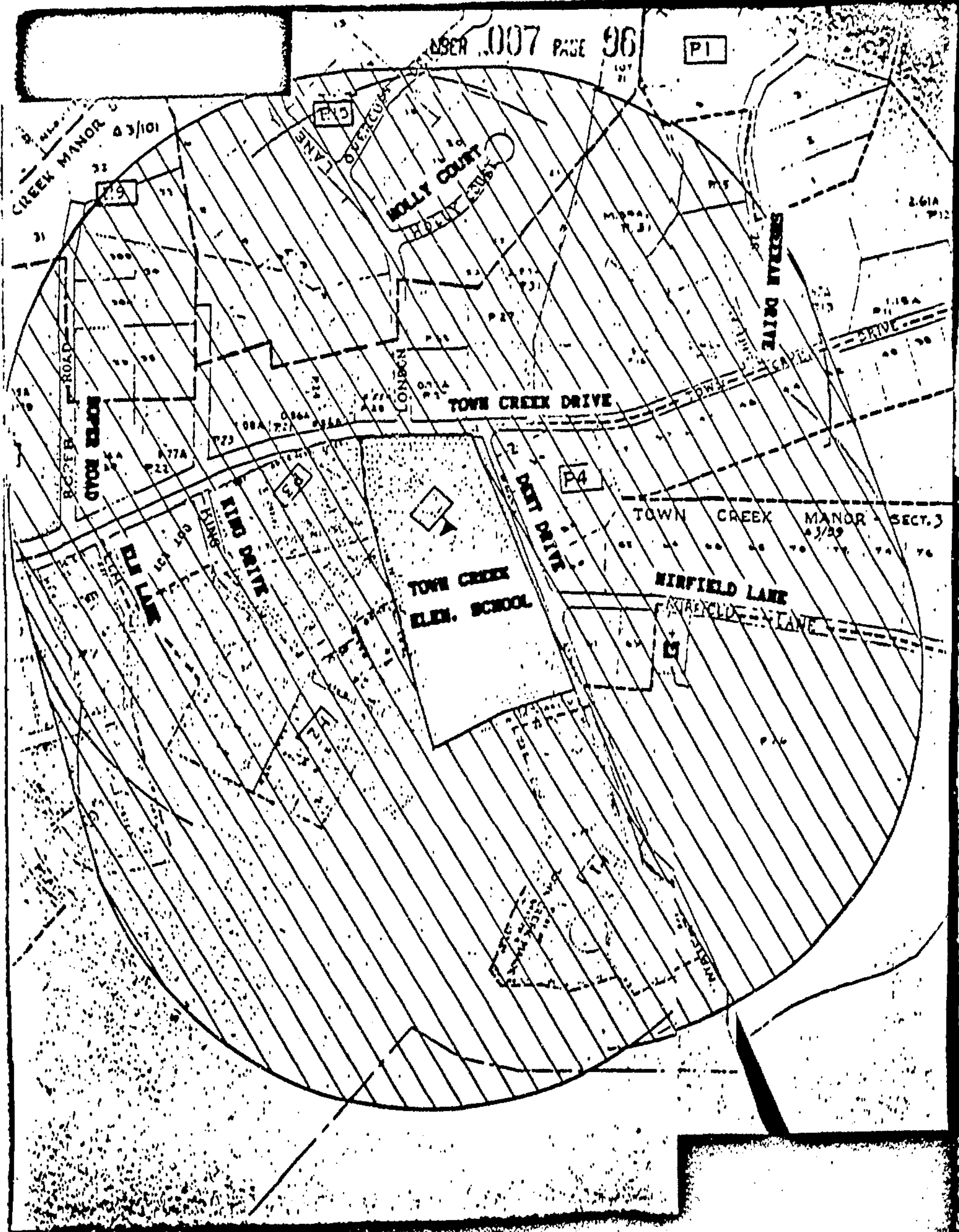
WRB 163/262
WRB 163/266
NO 66 A.
P 211

MRB 260/237
17.30 A.
P 212

EBB 15/417
WRB 98/169
50.00
P 18

MRB 43/147
MRB 147/65
7.02 A.
P 36

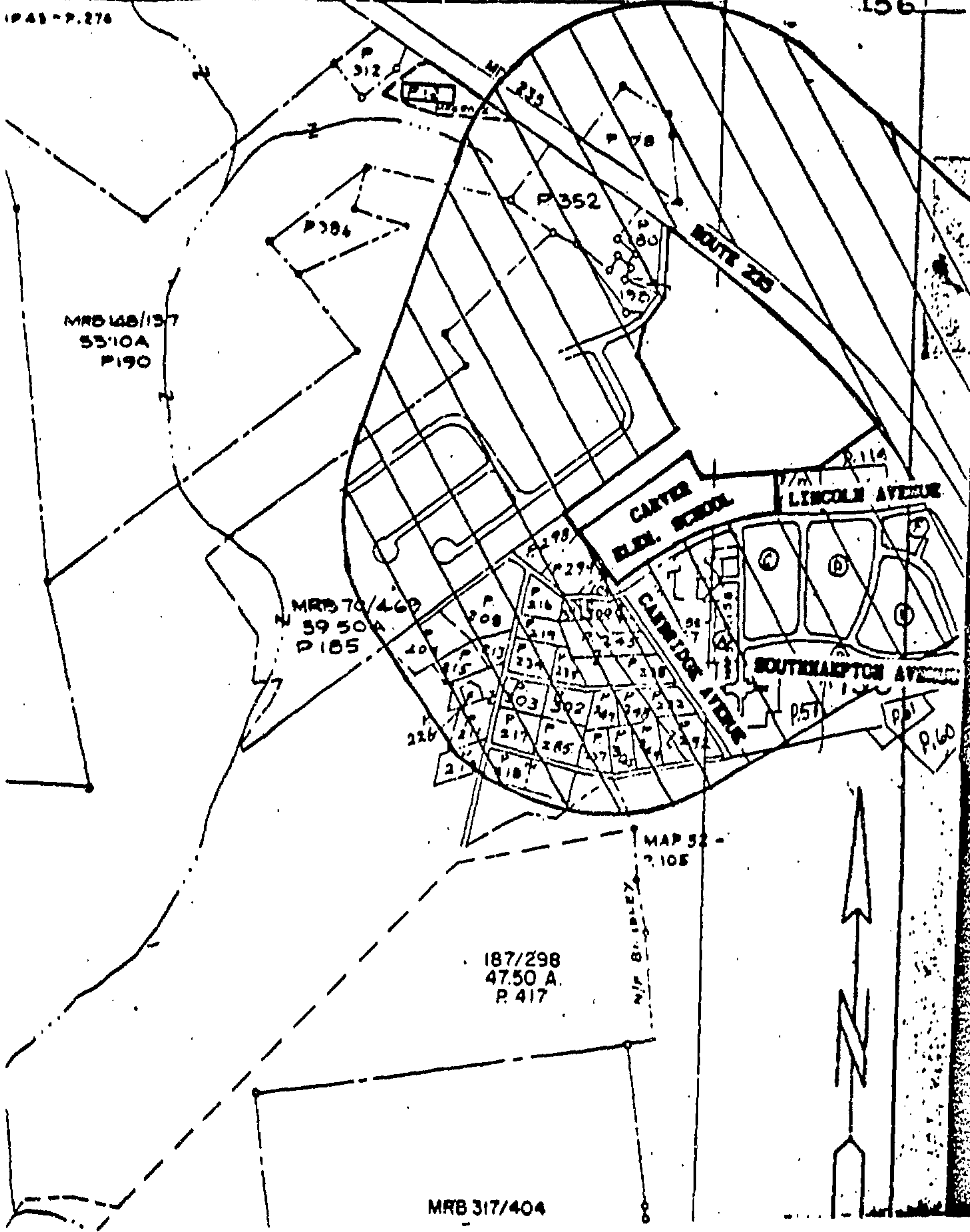


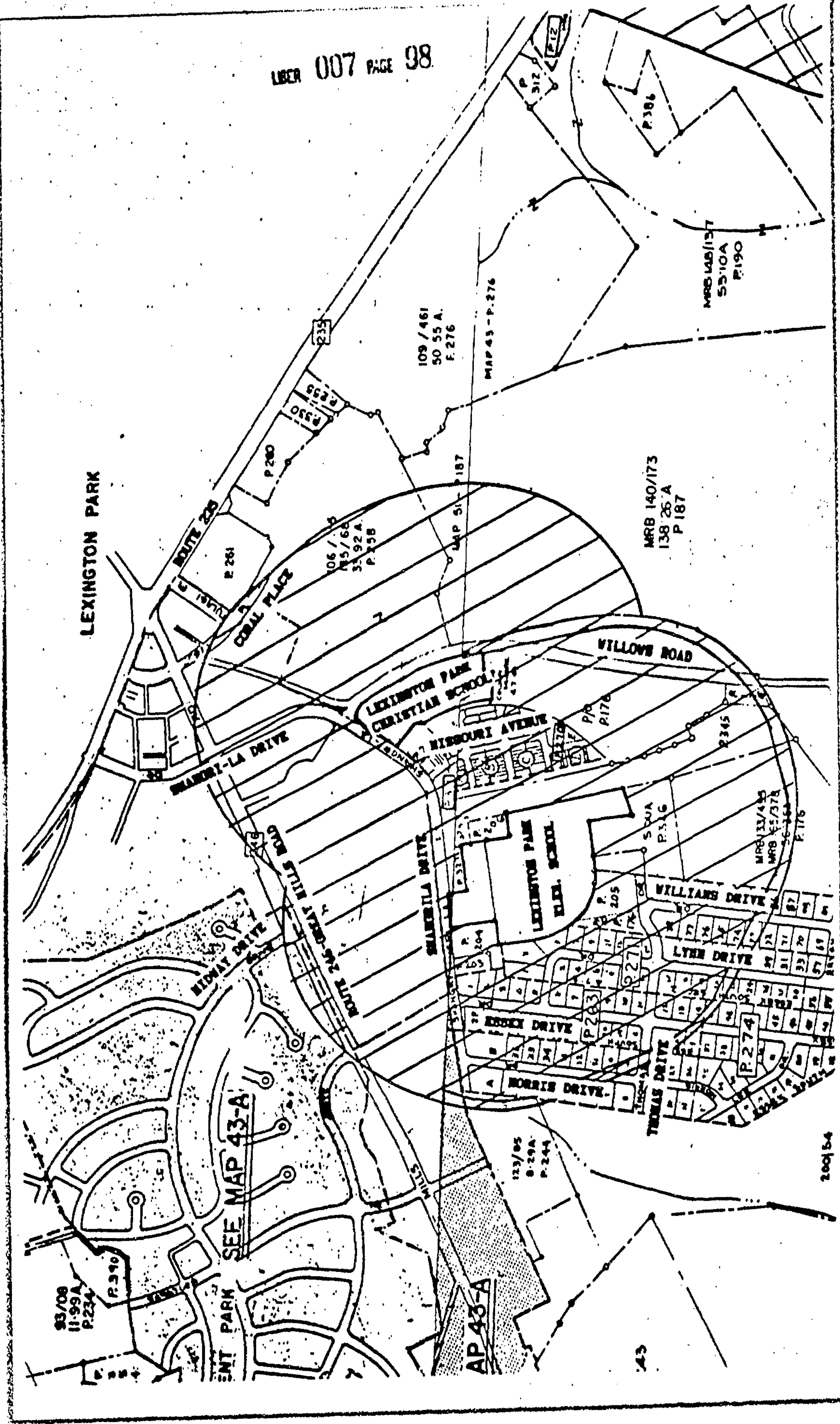


108/481
50-58 A
P 276

P 43 - P. 276

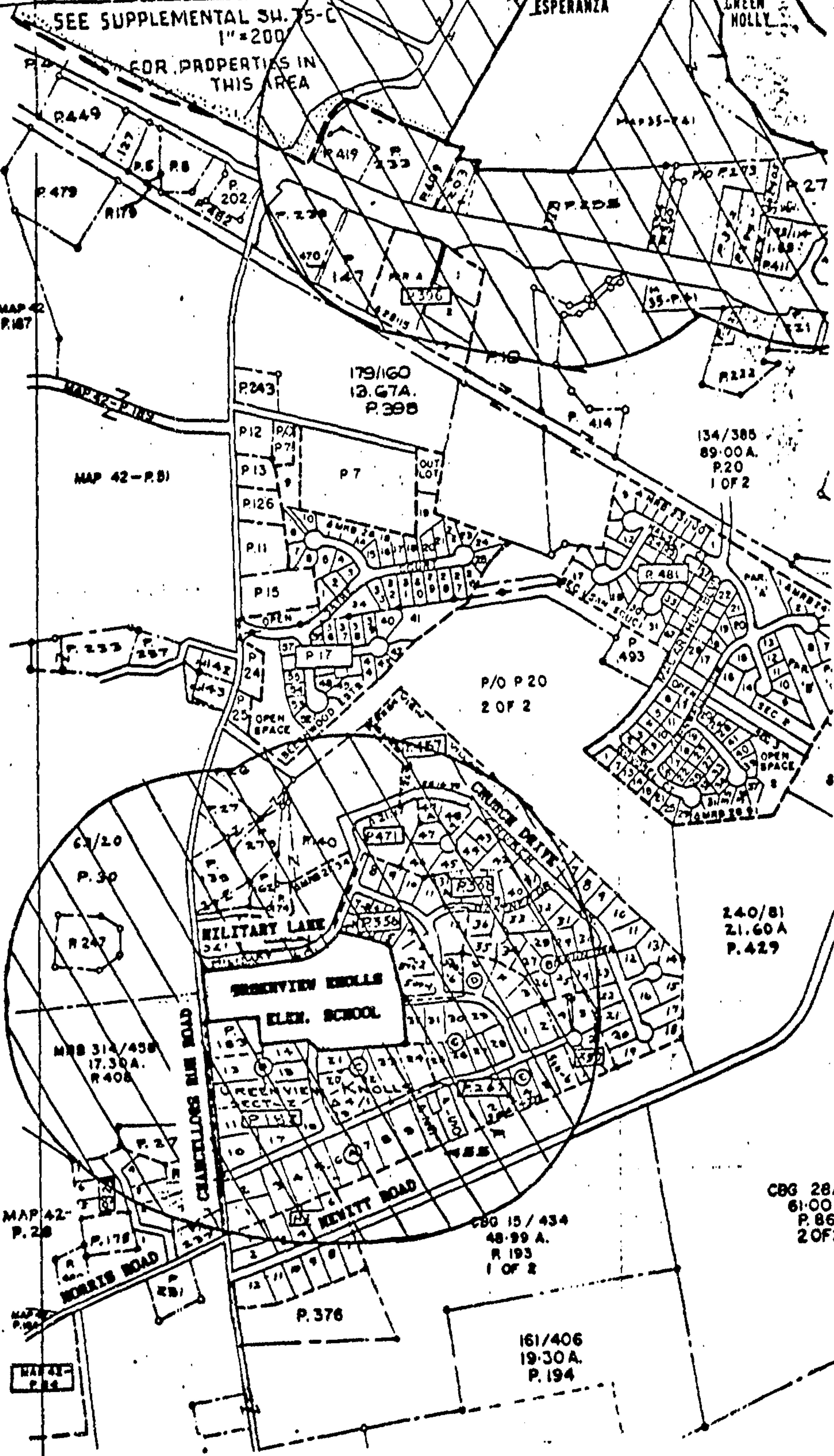
156





43

200/54



SEE SUPPLEMENTAL SH. 75-C
1"=200

FOR PROPERTIES IN
THIS AREA

GREEN
HOLLY

ESPERANZA

MAP 42
P. 187

MAP 42-P.81

179/160
13.67A.
P. 398

134/385
89.00A.
P. 20
1 OF 2

P/O P 20
2 OF 2

240/81
21.60A
P. 429

MBS 314/438
17.30A.
R 408

MAP 42-
P. 28

CBG 15/434
48.99 A.
R 193
1 OF 2

CBG 28/
61.00
P. 86
2 OF 2

P. 376

161/406
19.30A.
P. 194

MAP 41-
P. 14

RESOLUTION

The following Resolution was adopted by the Board of County Commissioners of St. Mary's County, Maryland on the 19th day of December, 1989.

WHEREAS, the Board of County Commissioners has on this date adopted Ordinance No. 89-33, enacting certain provisions relating to the designation of Drug Free School Zones within St. Mary's County, Maryland around public and nonpublic elementary and secondary schools.

10:45AM12/29/89 CO.COM \$0.00

WHEREAS, Section 4-122 of the Education Article of the Annotated Code of Maryland provides that local Boards of Education may adopt regulations for posting signs to provide notice of the existence and location of such Drug Free School Zones.

WHEREAS, the St. Mary's County Board of Education has enacted regulations for the posting of such signs.

NOW, THEREFORE, BE IT RESOLVED this 19th day of December, 1989 that the St. Mary's County Department of Public Works is hereby authorized and directed to erect appropriate signs pursuant to the regulations adopted by the St. Mary's County Board of Education, giving notice of the existence and location of the various Drug Free School Zones surrounding the public and nonpublic elementary and secondary schools of St. Mary's County, as provided in Ordinance No. 89-33.

This Resolution shall take effect immediately upon its adoption.

ATTEST:

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

Edward V. Cox
EDWARD V. COX
County Administrator

Carl M. Loffler, Jr.
CARL M. LOFFLER, JR.
President

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

W. Edward Bailey
W. EDWARD BAILEY
Commissioner

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

Robert T. Jarboe
ROBERT T. JARBOE
Commissioner

John G. Lancaster
JOHN G. LANCASTER
Commissioner

Rodney Thompson
RODNEY THOMPSON
Commissioner

Def. Co. Comm

JAN 02 1990

MARY R. BELL, CLERK

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY
RESOLUTION NO. R-89-32

A RESOLUTION of County Commissioners of St. Mary's County providing for the award of Two Million Six Hundred Eighty Thousand Dollars (\$2,680,000) aggregate principal amount of general obligation bonds designated Public Facilities Bonds of 1989, authorized to be issued pursuant to Resolution No. R-89-29 passed on November 21, 1989; 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."

10:49AM 12/29/89A CO.COM \$0.00

RECITALS

Resolution No. R-89-29 (the "Resolution") of County Commissioners of St. Mary's County (the "County") authorized the public sale of Two Million Six Hundred Eighty Thousand Dollars (\$2,680,000) aggregate principal amount of the County's general obligation bonds, designated Public Facilities Bonds of 1989 (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

-1-

0451q:12/11/89
7686-28

Del: Co. Com

JAN 02 1990

MARY R. BELL, CLERK

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 _____
Craigie Incorporated (the "successful bidder") for the Two Million Six Hundred Eighty Thousand Dollars (\$2,680,000) aggregate principal amount of Public Facilities Bonds of 1989 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	\$130,000	8.25 %	2000	\$135,000	6.25 %
1991	130,000	8.25 %	2001	135,000	6.25 %
1992	130,000	8.25 %	2002	135,000	6.25 %
1993	130,000	8.125 %	2003	135,000	6.25 %
1994	135,000	7.75 %	2004	135,000	6.25 %
1995	135,000	6.375 %	2005	135,000	6.25 %
1996	135,000	6.25 %	2006	135,000	6.25 %
1997	135,000	6.25 %	2007	135,000	6.25 %
1998	135,000	6.25 %	2008	135,000	6.25 %
1999	135,000	6.25 %	2009	135,000	6.25 %

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. The proceeds of the bonds shall be applied to the payment of the cost of the projects

described in Resolution No. 89-29, unless the County by resolution authorizes the application of the proceeds of the Bonds to other capital projects of the County, and any unexpended proceeds of the bonds shall otherwise be applied as provided in Resolution No. 89-29.

Section 6. The distribution of the Preliminary Official Statement dated December 6, 1989 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.

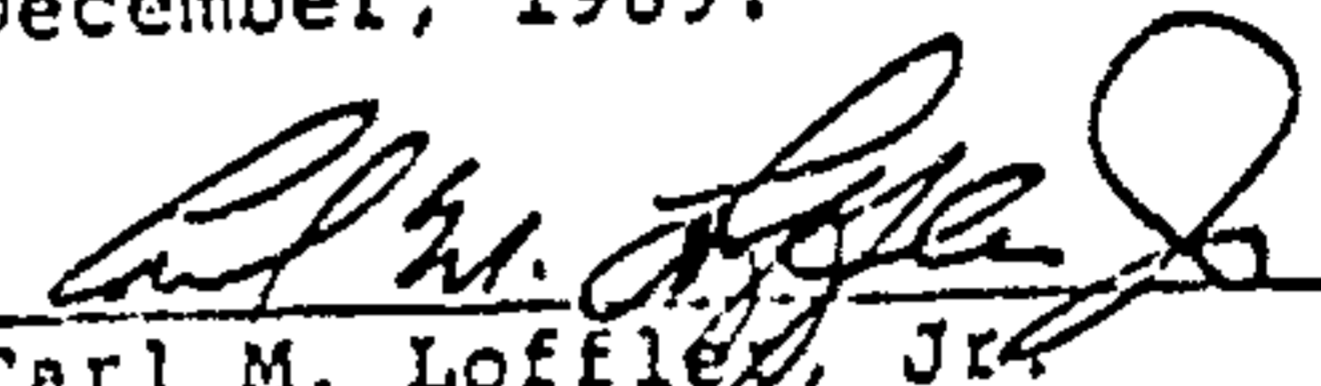
Section 8. The Bonds are hereby designated "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986 (the "Code").

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 1989 in an aggregate principal amount in excess of \$10,000,000, and (ii) the County will not during calendar year 1989 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 14th day of December, 1989.



Carl M. Loffler, Jr.
President



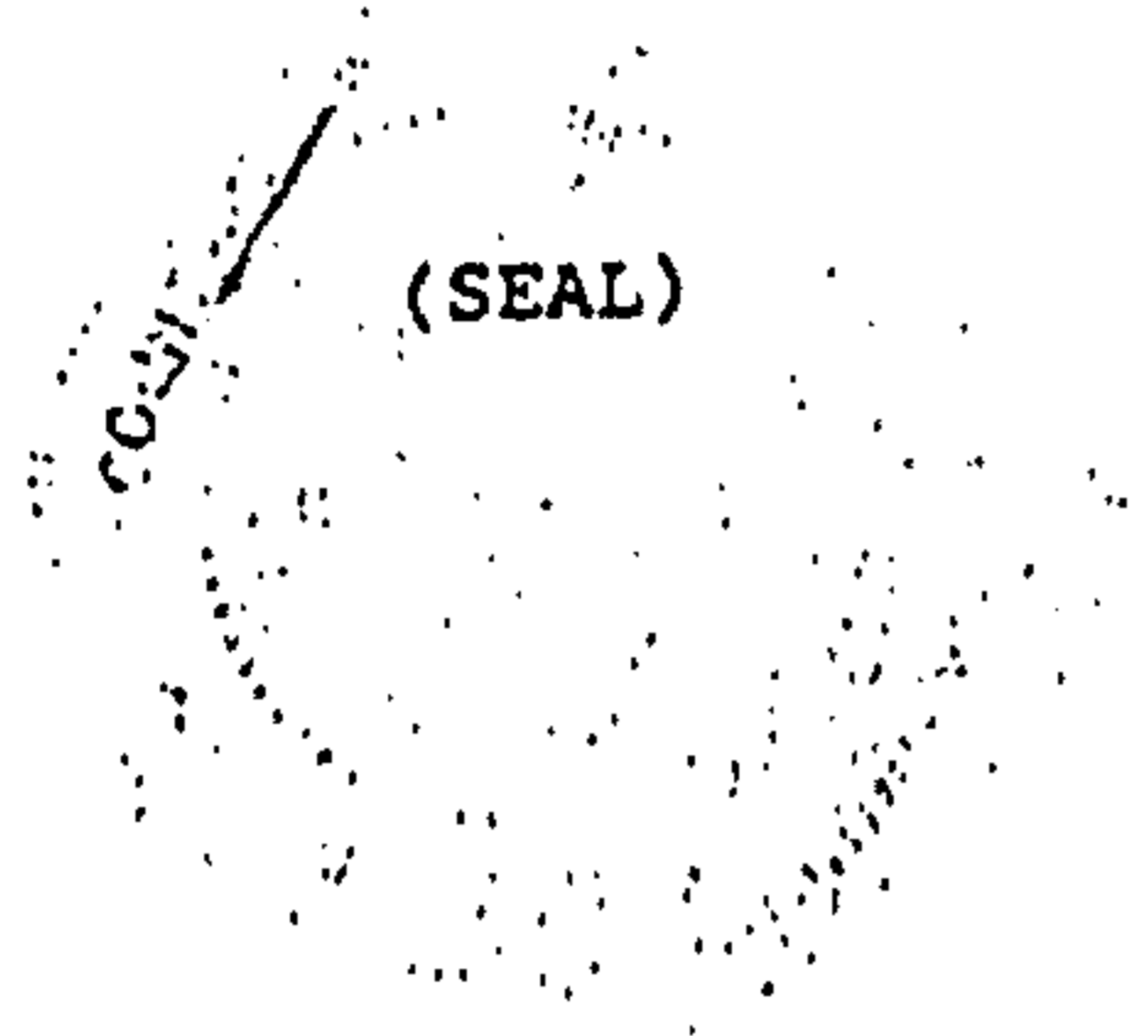
John G. Lancaster
Vice President




W. Edward Bailey
Commissioner

Robert T. Jarboe
Commissioner

Rodney Thompson
Commissioner



ATTEST:



Edward V. Cox
County Administrator

Resolution No. W/S 89-03
Subj.: Water and Sewer Plan
Amendment
Whalers Creek Runn
Subdivision
(PSUB #89-0335)

RESOLUTION

10:17AM 01/04/908 CO.COM \$0.00

WHEREAS, application has been made to amend the St. Mary's County Comprehensive Water and Sewer Plan for certain property located in the Eighth Election District of St. Mary's County, Maryland called and known as Whalers Creek Runn Subdivision. The application requests that the water category be amended from W-5 to W-3D, and the sewer category by amended from S-5 to S-3D. The subject property is located on the north side of Hermanville Road, between Maryland Route 5 and Maryland Route 235, and is shown on Tax Map 52, Block 13 as Parcel 77.

WHEREAS, the St. Mary's County Planning Commission deliberated on the proposed amendment at its public meeting on May 22, 1989, and voted unanimously to recommend to the Board of County Commissioners of St. Mary's County, Maryland that the water classification of the subject property be amended from W-5 to W-3D, and the sewer classification from S-5 to S-3D.

WHEREAS, The Board of County Commissioners held a public hearing on the proposed amendment on June 27, 1989, after due publication of notice.

WHEREAS, the Board of County Commissioners deliberated on the proposed amendment at its public meeting on July 11, 1989.

WHEREAS, the Board of County Commissioners deliberated further on the proposed amendment at its public meeting on July 25, 1989, and voted unanimously to approve the request.


NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to reclassify the subject property from S-5 to S-3D and from W-5 to W-3D.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: November 21, 1989

ATTEST:


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


EDWARD V. COX
County Administrator


CARL M. LOFFLER, JR., President

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:


W. EDWARD BAILEY, Commissioner


JOSEPH R. DENSFORD
County Attorney


ROBERT T. JARBOE, Commissioner


JOHN G. LANCASTER, Commissioner


RODNEY THOMPSON, Commissioner

Del. Co. Com.

JAN 10 1990

MARY R. BELL, CLERK

RESOLUTION

(Page 1 of 3)

WHEREAS, Amber Meadows Joint Venture has made application to rezone approximately forty-five (45) acres of land on the northeast side of Barefoot Drive off of Route 237, from Mobile Home Park (MHP) to Multifamily Residential (R-15). The subject property is located in the Eighth Election District of St. Mary's County, Maryland, and is shown on Tax Map 42, Block 6 as Parcel 187.

WHEREAS, following the posting of notice on the subject property, publication of notice and written notification of all property owners within two hundred (200) feet of the subject property by certified mail, the St. Mary's County Planning Commission conducted a public hearing on the application on April 10, 1989.

10:18AM 01/04/908 CO.COM \$0.00

WHEREAS, following deliberation, the Planning Commission on May 8, 1989, by a unanimous vote, recommended to the Board of County Commissioners of St. Mary's County that the subject property be rezoned from MHP to R-15, subject to certain conditions.

WHEREAS, The Board of County Commissioners, after posting notice on the subject property, publication of notice and written notification of all property owners within two hundred (200) feet of the subject property by certified mail, conducted a public hearing on the application on June 20, 1989.

WHEREAS, the Board of County Commissioners deliberated on the application at a public meeting on July 11, 1989, and postponed further action pending further input from the staff and the applicant.

WHEREAS, The Board of County Commissioners held further deliberations on the application at a public meeting on August 1, 1989 and approved the request by a unanimous vote, subject to certain conditions set forth below.

WHEREAS, the Board of 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, make the following findings of fact with respect to the application:

I. Change in the Character of the Neighborhood:

The neighborhood of the subject property is defined as that area bounded on the northeast by Maryland Route 235, on the northwest by Rolling Road, on the southwest by the state regional park, and on the southeast by Norris Road and Hewitt Road. A copy of the tax map showing the neighborhood boundaries has been entered into the record as Exhibit 7. There have been twenty-four (24) zoning changes in the defined neighborhoods since 1974, including the rezoning of the subject property from R-2, Residential, to MHP in 1981. A majority of the rezonings involved amendments from Residential to Commercial zoning along both sides of Maryland Route 235. The neighborhood is predominantly commercial and high-density residential at this time.

II. Population Change:

From 1980 to 1988, the population in the Eighth Election District has increased from 20,562 to 27,430, representing a growth rate for the period of approximately thirty-three percent (33%). The growth in this district represents approximately forty-two percent (42%) of all growth in St. Mary's County for

LIBER 007 PAGE 110

this period.

III. Adequacy of Public Facilities:

Public water and sewer service by the St. Mary's County Metropolitan Commission is already provided in the vicinity of the subject property.

IV. Present and Future Transportation Patterns:

Barefoot Drive should be adequate to connect the proposed development with Chancellors Run Road. Recent improvements have been made at the intersection of Chancellors Run Road and Maryland Route 235. Additional improvements to be made to Chancellors Run Road may become necessary to adequately serve other approved and recommended developments in this corridor.

V. Relation to Comprehensive Plan:

The subject property is located within the Lexington Park Development District, which is designed to encourage population growth in areas close to employment centers and existing infrastructure.

VI. Fiscal Impact on County Government:

No adverse fiscal impact from the proposed development of the subject property is anticipated.

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

It is the intent of the current Comprehensive Plan to redirect the focus of low and middle-income housing from mobile home parks to townhouse, apartment and other high-density development of a more permanent nature. The proposed use of the subject property will accomplish this objective.

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

The proposed high-density residential development of the subject property is compatible with the existing and proposed commercial and office development of the neighborhood, and the adjoining Maryland Manor mobile home park. It is also compatible with existing and proposed high-density residential development in other areas of the defined neighborhood.

IX. Mistake in Original Zoning:

No evidence of mistake in the original zoning classification of the subject property was presented by the Applicant.

NOW THEREFORE, BE IT RESOLVED AND ORDAINED by the Board of County Commissioners of St. Mary's County, Maryland this 21st day of November, 1989 that the aforementioned rezoning application is hereby GRANTED and the subject property is hereby reclassified from MHP to R-15, subject to the following conditions:

1. That the fire flow of 650 gallons per minute be upgraded at the Applicant's expense to 1,500 gallons per minute for the entire development of the subject property.

2. That existing interior roads shall be redesigned and reconstructed, if necessary, so that all dwelling units and accessory buildings will meet the required building setback lines and buffer requirements, as determined by the Department of Planning and Zoning.


3. That the entrance from Chancellors Run Road shall be redesigned and reconstructed by the Applicant, if necessary, to meet the St. Mary's County Road Ordinance, as determined by the Department of Public Works.

4. That the Applicant shall construct to County standards that portion of Barefoot Drive extending from Chancellors Run Road to the western-most portion of the subject property which abuts Maryland Manor mobile home park, if required by the Department of Public Works and the Board of County Commissioners.

5. That the Applicant recognizes that new regulations and standards are proposed for adoption in the comprehensive rezoning and update to the St. Mary's County Zoning Ordinance which may apply to the subject property.

ATTEST:

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


EDWARD V. COX
County Administrator 11/21/89


CARL M. LOEFFLER, JR., President

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:


W. EDWARD BAILEY, Commissioner


JOSEPH R. DENSFORD
County Attorney

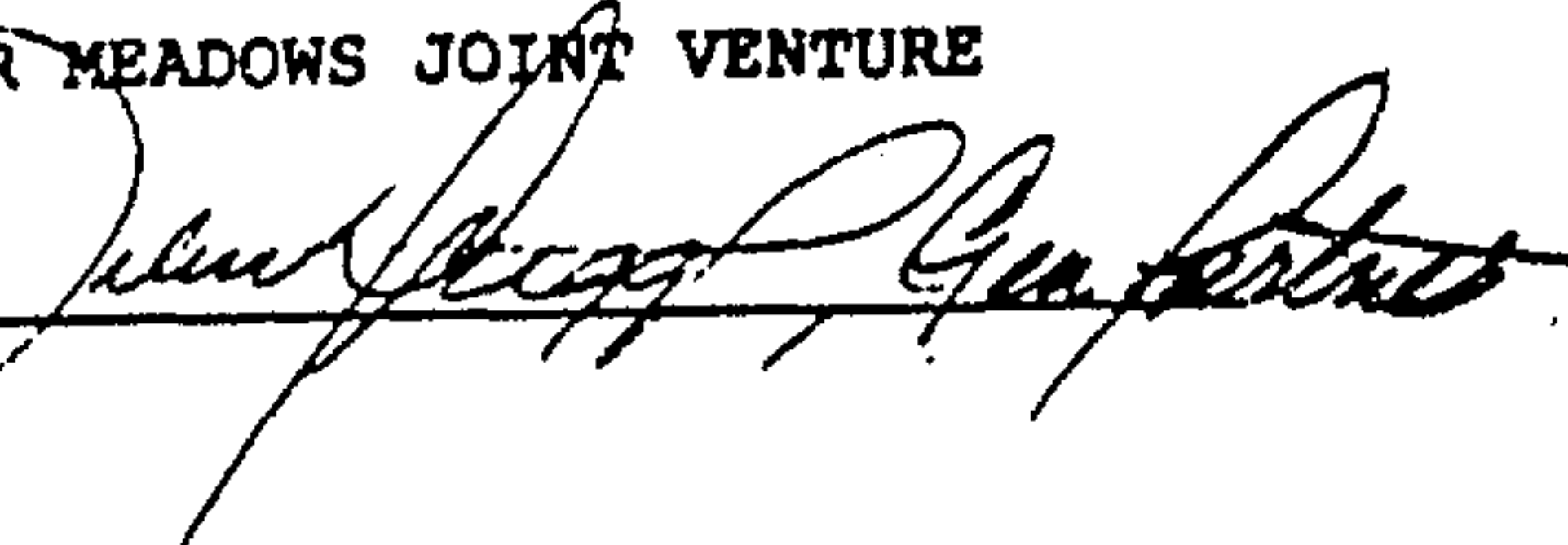

ROBERT JARBOE, Commissioner


JOHN G. LANCASTER, Commissioner


RODNEY THOMPSON, Commissioner

The undersigned applicant hereby agrees to the conditions set forth above, which shall be binding on the personal representatives, heirs, successors and assigns of said Applicant, and shall run with and bind the subject property.

AMBER MEADOWS JOINT VENTURE

By: 

Del. Co. Com.

JAN 10 1990

MARY R. BELL, CLERK

RESOLUTION

WHEREAS, Mary McKay, et al. have made application to rezone approximately three (3) acres of land on Maryland Route 235 near its intersection with Gunston Drive in California, Maryland, from Rural-Residential (R-1) to Commercial (C-2). The subject property is located in the Eighth Election District of St. Mary's County, Maryland, and is shown on Tax Map 35C, Block 17 as Parcels 19, 20 and 27.

10:18AM 01/04/90B CO.COM \$0.00

WHEREAS, following the posting of notice on the subject property, publication of notice and written notification of all property owners within two hundred (200) feet of the subject property by certified mail, the St. Mary's County Planning Commission conducted a public hearing on the application on April 24, 1989.

WHEREAS, following deliberation, the Planning Commission on May 22, 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-1 to C-2, subject to certain conditions.

WHEREAS, The Board of County Commissioners, after posting notice on the subject property, publication of notice and written notification of all property owners within two hundred (200) feet of the subject property by certified mail, conducted a public hearing on the application on July 18, 1989.

WHEREAS, the Board of County Commissioners deliberated on the application at a public meeting on August 22, 1989 and approved the request by a vote of four (4) to one (1).

WHEREAS, the Board of 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, make the following findings of fact with respect to the application:

I. Change in the Character of the Neighborhood:

The neighborhood of the subject property is defined as that area 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 Hewitt Road, on the east by a line parallel with Maryland Route 235, including Holly Road, Poplar Lane and Spruce Drive, and on the west by Hewitt Road and Norris Road to an unnamed stream to Rolling Road.

The defined neighborhood is characterized by commercial C-1 and C-2 zoning and related land uses adjacent to both sides of Maryland Route 235, with residential uses beyond. Commercial land uses are located to the north, including the Seven-Eleven store and the Lowes store now under construction. A small parcel to the south is now zoned R-1, with C-2 beyond. Opposite the subject property, on the south side of Maryland Route 235, the predominate zoning and land use is also commercial, with residential uses beyond. To the east is the Town Creek Manor subdivision, which is zoned R-1.

Since 1974 there have been approximately twenty-four (24) zoning amendments within the defined neighborhood, which, together with the construction of seven (7) commercial developments, reinforce the strong commercial character of the area fronting along both sides of Maryland Route 235.

II. Population Change:

From 1980 to 1988, the population in the Eighth Election District has increased from 20,562 to 27,430, representing a

LIBER 007 PAGE 113

growth rate for the period of approximately thirty-three percent (33%). Housing units have increased from 7,224 in 1980 to 9,971 in 1988, a thirty-eight percent (38%) increase. Since 1980, 135 commercial building permits have been issued.

III. Adequacy of Public Facilities:

Public Water: The subject property is currently designated as W-1 (existing service). Existing water lines and wells are located in Town Creek Manor subdivision, and 500 feet south of the subject property at the Dash In property. A sixteen inch (16") water line is proposed on the east side of Maryland Route 235 along the front of the subject property. Extension of public water to the subject property is feasible at this time.

Public Sewer: The subject property is designated as S-5 (5-6 to 10 years), but is adjacent to property to the south designated S-1 (existing service) and S-3 (immediate priority) to the north. Existing sewer lines are located along Town Creek Drive and along the old railroad right-of-way west of Maryland Route 235. Another sewer line extends along the east side of Maryland Route 235 ending near Maple Road. A sewer line is proposed along the west side of Maryland Route 235, opposite the subject property. Extension of public sewer service to the subject property is possible, requiring an amendment to the sewer service classification and a feasibility analysis to determine the best access for the line.

Streets: Access to the subject property will be provided by Maryland Route 235, a divided four-lane state highway. The State Highway Administration has proposed signal and road improvements to the intersection at Chancellors Run Road, which should reduce some congestion there.

Schools and Parks: The commercial nature of the subject property should have no adverse impact on schools or parks in the area.

Police, Fire and Rescue Services: No adverse impact on existing services is anticipated from commercial development of the subject property.

IV. Present and Future Transportation Patterns:

There should be no change to the existing or future transportation patterns along Maryland Route 235 created by the commercial development of the subject property. Existing and future levels of service should not be adversely impacted by site-generated traffic.

V. Relation to Comprehensive Plan:

According to the current Comprehensive Plan, the subject property is within the Lexington Park Development District. This area has been designated for future commercial and high-density residential growth, based on the existence of public water, sewer and other infrastructure necessary to support such growth. The requested rezoning would be compatible with the plan. The subject property is also designated for commercial rezoning in the proposed zoning ordinance and maps.

VI. Fiscal Impact on County Government:

The commercial development of the subject property should have a positive fiscal impact on County government, when property tax revenues are compared with the level of government services required to support the development.

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

At the present time, the subject property is improved by three (3) single-family dwellings. Given the strong commercial nature of the surrounding area, the available public facilities for commercial development and the goal of the Comprehensive Plan to encourage commercial and high-density residential development in this area, the property appears to be more suitable for

commercial uses at this time.

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

The subject property adjoins property zoned C-2 to the north and R-1 to the south (with commercial use), and C-2 zoning exists beyond to Maple Drive. To the east are the rear portions of three (3) residential lots zoned R-1 and part of the Town Creek Manor subdivision. Maryland Route 235 adjoins the property's western boundary, with land zoned C-2 on the opposite side. Residential use of the subject property is no longer appropriate. Necessary buffers to protect adjoining residential uses can be mandated through the site plan process.

IX. Mistake in Original Zoning:

No evidence of mistake in the original zoning classification of the subject property was presented by the Applicant.

NOW THEREFORE, BE IT RESOLVED AND ORDAINED by the Board of County Commissioners of St. Mary's County, Maryland this 21st day of November, 1989 that the aforementioned rezoning application is hereby GRANTED, and the subject property is hereby reclassified from R-1 to C-2.

ATTEST:

Edward V. Cox
EDWARD V. COX 11/21/89
County Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

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

Del. to Com.

JAN 10 1990

MARY R. BELL, CLERK

No. Z-89-08

Subj.: Zone #89-0493

T. King Clarke Property
(O'Brien/Harmon)

(Page 1 of 3)

RESOLUTION

WHEREAS, Michael O'Brien and Thomas Harmon have made application to rezone approximately 1.091 acres of land on the north side of Maryland Route 235 between Town Creek Drive and Maple Road from Rural-Residential (R-1) to Commercial (C-2). The subject property is located in the Eighth Election District of St. Mary's County, Maryland, and is shown on Tax Map 35C as Parcel 17.

10:20AM01/04/908 CU.COM \$0.00

WHEREAS, following publication of notice and written notification of all property owners within two hundred (200) feet of the subject property by certified mail, the St. Mary's County Planning Commission conducted a public hearing on the application on May 22, 1989.

WHEREAS, following deliberation, the Planning Commission on June 26, 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-1 to C-2, subject to certain conditions.

WHEREAS, The Board of County Commissioners, after publication of notice and written notification of all property owners within two hundred (200) feet of the subject property by certified mail, conducted a public hearing on the application on August 15, 1989.

WHEREAS, the Board of County Commissioners deliberated on the application at a public meeting on August 29, 1989 and approved the request by a unanimous vote.

WHEREAS, the Board of 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, make the following findings of fact with respect to the application:

I. Change in the Character of the Neighborhood:

The neighborhood of the subject property is defined as that area 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 Hewitt Road, on the east by a line parallel with Maryland Route 235, including Holly Road, Poplar Lane and Spruce Drive, and on the west by Hewitt Road and Norris Road to an unnamed stream to Rolling Road.

The defined neighborhood is characterized by commercial C-1 and C-2 zoning and related land uses adjacent to both sides of Maryland Route 235, with residential uses beyond. Commercial land uses are located to the north, including the Seven-Eleven store and the Lowes store now under construction. A small parcel to the south is now zoned R-1, with C-2 beyond. Opposite the subject property, on the south side of Maryland Route 235, the predominate zoning and land use is also commercial, with residential uses beyond. To the east is the Town Creek Manor subdivision, which is zoned R-1.

Since 1974 there have been approximately twenty-four (24) zoning amendments within the defined neighborhood, which, together with the construction of seven (7) commercial developments, reinforce the strong commercial character of the area fronting along both sides of Maryland Route 235.

II. Population Change:

From 1980 to 1988, the population in the Eighth Election District has increased from 20,562 to 27,430, representing a

growth rate for the period of approximately thirty-three percent (33%). Housing units have increased from 7,224 in 1980 to 9,971 in 1988, a thirty-eight percent (38%) increase. Since 1980, 135 commercial building permits have been issued.

III. Adequacy of Public Facilities:

Public Water and Sewer: This area is presently being serviced by central water and sewer.

Streets: A traffic impact study submitted by the Applicant demonstrates the adequacy of existing public streets for the proposed development of the subject property. **Schools:** The commercial nature of the subject property should have no adverse impact on schools in the area.

Police: Currently, the St. Mary's County Sheriff's Department and Maryland State Police provide adequate security for the area.

Parks: Park areas are primarily impacted by residential projects, and therefore no adverse impact on parks should be created by additional commercial development.

Fire and Rescue Services: New commercial development may have some impact on fire and rescue services.

IV. Present and Future Transportation Patterns:

There should be no substantial change to the existing or future transportation patterns along Maryland Route 235 created by the commercial development of the subject property. Existing and future levels of service should not be adversely impacted by site-generated traffic. Issues concerning ingress and egress to Maryland Route 235 will be resolved at the site plan stage by the Planning Commission.

V. Relation to Comprehensive Plan:

According to the current Comprehensive Plan, the subject property is within the Lexington Park Development District. This area has been designated for future commercial and high-density residential growth, based on the existence of public water, sewer and other infrastructure necessary to support such growth. The requested rezoning would be compatible with the plan. The subject property is also designated for commercial rezoning in the proposed zoning ordinance and maps.

VI. Fiscal Impact on Government:

The commercial development of the subject property should have a positive fiscal impact on County government, when property tax revenues are compared with the level of government services required to support the development.

VII. Suitability of Property for Used under Existing and Proposed Zoning Classifications:

At the present time, the subject property is surrounded by other commercial property and appears unsuited for residential uses. Given the nature of the surrounding area, the available public facilities for commercial development and the goal of the Comprehensive Plan to encourage commercial and high-density residential development in this area, the property appears to be more suitable for commercial uses at this time.

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

The subject property is located in an area designated for commercial and high-density residential development under the new Comprehensive Plan. The property is more compatible with existing and future commercial development than residential uses, particularly with frontage on Maryland Route 235.

IX. Mistake in Original Zoning:

No evidence of mistake in the original zoning classification of the subject property was presented by the Applicant.

NOW THEREFORE, BE IT RESOLVED AND ORDAINED by the Board of County Commissioners of St. Mary's County, Maryland this 21st day of November, 1989 that the aforementioned rezoning application is hereby GRANTED, and the subject property is hereby reclassified from R-1 to C-2.

ATTEST:

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

Edward V. Cox
EDWARD V. COX 11/21/89
County Administrator

Carl M. Loffler, Jr.
CARL M. LOFFLER, JR., President

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

Robert Jarboe
ROBERT JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Rodney Thompson
RODNEY THOMPSON, Commissioner

JAN 10 1990

MARY R. BELL, CLERK

Del Co Com

No. Z-89-09
Subj.: Zone #88-1736
National Mobile Home
Park Partnership

RESOLUTION

WHEREAS, National Mobile Home Park Partnership has made application to rezone approximately 20.5 acres of land at the corner of Maryland Route 235 and Hewitt Road from Mobile Home Park (MHP) to Commercial (C-2). The subject property is located in the Eighth Election District of St. Mary's County, Maryland, and is shown on Tax Map 43, Block 8 as Parcel 50.

WHEREAS, following publication of notice and written notification of all property owners within two hundred (200) feet of the subject property by certified mail, the St. Mary's County Planning Commission conducted a public hearing on the application on August 28, 1989.

10:21AM01/04/908 CG.COM \$0.00

WHEREAS, following deliberation, the Planning Commission on September 25, 1989, by a unanimous vote, recommended to the Board of County Commissioners of St. Mary's County that the subject property be rezoned from MHP to C-2, subject to certain conditions.

WHEREAS, The Board of County Commissioners, after publication of notice and written notification of all property owners within two hundred (200) feet of the subject property by certified mail, conducted a public hearing on the application on October 24, 1989.

WHEREAS, the Board of County Commissioners deliberated on the application at a public meeting on November 14, 1989 and approved the request by a unanimous vote, with the understanding that at the site plan stage, access to the subject property from Maryland Route 235 will be denied, and shall be limited to Hewitt Road.

WHEREAS, the Board of 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, make the following findings of fact with respect to the application:

I. Change in the Character of the Neighborhood:

The neighborhood of the subject property is defined as that area bounded on the north by the intersection of Maryland Route 235 and Millstone Landing Road; on the east by a line 1,700 feet parallel to Maryland Route 235; on the south by the intersection of Maryland Route 235 and Pegg Road; on the west by the old abandoned railroad right-of-way, approximately 1,400 feet parallel to Maryland Route 235. The defined neighborhood is characterized by commercial zoning and land use in varying depths along Maryland Route 235, with residential uses beyond. The following commercial facilities have been constructed recently within the neighborhood:

San Souci Shopping Center
Exploration Place Office Complex
Taylor Rental Building
Potomac Self-Storage

The following zoning changes to commercial categories have also taken place:

J. L. Millison	C-1 to C-2	4/5/86
J. L. Millison	C-1 to C-2	5/8/84
Jerry Colvin	R-2 to C-1	6/12/84
James Lanham	R-2 to C-1	10/17/79

The above-described commercial construction and commercial rezonings reinforce the changing character of the neighborhood to a commercial nature, particularly for those properties along both sides of Maryland Route 235.

II. Population Change:

From 1980 to 1988, the population in the Eighth Election District has increased from 20,562 to 27,430, representing a growth rate for the period of approximately thirty-three percent (33%). Since 1980, 135 commercial building permits have been issued.

III. Adequacy of Public Facilities:

Public Water and Sewer: The site is within an area designated as W-1, existing public water. An existing twelve inch (12") water line runs along Maryland Route 235. To obtain water service, the applicant would tap into the existing feeder line. The site is within the Pine Hill Sewer Service area, categorized as S-1, existing sewer service. An existing sewer interceptor is located within the sixty foot (60') wide right-of-way at the rear of the site. Extension of public sewer is proposed and possible, requiring Metropolitan Commission review and approval.

Streets: The property has access to Maryland Route 235, a four-lane divided state highway. Present traffic volumes reach 24,000 vehicles per day. Road capacity for this type of road is in the vicinity of 35,000 to 40,000 vehicles per day. The site also has access to Hewitt Road, presently a two-lane County road with a thirty foot (30') right-of-way. There is a County proposal to realign Hewitt Road opposite Rue Purchase Road, and reconstruct it to a sixty foot (60') right-of-way.

Schools and Parks: The commercial nature of the subject property should have no adverse impact on schools or parks in the area.

Police, Fire and Rescue Services: Impact from the proposed rezoning should have minimal impact on police and other government services. The site is already developed and served by those services.

IV. Present and Future Transportation Patterns:

The transportation element of the 1988 Comprehensive Plan provides specific policies and strategies to support development directed to the Lexington Park area and the Development Districts. The Comprehensive Plan lists short term strategies, including building setbacks to permit future road improvements, access control to maintain road capacity, and service roads or commercial pods along major highways. The subject property is large enough to be a commercial pod. For the long term, the following road improvements are planned for the Lexington Park area: Reconstruction of a new Pegg Road intersection with Maryland Route 235; extension of Pegg Road with eventual connection from Maryland Route 235 to Chancellor's Run Road; construction of a parallel road to Maryland Route 235, from Chancellor's Run Road to FDR Boulevard, serving commercial properties; and realignment and reconstruction of Hewitt Road, linking the subject property with Maryland Route 235.

V. Relation to Comprehensive Plan:

According to the current Comprehensive Plan, the subject property is within the Lexington Park Development District. This area has been designated for future commercial and high-density residential growth, based on the existence of public water, sewer and other infrastructure necessary to support such growth. The requested rezoning would be compatible with the plan. The subject property is also designated for commercial rezoning in the proposed zoning ordinance and maps.

VI. Fiscal Impact on Government:

LIBER 007 PAGE 120

The commercial development of the subject property should have a positive fiscal impact on County government, when commercial property tax revenues are compared with the level of government services required to support the development. There should be no impact or need for additional school or park facilities generated by commercial development. Connection to public water and sewer service will be funded by the applicant.

VII. Suitability of Property for Used under Existing and Proposed Zoning Classifications:

At the present time, the subject property is partially developed for mobile home sales. The property is proposed for commercial zoning under the new zoning ordinance. Given the nature of the surrounding area, the available public facilities for commercial development and the goal of the Comprehensive Plan to encourage commercial and high-density residential development in this area, the property appears to be suitable for commercial uses at this time.

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

Adjacent properties are a mixture of commercial and residential zoning. To the north, property is zoned R-1 and commercial, to the rear or east of the site is the old railroad right-of-way and S.M.E.C.O. right-of-way, with R-2 beyond. Commercial property is located to the south and across Maryland Route 235. Incorporation of required buffers on the subject property for commercial development should provide additional compatibility with existing and future land uses in the area.

IX. Mistake in Original Zoning:

No evidence of mistake in the original zoning classification of the subject property was presented by the Applicant.

NOW THEREFORE, BE IT RESOLVED AND ORDAINED by the Board of County Commissioners of St. Mary's County, Maryland this 19th day of December, 1989 that the aforementioned rezoning application is hereby GRANTED, and the subject property is hereby reclassified from MHP to C-2.

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

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Robert Jarboe
ROBERT JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Rodney Thompson
RODNEY THOMPSON, Commissioner

S. L. Co. Com

JAN 10 1990

MARY R. BELL, CLERK

LIBER 007 PAGE 121

NO : 90-01

SUBJ: Patuxent Park Apartments
Refunding Revenue Bonds (1990)

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND

RESOLUTION NO. 90-01

By the Board of County Commissioners

January 9, 1990

ENTITLED

11:16PM01/11/90A CD.COM

40.00

A RESOLUTION adopted pursuant to the Maryland Economic Development Revenue Bond Act providing for (1) the issuance and sale by County Commissioners of St. Mary's County, Maryland (the "County"), as its limited obligations and not upon its faith and credit or pledge of its taxing power, of its bonds (as defined in such Act) (the "Bonds") in an aggregate principal amount not to exceed \$10,425,000, for the purpose of redeeming and refunding the outstanding principal balance of the County's Multi-Family Housing Revenue Bonds, Series 1985 (Patuxent Park Apartments Project) (the "Series 1985 Bonds"), which were issued on March 8, 1985 to finance the cost of acquisition, construction and equipping of a rental apartment facility in the Lexington Park area of St. Mary's County, and (2) the authorization and approval of all necessary amendments and supplements to the Trust Indenture dated as of March 1, 1985 securing the Series 1985 Bonds and other documents evidencing, securing or otherwise relating to the Series 1985 Bonds (collectively, the "Series 1985 Documents") in order to facilitate the redemption and refunding of the Series 1985 Bonds; reserving in the County certain rights concerning the issuance of the Bonds; providing for the issuance and sale of notes in anticipation of the issuance and sale of the Bonds; authorizing the President of the Board of County Commissioners of the County to specify, prescribe, determine, provide for or approve certain matters, details, forms, documents or procedures appropriate to the authorization, sale, security, issuance, delivery, or payment of or for the Bonds and the amendments and supplements to the Series 1985 Documents; and specifying and describing various matters in connection therewith, as required or permitted by such Act.

RECITALS

The Maryland Economic Development Revenue Bond Act, Sections 14-101 to 14-109, inclusive, of Article 41 of the Annotated Code of Maryland, as amended (the "Act"), provides that in order to accomplish the legislative policy of the Act, in addition to whatever other powers it may have and notwithstanding any limitation of law, any public body (as defined in the Act) may

issue and sell its bonds (as defined in the Act), as its limited obligations and not upon its faith and credit or pledge of its taxing power, at any time and from time to time, for the purposes of financing or refinancing any costs of the acquisition (as defined in the Act) of one or more facilities (as defined in the Act) for one or more facility users (as defined in the Act) or of refunding outstanding bonds, including the necessary expenses of preparing, printing, selling, and issuing those bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition in such amounts, or for such period, as the public body deems reasonable.

On March 8, 1985, the County Commissioners of St. Mary's County, Maryland, a body politic and corporate and a political subdivision of the State of Maryland (the "County"), issued and sold its Multi-Family Housing Revenue Bonds, Series 1985 (Patuxent Park Apartments Project), in the original aggregate principal amount of \$10,425,000, dated March 1, 1985 (the "Series 1985 Bonds"), and lent the proceeds of the Series 1985 Bonds to Patuxent Park Limited Partnership, a Maryland limited partnership (the "Facility Applicant"), for the purpose of financing a portion of the cost of the acquisition of a certain rental apartment facility within the geographical boundaries of the County (the "Facility").

The Series 1985 Bonds were issued under and pursuant to: (a) Resolutions Nos. 84-32 and 84-33 adopted by the Board of County Commissioners of St. Mary's County, Maryland (the "Board") on October 23, 1984; (b) a Resolution adopted by the Board on March 5, 1985; and (c) a Trust Indenture dated as of March 1, 1985 (the "Series 1985 Indenture"), between the County and United Virginia Bank, as Trustee (the "Series 1985 Trustee"). Dominion Federal Savings & Loan Association issued a letter of credit in the initial stated amount of \$10,529,250 in favor of the Trustee to secure the payment of the principal of and interest on the Bonds when due. (Such association, which is now named Trustbank Savings, F.S.B., its successors, and the provider of any substitute credit facility is herein called the "Association".)

The Facility consists of and includes: (1) a parcel of land containing approximately 21.2 acres located north of Maryland Route 246 (Great Mills Road) and west of Saratoga Drive in the Eighth Election District in the Lexington Park area of St. Mary's County, (2) approximately 15 buildings located on such land containing approximately 240 rental housing units, (3) a community building, swimming pool and recreational areas, (4) necessary and useful machinery and equipment and (5) other facilities functionally related and subordinate to such rental housing units. (Approximately 74 of the two-bedroom rental housing units have been divided into a one-bedroom unit and an efficiency unit (i.e. a "roommate unit") so that there are 314

actual dwelling units as part of the Facility). The Facility is used as a rental housing facility.

The County has received a letter of intent dated January 9, 1990 (the "Letter of Intent"), from the Facility Applicant, pursuant to which the Facility Applicant has requested the County to issue and sell the County's bonds (as defined in the Act), as its limited obligations and not upon its faith and credit or pledge of its taxing power, at any time or from time to time and in one or more series, in an aggregate principal amount not to exceed \$10,425,000, pursuant to and in accordance with the Act for the purpose of refunding and redeeming the outstanding Series 1985 Bonds.

The County, based upon the findings and determinations and subject to the reservation of certain rights all as set forth below, has determined to issue, sell and deliver, at any time or from time to time, its bonds (as defined in the Act) in an aggregate principal amount not to exceed \$10,425,000 (the "Bonds"). Pursuant to and in accordance with a Trust Indenture (the "Indenture") to be entered into between the County and a corporate trustee to be appointed by the County in accordance with this Resolution (the "Trustee") and a Financing Agreement or other agreement to be entered into among the County, the Facility Applicant, the Trustee and Maryland National Mortgage Corporation (the "Lender") (the "Financing Agreement"), (a) the Facility Applicant will deposit with the Trustee the proceeds of a mortgage loan to be made by the Lender to the Facility Applicant (the "Mortgage Loan"), which Mortgage Loan will be secured by a mortgage or deed of trust on the Facility, and (b) the proceeds of the Bonds and the proceeds of the Mortgage Loan will be applied to the refunding and redemption of the Series 1985 Bonds and the purchase of mortgage-backed securities issued by the Lender which are payable from payments on the Mortgage Loan and guaranteed as to timely payment by the Government National Mortgage Association (the "GNMA Securities"), which securities will then secure the repayment of the Bonds. (The Facility Applicant currently anticipates that the proceeds of the Bonds will be applied to the refunding and redemption of the Series 1985 Bonds and the proceeds of the Mortgage Loan will be applied to the purchase of the GNMA Securities.)

The Series 1985 Indenture provides that the Series 1985 Bonds are required to be redeemed on March 1, 1990 at par "in the event and to the extent that the conditions for the purchase of the [Series 1985] Bonds pursuant to the Indenture have not been met." Section 305(b) of the Series 1985 Indenture provides in part that "[the Facility Applicant] shall have the right to direct the Purchase Agent to purchase, or cause to be purchased, the [Series 1985] Bonds in whole or in part, at par, on March 1, 1990." The Facility Applicant has advised the County that it does not intend to give such direction to the Purchase Agent but

instead has requested that the County issue the Bonds in order to refund the Series 1985 Bonds and to defease the Indenture. However, Section 801 of the Series 1985 Indenture provides that it is a condition precedent to the discharge of the Series 1985 Indenture that no Act of Bankruptcy (as defined in the Indenture) shall have occurred during the 91 days after the date on which all of the conditions to discharge called for in Section 801 have been fulfilled. This condition precedent to the discharge of the Series 1985 Indenture is intended to assure that moneys deposited with the Trustee in order to discharge the Series 1985 Indenture are not subject to recapture by a trustee in bankruptcy if the Facility Applicant were to become bankrupt either before or after the payment or redemption of the Series 1985 Bonds, but such provision will have the effect of inhibiting refunding because the Lender will not be able to obtain a first lien on the Facility until the expiration of the 91-day period. Furthermore, compliance with this condition precedent is unnecessary if the moneys deposited with the Series 1985 Trustee are not subject to recapture by a bankruptcy trustee. Available Moneys (as currently defined in the Indenture) are not subject to recapture by a bankruptcy trustee, and neither are proceeds of refunding bonds. Section 1101 of the Series 1985 Indenture provides that the County and the Trustee may, with the prior written consent of the Association but without the consent of, or notice to, any of the holders of the Series 1985 Bonds, enter into an indenture or indentures supplemental to and not inconsistent with the Series 1985 Indenture in order to make any change in the Indenture which, in the opinion of the Series 1985 Trustee, shall not prejudice in any material respect the rights of the owners of the Series 1985 Bonds then outstanding. Accordingly, the Facility Applicant has requested in the Letter of Intent that the County (a) enter into a supplemental indenture in order to (1) expand the definition of Available Moneys under the Indenture and (2) to provide that the deposit of Available Moneys with the Series 1985 Trustee in order to discharge the Series 1985 Indenture will be an alternative to satisfaction of the condition precedent under Section 801 of the Series 1985 Indenture that such discharge would not be effective until 91 days after moneys are deposited with the Series 1985 Trustee, and (b) authorize and approve any other amendments or supplements to the documents evidencing, securing or relating to the Series 1985 Bonds (the "Series 1985 Documents") which are necessary, in the opinion of the Series 1985 Trustee and the President of the Board, in order to facilitate the redemption and refunding of the Series 1985 Bonds.

NOW THEREFORE, IN ACCORDANCE WITH THE ACT, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND:

SECTION 1. The words and terms used in this Resolution (including the Recitals set forth above) that are defined in the Act shall have the meanings indicated in the Act, unless the context clearly requires a contrary meaning.

SECTION 2. Acting pursuant to the Act, it is hereby found and determined as follows:

(1) The County is a "public body" and a "county" within the meaning of the Act.

(2) The Facility Applicant is a "facility applicant" and a "facility user" within the meaning of the Act.

(3) The Facility is a "facility" within the meaning of the Act.

(4) The Letter of Intent is a "letter of intent" within the meaning of the Act.

(5) The word "bonds," as defined in the Act, includes (a) refunding bonds issued for the purpose of refunding outstanding bonds, and (b) bond anticipation notes issued in anticipation of the issuance and sale of bonds.

(6) The acquisition of the Facility and the financing thereof as provided in the Series 1985 Indenture has promoted, and the refunding of the Series 1985 Bonds will continue to promote, the declared legislative purposes of the Act by (a) sustaining jobs and employment by the creation or retention of a significant number of jobs, thus relieving conditions of unemployment in the State and in St. Mary's County; (b) encouraging the increase of industry and commerce and a balanced economy in the State and in St. Mary's County; (c) promoting economic development in the State and in St. Mary's County by stimulating the local economy; and (d) generally promoting the health, welfare and safety of the residents of the State and St. Mary's County. Specifically, the Facility has provided rental housing for approximately 315 persons or families, thus helping to reduce the shortage of available rental housing in the County.

(7) The Bonds and the interest on them are limited obligations of the County the principal of, premium, if any, and interest on which are payable solely (except for bond anticipation notes) from revenues to be received in connection with the financing of the Facility or from any other moneys made available to the County for such purpose. Neither the Bonds nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the County within the meaning of any constitutional or charter provision or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the County.

(8) Neither the proceeds of the Bonds nor the payments of the principal of and premium, if any, and interest on the Bonds will be commingled with the County's funds or will be subject to the absolute control of the County, but will be

subject only to such limited supervision and checks as are deemed necessary or desirable by the County to ensure that the proceeds of the Bonds are used to accomplish the public purposes of the Act and this Resolution. The transactions provided for hereby do not constitute any physical public betterment or improvement or the acquisition of property for public use or the purchase of equipment for public use. The public purposes expressed in the Act are to be achieved by facilitating the refinancing of the costs of the acquisition of the Facility.

SECTION 3. The County shall issue, sell and deliver the Bonds, at any time or from time to time in an aggregate principal amount not to exceed \$10,425,000, subject to the provisions of this Resolution. Pursuant to the terms and provisions of the Indenture and the Financing Agreement, the County will cause the proceeds of the Bonds and the proceeds of the Mortgage Loan to be applied to the refunding and redemption of the Series 1985 Bonds and the purchase of the GNMA Securities.

The Financing Agreement entered into with respect to the Bonds of any series will require that (1) the proceeds of the Bonds of such series be used solely to refund and redeem the Series 1985 Bonds and (2) the Facility Applicant make payments which will be sufficient, together with the payments on the GNMA Securities, to enable the County to pay the principal of and interest and premium, if any, on the Bonds of such series when and as the same become due and payable.

The Facility is specified and described in the Recitals set forth above. The public purpose to be served by the issuance and sale of the Bonds is described in Section 2 of this Resolution, in this Section and in the Recitals set forth above. The maximum principal amount of the Bonds that may be issued is \$10,425,000, provided that bond anticipation notes may be issued and sold as provided in Section 5 of this Resolution.

SECTION 4. The County reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the County in order to ensure that the County (1) complies with present federal and State laws and any pending or future federal or State legislation, whether proposed or enacted, which may affect or restrict (by volume limitation or otherwise) the issuance of the Bonds, and (2) issues the Bonds, within the limits imposed by such present laws or any such pending or future legislation or any future local laws, to finance those facilities which the County determines, in its sole and absolute discretion, will provide the greatest benefit to the residents of the County and the State.

SECTION 5. As permitted by the Act, the provisions set forth in this Resolution for the issuance and sale of the Bonds are intended and shall be deemed to include provisions for the

issuance and sale of bond anticipation notes without the adoption of any further resolution or other action by the legislative body of the County. Accordingly, the words "bonds" and "Bonds," as used in this Resolution, shall include such bond anticipation notes, unless the context clearly requires a contrary meaning. At no time shall the aggregate principal amount of any bond anticipation notes exceed the amount set forth in Section 3 of this Resolution. It is intended that the aggregate principal amount of issued and outstanding bond anticipation notes when added to the aggregate principal amount of issued and outstanding Bonds in anticipation of which such notes were issued, shall not exceed the aggregate principal amount set forth in Section 3 of this Resolution at any time. The County will agree to pay any bond anticipation notes issued pursuant to this Resolution and the interest and premium, if any, thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the County will agree to issue such Bonds when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the County, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Facility Applicant, its officers, agents and employees.

SECTION 6. The Bonds may be issued at any time or from time to time and the Bonds shall be identified by the year of issue or by some other or additional appropriate designation; provided, however, that the Bonds must be issued within one year from the effective date of this Resolution as set forth in Section 16 hereof. The provisions in this Resolution providing for the issuance of the Bonds shall expire with respect to Bonds which have not been issued within such period, unless, either prior to or after such provisions expire, the Board adopts a resolution supplemental hereto, which extends the period of time during which the Bonds may be issued.

SECTION 7. The Bonds shall be executed in the name of the County and on its behalf by the President of the Board, by his manual or facsimile signature, and the corporate seal of the County or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the County Administrator of the County, by his manual or facsimile signature. At least one signature required or permitted to be placed on the Bonds must be manually subscribed. If the Bonds are required to be manually signed by a trustee, issuing agent, fiscal agent, registrar, or other agent or custodian, any other signature required or permitted to be placed on the Bonds may be executed by facsimile. Any trust indenture, any Financing Agreement and, where applicable, all other documents as the President of the Board deems necessary to effectuate the issuance, sale and delivery of

the Bonds of any series, shall be executed in the name of the County and on its behalf by the President of the Board by his manual signature, and the corporate seal of the County or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the County Administrator of the County by his manual signature. If any officer whose signature or countersignature or a facsimile of whose signature or countersignature appears on the Bonds of any series or any of the aforesaid documents ceases to be such officer before the delivery of the Bonds of such series or any of the other aforesaid documents, such signature or countersignature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

SECTION 8. As permitted by the Act, the Bonds shall be sold at private (negotiated) sale and at par, unless the President of the Board deems it to be in the best interests of the County to sell the Bonds at public sale or above or below par, in either or both of which events, the Bonds shall be sold in such manner and upon such terms as the President of the Board deems to be in the best interests of the County.

SECTION 9. The County authorizes and approves and supplements and amendments of the Series 1985 Indenture and the other Series 1985 Documents in order (a) (1) to expand the definition of Available Moneys under the Series 1985 Indenture and (2) to provide that the deposit of Available Moneys with the Series 1985 Trustee in order to discharge the Series 1985 Indenture will be an alternative to satisfaction of the condition precedent under Section 801 of the Indenture that such discharge would not be effective until 91 days after moneys are deposited with the Series 1985 Trustee, and (b) to authorize and approve any other amendments or supplements to the Series 1985 Indenture and the Series 1985 Documents which are necessary, in the opinion of the Series 1985 Trustee and the President of the Board, in order to facilitate the redemption and refunding of the Series 1985 Bonds.

SECTION 10. This Resolution among other things, evidences the present intent of the County to issue, sell and deliver the Bonds and to supplement amend the Indenture and the other Series 1985 Documents in accordance with the terms and provisions of this Resolution. The President of the Board is hereby authorized, empowered, and directed to accept the Letter of Intent on behalf of the County in order to further evidence the intent of the County to issue and sell the Bonds and to supplement and amend the Series 1985 Indenture and the other Series 1985 Documents in accordance with the terms and provisions of this Resolution.

SECTION 11. The President of the Board, the County Administrator of the County and other officials of the County are

hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the President of the Board may determine to be necessary to carry out and comply with the provisions of this Resolution, subject to the limitations set forth in the Act and any limitations set forth in this Resolution.

SECTION 12. The President of the Board, by an approval order or otherwise:

(1) shall prescribe the form, tenor, terms and conditions of and security for the Bonds;

(2) shall prescribe the principal amounts, rate or rates of interest, denominations, date, maturity or maturities (within the limits prescribed in the Act), and the time and place or places of payment of the Bonds, and the terms and conditions and details under which the Bonds may be called for redemption prior to their stated maturities;

(3) shall appoint the Trustee, a bond registrar and a paying agent or agents for the Bonds;

(4) shall approve the form and contents of, and execute and deliver (where applicable), the Financing Agreement, the Indenture and such other documents, including (without limitation) assignments, mortgages, deeds of trust, guaranties and security instruments to which the County is a party and which may be necessary to effectuate the issuance, sale and delivery of the Bonds and, either prior to or after the date of issuance of the Bonds, may approve such amendments, modifications or supplements to the Financing Agreement, the Indenture or such other documents as the President of the Board deems appropriate or necessary in connection with the issuance of the Bonds;

(5) may prepare and distribute, in conjunction with representatives of the Facility Applicant and the prospective purchasers of, placement agents or underwriters for the Bonds of any series, an offering circular or both a preliminary and a final official statement in connection with the sale of the Bonds, if such offering circular or such preliminary official statement and final official statement are determined to be necessary or desirable for the sale of the Bonds, provided, however, that any such offering circular or such preliminary official statement shall be clearly marked to indicate that it is subject to completion and amendment;

(6) may execute and deliver a contract or contracts for the placement, purchase and sale of the Bonds (or any portion thereof) in form and content satisfactory to the President of the Board;

(7) shall determine the time of execution, issuance, sale and delivery of the Bonds and prescribe any and all other details of the Bonds of such series;

(8) shall determine the method, and approve the terms, of the sale of the Bonds, as provided in Section 8 of this Resolution;

(9) shall provide for the direct payment by the Facility Applicant of all costs, fees and expenses incurred by or on behalf of the County in connection with the issuance, sale and delivery of the Bonds, including (without limitation) costs of printing (if any) and issuing the Bonds, legal expenses (including the fees of bond counsel) and compensation to any person (other than full-time employees of the County) performing services by or on behalf of the County in connection therewith;

(10) may provide for the issuance and sale (subject to the passage at the time of an appropriate resolution authorizing the same) of one or more series of additional bonds and one or more series of refunding bonds;

(11) may provide for the funding of reserves for the Bonds and for the payment of interest on the Bonds in such amounts, or for such period, as the President of the Board deems reasonable; and

(12) may do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds of such series and amendment of and supplements to the Series 1985 Indenture and the other Series 1985 Documents and in order to accomplish the legislative policy of the Act and the public purposes of this Resolution, subject to the limitations set forth in the Act and any limitations prescribed by this Resolution.

SECTION 13. Miles & Stockbridge is hereby designated and appointed as Bond Counsel in connection with the issuance of the Bonds and the refunding of the Series 1985 Bonds.

SECTION 14. That subsequent to the issuance, sale and delivery of the Bonds of any series, regardless of the date on which such Bonds are issued, the President of the Board, by an approval order or otherwise may execute and approve on behalf of the County any amendments to the documents executed on behalf of the County in connection with the issuance, sale and delivery of the Bonds pursuant to the provisions of such documents, subject to any approval by the Board as may be required pursuant to federal tax law.

SECTION 15. That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or

part hereof is held to be illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or 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 passed if such illegal, invalid or unconstitutional 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 therefrom.


SECTION 16. That this Resolution shall take effect on the date of its adoption.

READ AND ADOPTED this 9th day of January, 1990.

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



Carl M. Loffley, Jr., President



W. Edward Bailey,
Commissioner


Robert Jarboe,
Commissioner

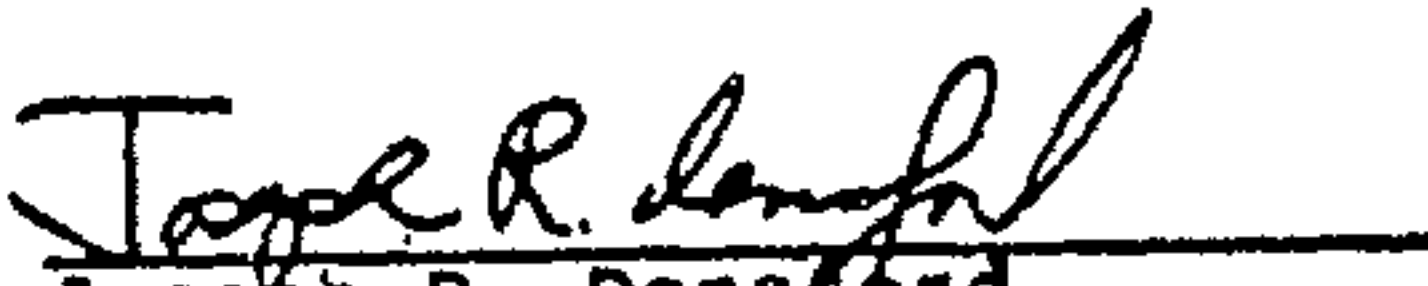

John G. Lancaster,
Commissioner

ATTEST:


Edward V. Cox, 1/7/90
County Administrator


Rodney Thompson,
Commissioner

APPROVED AS TO LEGAL SUFFICIENCY


Joseph R. Densford,
County Attorney
MH417702.R80

NO: 90-02
SUBJ: FY'90 SUPPLEMENTAL
APPROPRIATIONS

ORDINANCE

WHEREAS, the Board of County Commissioners designated FY 89 funds for use in FY 1990 for the Departments of Sheriff, Detention Center, Finance, Planning and Zoning, County Attorney and the Cooperative Extension Service; and

1:17PM01/11/90A CO.COM \$0.00

WHEREAS, the Board of County Commissioners believe that it is in the best interest of the County to amend the FY 1990 General Fund Budget to include these designated funds; and

WHEREAS, the Board of County Commissioners designated FY 1988 funds for future use of the Hollywood Fire Department; and

WHEREAS, the Board of County Commissioners believe that it is in the best interest of the County to amend the FY 1990 General Fund Budget to include these designated funds; and

WHEREAS, certain now known General Fund Revenues were not included in FY 1990 General Fund Revenues budget; and

WHEREAS, the Board of County Commissioners believe it is in the best interest of the County to amend the FY 1990 General Fund Budget to include these revenues in the General Fund Revenue Budget for FY 1990; and

WHEREAS, the Board of County Commissioners appropriated certain Capital Project Revenues from Bond Proceeds in the FY 1990 Capital Budget; and

WHEREAS, the Board of County Commissioners believe it is in the best interest of the County to amend the FY 1990 Capital Budget to fund these capital projects from Unreserved Designated Fund balances; and

WHEREAS, the Capital Budget for FY 1990 did not include funds for the Board of Education for the repair of the Chopticon High School Track; and

WHEREAS, the Board of County Commissioners believe it is in the best interest of the County to amend the FY 90 Capital Budget to provide these funds for the repair of said track from Unreserved Designated Fund Balances; and

NO:
SUBJ: FY '90 SUPPLEMENTAL
APPROPRIATIONS

Page 2 of 2

WHEREAS, the St. Mary's County Director of Finance has recommended that this Ordinance be adopted and has certified in writing that such funds are available for this appropriation from the General Fund Unreserved Designated Fund Balance.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on January 9, 1990 to present and explain the requirements to increase the Fiscal Year 1990 Budget in the amount of \$ 1,947,828.00 One Million Nine Hundred Forty-Six Thousand Eight Hundred Twenty-Eight Dollars and such increase is hereby approved this 9th day of JANUARY, 19 90 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, Jr.
Carl M. Loffler, Jr., President

William E. Bailey
William E. Bailey, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Robert T. Jarboe
Robert T. Jarboe, 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

CERTIFIED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
County Attorney

Del: Co. Com

FEB 06, 1990

MARY R. BELL, CLERK

Resolution No. W/S 90-01
Subj.: Water and Sewer Plan
Amendment
Abell's Landing S/D
(SPEC #87-0280)

RESOLUTION

WHEREAS, Morgan Associates, Inc. has made application to amend the St. Mary's County Comprehensive Water and Sewer Plan for certain property located in the Third Election District of St. Mary's County, Maryland containing 54.744 acres of land, more or less, located on the north side of St. John's Road, called and known as Abell's Landing Subdivision, a 40 lot subdivision. The application requests that the water category be amended from W-6 to W-3D. The subject property is shown on Tax Map 33, Block 4 as Parcel 84.

3:10PM01/31/908 CO.COM 40.00

WHEREAS, the St. Mary's County Planning Commission deliberated on the application at its public meeting on December 11, 1989, and voted unanimously to recommend the reclassification of the of the water and sewer classifications from W-6 to W-3D.

WHEREAS, The Board of County Commissioners held a public hearing on the proposed amendment on January 2, 1990, after due publication of notice.

WHEREAS, the Board of County Commissioners deliberated on the proposed amendment at its public meeting on January 16, 1990, and unanimously approved the request.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to reclassify the subject property from W-6 to W-3D.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: January 23, 1990.

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

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

Del. Robinson

FEB 06 1990

MARY R. BELL, CLERK

Resolution No. W/S 90-02
Subj.: Water and Sewer Plan
Amendment
Heard Property
(SPEC #89-1342)

RESOLUTION

3:10PM01/31/90B CO.COM \$0.00

WHEREAS, Agnes P. Heard has made application to amend the St. Mary's County Comprehensive Water and Sewer Plan for certain property located in the Eighth Election District of St. Mary's County, Maryland containing 39.22 acres of land, more or less, located on Chancellors Run Road at Norris Road, called and known as Heard's Estates, a 114 lot subdivision. The application requests that the water category be amended from W-5 to W-3D, and the sewer category be amended from S-5 to S-3D. The subject property is shown on Tax Map 43, Block 13 as Parcel 86.

WHEREAS, the St. Mary's County Planning Commission deliberated on the application at its public meeting on November 13, 1989, and voted unanimously to recommend the amendment of the water and sewer classifications from W-5 to W-3D and from S-5 to S-3D.

WHEREAS, The Board of County Commissioners held a public hearing on the proposed amendment on January 2, 1990, after due publication of notice.


WHEREAS, the Board of County Commissioners deliberated on the proposed amendment at its public meeting on January 16, 1990, and unanimously approved the request.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to reclassify the subject property from W-5 to W-3D and from S-5 to S-3D.


BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: January 23, 1990.

ATTEST:


EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:


JOSEPH R. DENSEFORD
County Attorney

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

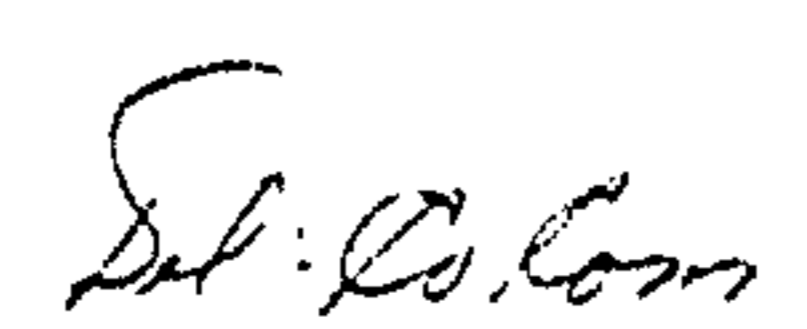

CARL M. LOFFLEY, JR., President


W. EDWARD BAILEY, Commissioner


ROBERT T. JARBOE, Commissioner


JOHN G. LANCASTER, Commissioner

RODNEY THOMPSON, Commissioner



FEB 06 1990

MARY R. BELL, CLERK

No. Z-90-01
 Subj.: ZPUD #88-1868
 Patuxent Park West
 (Liberty Land Development
 Corporation)

RESOLUTION

3:11PM01/31/908 CO.COM \$0.00

WHEREAS, Liberty Land Development Corporation has made application to amend its Planned Unit Development (PUD) to allow seventy-five (75) additional residential units and to increase the amount of commercial area. The subject property contains approximately 81.96 acres and is located on Pacific Drive off of Maryland Route 246. The property is located in the Eighth Election District of St. Mary's County, Maryland, and is shown on Tax Map 43, Block 21 as part of Parcel 377.

WHEREAS, following the posting of the subject property, publication of notice and written notification of all property owners within two hundred (200) feet of the subject property by certified mail, the St. Mary's County Planning Commission conducted a public hearing on the application on May 22, 1989.

WHEREAS, following deliberation, the Planning Commission on July 24, 1989, by a unanimous vote, recommended to the Board of County Commissioners of St. Mary's County that the PUD on the subject property be amended to permit twenty-seven (27) additional dwelling units, and 3.35 acres of additional commercial area, on the condition that the additional commercial area be located on the south side of Pegg's Road on that portion of the subject property designated as "Parcel E", with access from Liberty Street and Pacific Drive, and no access directly on Pegg's Road. The recommendation was made subject to approval of road alignments by the Department of Public Works.

WHEREAS, The Board of County Commissioners, after posting notice on the subject property, publication of notice and written notification of all property owners within two hundred (200) feet of the subject property by certified mail, conducted a public hearing on the application on August 29, 1989.

WHEREAS, the Board of County Commissioners deliberated on the application at a public meeting on October 24, 1989 and approved an increase in the density of the residential portion of the subject property by forty-one (41) additional dwelling units, and approved an increase in the commercial area of the property from one (1) acre to 3.35 acres.

WHEREAS, the PUD zoning classification is a "floating zone", and therefore is not subject to the "change or mistake" requirements 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.

WHEREAS, the applicant has established that the amendments to the proposed residential and commercial development of the subject property will encourage innovative and creative design of such development, facilitate use of the most advantageous construction techniques and maximize the conservation and efficient use of open space and natural features. The proposed amendments 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 St. Mary's County.

NOW THEREFORE, BE IT RESOLVED AND ORDAINED by the Board of County Commissioners of St. Mary's County, Maryland this 13th day of January, 1990, that the aforementioned application is hereby GRANTED, and the Planned Unit Development for the subject property is hereby amended to permit an additional forty-one (41)

residential units and an increase in the commercial area from one (1) acre to 3.35 acres. Access to the commercial area from Pegg's Road shall be limited to one (1) entrance, which shall be aligned with Liberty Street. The applicant shall design the entrance to a commercial standard approved by the Department of Public Works.

This Resolution supersedes Resolution No. Z-89-06 dated November 21, 1989.

ATTEST:

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

Edward V. Cox
EDWARD V. COX
County Administrator

Carl M. Loffler, Jr.
CARL M. LOFFLER, JR., President

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

Robert Jarboe
ROBERT JARBOE, Commissioner

THIS DATE: 1/23/90

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Rodney Thompson
RODNEY THOMPSON, Commissioner

The undersigned applicant hereby agrees to the conditions set forth above, which shall be binding upon the applicant and the personal representatives, heirs, successors and assigns of said applicant, and shall run with and bind the subject property.

LIBERTY LAND DEVELOPMENT
CORPORATION

By: Edward R. Curley, Jr.
EDWARD R. CURLEY, JR.
President

NO: 90-03

SUBJ: ECONOMIC DEVELOPMENT
COMMISSION
(RE-ESTABLISHMENT)

RESOLUTION

WHEREAS, Resolution No. 89-05 re-established the Economic Development Commission 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

2:10PM02/20/90A CO.COM \$0.00

WHEREAS, the Board of County Commissioners now feels it is appropriate to expand membership;

NOW, THEREFORE BE IT RESOLVED this Resolution hereby removes the limitation of fifteen (15) members; and

FURTHER BE IT RESOLVED the Board of County Commissioners shall determine the number of members of the Economic Development Commission by the appointment process; 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.

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.


NO: 90-03
SUBJ: ECONOMIC DEVELOPMENT
COMMISSION
(RE-ESTABLISHMENT)

- 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.

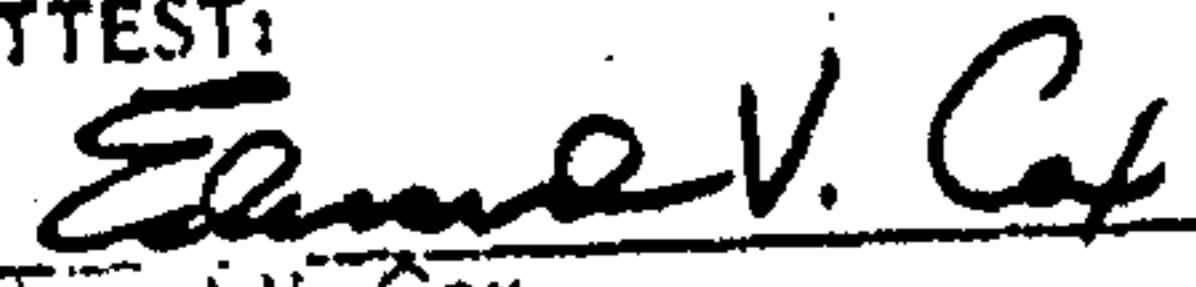
NOW, THEREFORE BE IT RESOLVED By the Board of County Commissioners that the Economic Development Commission for St. Mary's County is hereby re-established; that this Resolution shall be effective February 6, 1990, at which time the Commission shall be fully constituted; and that the re-established Economic Development Commission replaces the former Economic Development Commission.

THIS DATE:
February 6, 1990


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

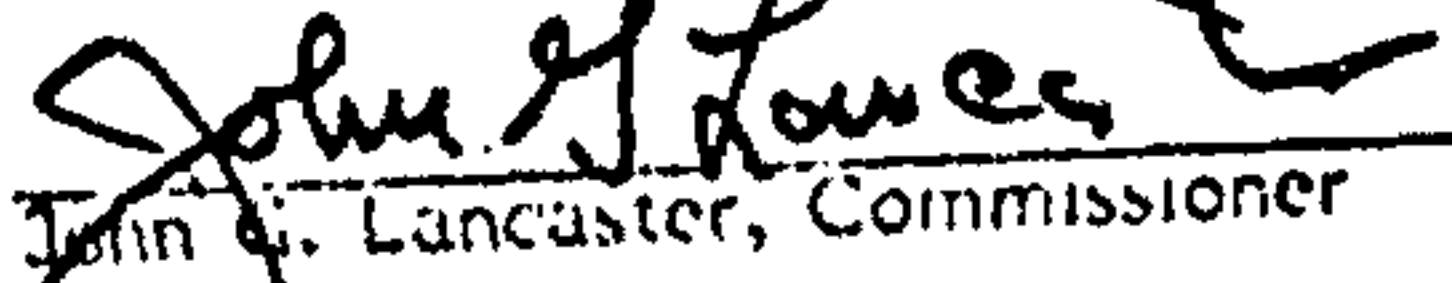

Carl M. Loffler, Jr., President

ATTEST:


Edward V. Cox
County Administrator



W. Edward Bailey, Commissioner


Robert T. Jarboe, Commissioner


John G. Lancaster, Commissioner


Rodney Thompson, Commissioner

APPROVED AS TO LEGAL SUFFICIENCY:


Joseph R. Densford
County Attorney

ORDINANCE

2:21PM02/22/908 CO.COM \$0.00

AN ORDINANCE ESTABLISHING MINIMUM REGULATIONS GOVERNING THE DESIGN, CONSTRUCTION, ALTERATION, ENLARGEMENT, REPAIR, DEMOLITION, REMOVAL, MAINTENANCE AND USE OF CERTAIN BUILDINGS AND STRUCTURES; PROVIDING FOR THE ISSUANCE OF PERMITS, COLLECTION OF FEES AND MAKING OF INSPECTIONS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; SAID ORDINANCE TO BE CALLED AND KNOWN AS THE ST. MARY'S COUNTY BUILDING CODE.

WHEREAS, Article 25, Section 10D of the Annotated Code of Maryland authorizes the Board of County Commissioners of St. Mary's County, Maryland to adopt, amend and enforce a building code for St. Mary's County; and

WHEREAS, the Board of County Commissioners appointed a Building Code Task Force during 1985 to examine the need for the adoption of a Building Code in St. Mary's County; and

WHEREAS, the Task Force conducted various public meetings on the issue of adopting a Building Code during 1986 and 1987, and voted unanimously to recommend to the Board of County Commissioners that such a Building Code be adopted in the interest of the public health, safety and welfare; and

WHEREAS, the Task Force's recommendation to the Board of County Commissioners cited the following benefits to be derived from the adoption of a Building Code:

- (1) Greater universality of standards with neighboring jurisdictions;
- (2) Minimum health and safety standards for contractors;
- (3) Construction guidelines for the protection of consumers and builders; and
- (4) Increased insurance benefits and enhanced mortgage opportunities for many people; and

WHEREAS, the St. Mary's County Planning Commission on May 8, 1989 voted unanimously to recommend to the Board of County Commissioners that the BOCA National Building Code be adopted; and

WHEREAS, public hearings were held by the Board of County Commissioners on May 23, 1989 on the adoption of the BOCA National Building Code, 1984, and December 21, 1989 on the adoption of the BOCA National Building Code, 1987, Article Twelve of the BOCA National Mechanical Code, 1987 and the CABO One and Two Family Dwelling Code, 1989; and

WHEREAS, the Board of County Commissioners has determined that the various inspections required by the BOCA National Building Code, 1987, and the CABO One and Two Family Dwelling Code, 1989, would better serve and protect the citizens of St. Mary's County, as well as the contractors involved in such construction.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Mary's County, Maryland this 13th day of February, 1990, after due consideration and deliberation, that the BOCA National Building Code, 1987, and Article Twelve of the BOCA National Mechanical Code, 1987, as published by the Building Officials and Code Administrators International, Inc. (B.O.C.A.) and the CABO One and Two Family Dwelling Code, 1989, as published by the Council of American Building Officials (C.A.B.O.) be and are hereby adopted collectively as the Building Code of St.

Mary's County, Maryland, for the construction, modification and repair of buildings and structures as herein provided; and each and all of the regulations, provisions, conditions and terms of said Building Code are hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance, subject to certain special provisions as set forth below.

BE IT FURTHER ORDAINED, that pursuant to the recommendations of the Building Code Task Force and comments received as a result of the public hearings held by the Board of County Commissioners, the following special provisions shall apply and shall supersede any contrary provisions in the Building Code as otherwise adopted:

(1) The following minimum inspections shall be required for all buildings and structures governed by the Building Code:

- (a) Footers and foundations
- (b) Framing
- (c) Insulation
- (d) Final

(2) Inspections conducted in the administration and enforcement of the Building Code shall, in the first instance, be arranged through the St. Mary's County Office of Planning and Zoning by contract with an independent inspecting agency. Such inspections may also be conducted by various personnel employed by or assigned to the Office of Planning and Zoning, or as provided for in Section 115.2.1 of the BOCA National Building Code, 1987. There shall be designated within the Office of Planning and Zoning a Building Code Official for the purpose of administering and enforcing the Building Code.

(3) Costs of administering and enforcing the Building Code shall be financed through that portion of the user fee schedule associated with the issuance of building permits.

(4) The Office of Planning and Zoning shall periodically conduct public information sessions concerning the provisions, administration and enforcement of the Building Code for contractors and other members of the public.

(5) Section R-110 of the CABO One and Two Family Dwelling Code, 1989 is hereby deleted. A plot plan or construction plan shall not be required for construction of one and two family dwellings, except as may be required by other applicable ordinances, rules or regulations.

(6) A plot plan or construction plan for the construction of other dwellings, and the construction of commercial and industrial buildings and structures, shall not be required by the Building Code, notwithstanding any such provision to the contrary therein.

(7) With respect to one and two family dwellings (defined as Use Group R-4 structures in Section 309.5 of the BOCA National Building Code, 1987) the provisions of the CABO One and Two Family Dwelling Code, 1989, shall govern, except as otherwise provided herein.

(8) Single-family owner-occupied dwellings and accessory buildings thereto may use ungraded lumber, provided the materials are cut full size. Such lumber shall be capable of accommodating all loads imposed by Section R-201 of the CABO One and Two Family Dwelling Code, 1989, and all other load requirements for such dwellings under the Building Code.

(9) The construction of buildings for agricultural purposes (defined as barns, equipment storage structures, crop storage and processing structures and livestock housing storage structures) shall not be required to conform to the provisions of the Building Code. However, electrical and plumbing service for such structures shall be installed in conformance with the

appropriate provisions of the state and county electrical and plumbing codes.

(10) Section R-112 of the CABO One and Two Family Dwelling Code, 1989, shall govern construction of prefabricated and manufactured one and two family dwellings, except that framing and insulation inspections shall not be required where the manufacturer provides a certification from either the State of Maryland or the U.S. Department of Housing and Urban Development that the dwelling meets all state or federal requirements. Any subsequent modifications or additions to such dwellings shall conform in all respects with the CABO One and Two Family Dwelling Code, 1989, including, but not limited to, inspection requirements. The provisions contained in Appendix C of the CABO One and Two Family Dwelling Code, 1989, are specifically adopted hereby for such prefabricated and manufactured buildings and structures.

(11) With the exception of those requirements imposed by Article Twelve of the BOCA National Mechanical Code, 1987, the Building Code shall not apply to heating, ventilation and air conditioning systems installed in residential, commercial or industrial buildings and structures.

(12) Article 27 (Electric Wiring, Equipment and Systems), Article 28 (Plumbing Systems) and Article 29 (Signs) of the BOCA National Building Code, 1987, are hereby deleted.

(13) Part 5 (Plumbing) of the CABO One and Two Family Dwelling Code, 1989, is hereby deleted.

(14) The following additions, insertions and changes are hereby adopted for the BOCA National Building Code, 1987:

(a) Section 100.1 (page 1, second line). Insert: "St. Mary's County".

(b) Section 103.4 (page 3, first line). Insert: "March 5, 1990".

(c) Section 114.3.1 (page 11) is deleted. Insert: "A fee for each inspection shall be paid in accordance with a user fee schedule adopted by the Board of County Commissioners."

(d) Section 117.4 (page 13) is deleted. Insert: "Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of a directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a civil violation punishable by a fine of not more than \$100.00. Each day that a violation continues shall be deemed a separate offense."

(e) Section 118.2 (page 13, fourth and fifth lines). Insert: "\$100.00" and "\$1,000.00" respectively.

(f) Section 123.3 (page 17, second line). Insert: "\$100.00".

(15) The provisions of the Building Code shall not apply to those residential, commercial and industrial buildings and structures for which a valid building permit has been issued prior to the effective date of this Ordinance. However, compliance with the St. Mary's County Electrical, Plumbing and Energy Codes for such buildings and structures shall be required.

(16) Where there shall be any conflict between the Building Code and any other federal, state or county laws, rules or regulations, the more strict law, rule or regulation shall be applicable.

(17) Nothing in this Ordinance or in the Building Code shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed, nor shall any legal or equitable right or remedy of any character be lost, impaired or affected by this Ordinance or the Building Code.

This Ordinance shall take effect on March 5, 1990.

This Date: 2/13/90

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

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

Carl M. Loeffler, Jr.
CARL M. LOEFFLER, JR.
President

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

W. Edward Bailey
W. EDWARD BAILEY
Commissioner

Robert T. Jarboe
ROBERT T. JARBOE
Commissioner

John G. Lancaster
JOHN G. LANCASTER
Commissioner

Rodney Thomson
RODNEY THOMSON
Commissioner

Approved by Board of County Commissioners
on February 13, 1990

Effective March 5, 1990

PROPOSED FEE SCHEDULE
MARCH 5, 1990

a	b	c	d	e	
Type of Structure	Existing Fees Building Permit	Electrical	Plumbing	Energy *	Proposed fees in addition for Building Permits *
Agricultural	\$.02/SF	N/C	N/C	N/C	N/C
Single Family	\$.10/SF	Varies per the Attachment	\$4.00 per fixture \$25.00 Min.	\$40.00	\$165.00 -> 2200 SF \$145.00 -> 1200 SF/2200SF \$125.00 -> 1200 SF
Townhouse	\$.10/SF	"	"	"	\$40.00/Unit
Commercial Industrial	\$.10/SF	"	"	"	\$150.00 + .02/SF -> 5000 SF \$250.00 -> 2500, 5000 SF \$150 -> 1100, <2500 SF \$120 - < 1100 SF
Detached Noncommercial Accessory Use	\$.02/SF	"	"	"	

* Energy inspection costs vary, but average \$40.
This would be included in the new Building Permit Fee.

Example: 1800 SF/SF house cost=

$$a + b + c + d + e = \text{Permit cost}$$

$$(1800 \times \$.10) + () + (\$25.00) + (\$ 0) + (\$145.00) = \text{Permit Cost}$$

$$(\$180) + (\text{Varies}) + (\$25.00) + (0) + (\$145) = \$350 + \text{Electric inspection}$$

**** MIDDLE DEPARTMENT INSPECTION AGENCY
 * * * CHARLOTTE HALL, MD. 20622
 * MDIA * 234-4547.
 * * * 645-2219

FEE SCHEDULE

ELECTRICAL

RESIDENTIAL
 DWELLINGS-Single family
 Up to 200 Amp. Service \$60.
 Over 200 to 300 Amps 70.
 Over 300 Amps 75.
 (Includes R.W., Fixtures
 and appliances)
 DWELLINGS, Multi-family
 Each Unit 30.
 SERVICE
 Includes to 6 outlets 20.
 Each appliance add 2.50
 SERVICE
 Over 6 outlets no extra
 charge for appliances 35.
 SERVICE
 Over 40 outlets no extra
 charge for appliances 45
 MOBILE HOMES
 Service or Feeder only 20.
 Includes Office Trailers
 ANY TEMPORARY SERVICE
 FOR ABOVE INSTALLATION 15.
 Does not include WWS
ADDITIONAL FEES
 Work not ready 15.
 Building Locked 15.
 CONSTRUCTION SERVICE
 Up to 2 outlets 15.
SWIMMING POOLS
 Pool Bonding 20.
 Deck Bonding 15.
 Each Motor or Light 10.
 Each Heater 10.

ALL OTHER
 Rough-in
 Up to 30 outlets \$20
 Each additional 25 5
 Fixtures
 Up to 30 20
 Each additional 25 5
 SERVICES
 Up to 200 Amp. 25
 Over 200 to 400A 43
 Over 400 to 1000A 75
 Over 1000A 100
 MOTORS
 F.H.P. up to 6, not over
 1 H.P. Total 10
 1 H.P. to 25 H.P. 10
 Over 25 H.P. 15
 TRANSFORMERS
 Each BUCK/BOOST
 Installation 10
 Up to 25 KVA 20
 Over 25 to 75 KVA 30
 Over 75 to 130 KVA 50
 Over 150 KVA 75
HEATING EQUIPMENT
 Water Heaters, Ranges,
 Wall & B.Bd. Heaters 15
 Ea. add. B.Bd. Heater 2
 Ea. Heat Pump & Supple-
 mentary Heater 15
 SIGNS
 1st Sign 15
 Each Additional 10
SIGNALING SYSTEMS
 Up to 15 Devices 40
 Ea. additional 5 5

MIDDLE DEPARTMENT INSPECTION AGENCY, INC.

AMENDMENT FEE SCHEDULE

Inspection Services will include all new buildings and additions and/or alterations.

RESIDENTIAL

Additions up to 3 rooms	\$ 15.00
Occupancies up to 1100 sq. ft., 1 story including crawl space foundation	\$ 20.00
Dwellings over 1100 sq. ft. or 2 story units	\$ 25.00
Each additional inspection	\$ 15.00

The above fees include 2 inspections per unit, one of which will be coordinated with the final Electrical Inspection.

OTHER THAN RESIDENTIAL

Occupancies up to 1100 sq. ft.	\$ 25.00
Occupancies 1100 sq. ft. to 2500 sq. ft.	.025/sq. ft.
Occupancies over 2500 sq. ft. to 5000 sq. ft.	.03/sq. ft.
Occupancies over 5000 sq. ft.	\$ 150.00 plus .01/sq. ft.
Plan Review	No Charge
Calculations for Thermal Transmittance 1 Hour Minimum	\$ 35.00/Hour

PROPOSED FEE SCHEDULE

BUILDING INSPECTIONS

DWELLINGS: Single Family	Building Fee
TYPE A Over 2200 sq. ft.	\$165
TYPE B From 1200 to 2190 sq. ft.	145
TYPE C Up to 1199 sq. ft.	125
MODULAR - Any Size	50
DOUBLE WIDE MOBILE HOME	25
STANDARD MOBILE HOME	20
ADDITIONS Up to 800 sq. ft.	65
ADDITIONS Over 800 sq. ft. (Use A, B, C Schedule)	
DUPLEX - Any Size	170
TRIPLEX - Any Size	180
QUADPLEX - Any Size	190
APARTMENTS, CONDOS Over 4 Units (Includes townhouse units)	\$40 each unit. 30
SWIMMING POOLS	

REMODELING

Remodeling (Residential/Commercial) without structural changes, only the BOCA ENERGY inspection will be required.

COMMERCIAL/INDUSTRIAL NEW CONSTRUCTION

Up to 1100 sq. ft.	120
1101 to 2500 sq. ft.	150
2501 at 5000 sq. ft.	250
Over 5000 sq. ft.	150.00 + .02/sq. ft.

Plan Review NO CHARGE - Calculations: \$35.00 per hour. Min. 1 hour.

Del. Co. Council.

Feb. 26, 1990

MARY R. BELL, CLERK

No : 90-05

SUBJ: Hollywood Volunteer Fire Department
Loan Agreement
(Endorsement)

RESOLUTION

1:03PH03/05/90A CD.COM \$0.00

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND AUTHORIZING AND APPROVING THE FINANCING OF THE CONSTRUCTION OF A FACILITY BY THE HOLLYWOOD VOLUNTEER FIRE DEPARTMENT, INC. FOR THE SOLE AND EXCLUSIVE PURPOSES DESCRIBED IN THIS RESOLUTION; MAKING CERTAIN LEGISLATIVE FINDINGS, AMONG OTHERS, CONCERNING THE PUBLIC BENEFIT AND PURPOSE OF SUCH FINANCING; PROVIDING THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND WILL NOT BE A PARTY TO THE PROMISSORY NOTE TO BE GIVEN BY THE HOLLYWOOD VOLUNTEER FIRE DEPARTMENT, INC. IN FAVOR OF MERCANTILE-SAFE DEPOSIT AND TRUST COMPANY TO EVIDENCE THE LOAN; PROVIDING THAT NEITHER THE LOAN OR ANY INTEREST THEREON SHALL EVER CONSTITUTE AN INDEBTEDNESS OR A CHARGE AGAINST THE GENERAL CREDIT OR TAXING POWERS OF THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND WITHIN THE MEANING OF ANY CONSTITUTIONAL OR CHARTER PROVISION OR STATUTORY LIMITATION AND NEITHER SHALL EVER CONSTITUTE OR GIVE RISE TO ANY PECUNIARY LIABILITY OF THE BOARD COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND; AND GENERALLY PROVIDING FOR AND DETERMINING VARIOUS MATTERS AND DETAILS IN CONNECTION WITH SUCH FINANCING.

RECITALS

The Hollywood Volunteer Fire Department, Inc. (the "Company") has requested the Board of County Commissioners of St. Mary's County, Maryland, a body politic and corporate and a political subdivision of the State of Maryland (the "County"), to approve the financing of the construction of a facility as defined herein upon the terms and conditions of a loan or similar agreement (the "Loan Agreement") to be entered into between the Company and Mercantile-Safe Deposit and Trust Company (the "Lender") after the holding of a public hearing.

The facility to be constructed will consist generally of (a) a building containing approximately 39,500 square feet of space to be constructed on approximately ten (10) acres of land located on the west side of Maryland Route 235, just north of its intersection with Maryland Route 245, St. Mary's County, Maryland, the space in said building to be used by Borrower as a fire station (the "Building") and (b) roads and other rights of access, utilities, and other facilities necessary to the construction and operation of the facility (the "Other Interests") (the Building and the Other Interests collectively the "Facility").

The County, in accordance with Sections 150(e)(3) and 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), held a public hearing on February 27, 1990, pursuant to notice (in form attached hereto as Exhibit A), published in a newspaper of general circulation in St. Mary's County on February 9 and 16, 1990 for the purpose of apprising affected residents of St. Mary's County, Maryland of the proposed financing, allowing such residents to appear and be heard concerning the financing and location and nature of the Facility. The County has determined following such public hearing that there will be a substantial benefit from the financing, that it is in the public interest and for a public purpose and by this Resolution gives its approval thereto.

The financing will be effected through a loan in the maximum amount of One Million Two Hundred Thousand Dollars (\$1,200,000) to be made to the

Company by the Lender (the "Loan"). The Loan will be evidenced by a Promissory Note from the Company in the original principal amount of \$1,200,000 and will be made pursuant to the Loan Agreement. The Loan Agreement will require the Company to use the proceeds of the Loan solely to finance the Facility (except to the extent of amounts permitted to be expended for other purposes under the Loan Agreement).

SECTION 1. BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, That the financing of the Facility by the Company will promote the health, welfare and safety of the residents of the State of Maryland and St. Mary's County.

SECTION 2. AND BE IT FURTHER RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, That the County will not be a party to the Loan agreement and neither the Loan or any interest thereon shall ever constitute an indebtedness or charge against the general credit or taxing powers of the Board of County Commissioners of St. Mary's County, Maryland, within the meaning of any constitutional or charter provision or statutory limitation and neither shall constitute or give rise to any pecuniary liability of the Board of County Commissioners of St. Mary's County.

SECTION 3. AND BE IT FURTHER RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, That the County hereby authorizes and approves the financing anticipated by the Loan Agreement in order that the financing be in accordance with the Code.

SECTION 4. AND BE IT FURTHER RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, That the County hereby authorizes and approves the Loan Agreement in order that the financing be in accordance with the Code.

SECTION 5. AND BE IT FURTHER RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, 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, and the remaining provisions shall be construed so as to give practical realization to the public purposes intended to be achieved hereunder and the protection against pecuniary liability to be afforded to the County. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional 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.

SECTION 6. AND BE IT FURTHER RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, That unless such time period shall be limited by other applicable law, in the event that the financing contemplated by this Resolution shall not have occurred by December 15, 1990 the County's authorization under the Resolution shall terminate unless otherwise extended by resolution of the Board.

SECTION 7. AND BE IT FURTHER RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, That this Resolution shall take effect from the date of its adoption.

ADOPTED this 27th day of February, 1990.

ATTEST:

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

Edward V. Cox
Edward V. Cox
County Administrator

Carl M. Loffler, Jr., President

W. Edward Bailey
W. Edward Bailey, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Robert T. Jarboe, Commissioner

Joseph R. Densford
Joseph R. Densford
County Attorney

John G. Lancaster
John G. Lancaster, Commissioner

Rodney Thompson
Rodney Thompson, Commissioner

Subject: Abandonment of Portion
of County Route 3824
(Old Route 249)

RESOLUTION

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.

12:03PM/08/108 CL.COM 90.00

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 a portion of County Route 3824 (also known as Old Route 249) be officially closed and abandoned as a public road, from its intersection with the entry off new Route 249 to the barrier erected in the right-of-way, for a distance of approximately 275 feet.

WHEREAS, the Board of County Commissioners conducted a public hearing on the petition to close and abandon the aforesaid portion of Old Route 249 on February 20, 1990, 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 Route 249, 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 Route 249 is hereby declared to be officially closed and abandoned.

This Resolution shall take effect upon posting of the appropriate signage.

Witness our signatures this 6th day of March, 1990.

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 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
County Attorney

/s/

Rtd. Co. Comm.

MAR 8 1990

MARY R. BELL, CLERK

Del. Co. Comm.

APR 3 1990

MARY R. BELL, CLERK

No. Z 90-02

Subj: Text Change to Zoning Ordinance to Include Critical Area Ordinance

ZONING ORDINANCE AMENDMENT

WHEREAS the Board of County Commissioners of St. Mary's County, Maryland, passed Resolution No. Z-86-18 adopting certain text changes to the St. Mary's County Zoning Ordinance on November 25, 1986 to create the Resource Conservation Area District within the critical areas of St. Mary's County, defined therein as being all land within 1,000 feet of the heads of tides; and

3:46PM03/30/90A CD.COM \$0.00

WHEREAS, the Board of County Commissioners has drafted the St. Mary's County, Maryland Ordinance for the Chesapeake Bay Critical Area Program (Critical Area Ordinance) as required by the Natural Resources Article, Sec. 8-1801, et seq. of the Annotated Code of Maryland; and

WHEREAS, the Board of County Commissioners on January 23, 1990, conducted a public hearing on the adoption of the Critical Area Ordinance by a proposed amendment to the St. Mary's County Zoning Ordinance, following publication of notice as required by law; and

WHEREAS, following the public hearing, the Board of County Commissioners, by a vote of three (3) to one (1), with one member absent, voted to recommend the approval of the Critical Area Ordinance to the Chesapeake Bay Critical Area Commission on March 6, 1990; and

WHEREAS, the Critical Area Commission voted on March 7, 1990 to approve the Critical Area Ordinance submitted by the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has determined that the St. Mary's County Zoning Ordinance, Section 38.07 should be amended to incorporate the Critical Area Ordinance by reference; and

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED, by the Board of County Commissioners of St. Mary's County, Maryland this 27th day of March, 1990, that the St. Mary's County Ordinance for the Chesapeake Bay Critical Area Program, as approved by the Chesapeake Bay Critical Area Commission on March 7, 1990, is hereby adopted and incorporated by reference herein.

BE IT FURTHER RESOLVED AND ORDAINED, that Section 38.07 of the St. Mary's County Zoning Ordinance is hereby rescinded in its entirety, and in substitution thereof the following added:

***38.07 CRITICAL AREA (CA) DISTRICT**

1. PURPOSE

The Critical Area (CA) Special District is hereby created to implement the St. Mary's County Ordinance for the Chesapeake Bay Critical Area Program adopted by the Board of County Commissioners on March 27, 1990, Ordinance No. Z 90-02, and said ordinance is incorporated herein by reference.

2. PERMITTED USES

- a. Agriculture.
- b. Single Family Dwelling

3. LOT SIZE REQUIREMENTS

Density shall be limited to one dwelling unit per twenty (20) acres, except when:

- a. Private wetlands located on a property are used in determining the density of development on that property provided that:
 - (1) the density of development on the upland portion of the property does not exceed one dwelling unit per eight (8) acres; and
 - (2) State Wetlands Maps are used to determine the extent of private wetlands.
- b. The property being developed is within a subdivision created in conjunction with an intrafamily transfer of land, pursuant to the Critical Area Ordinance.

4. APPLICABILITY

Hereby rezoned to CA are all land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under the Natural Resources Article, Title 9 of the Annotated Code of Maryland. Exempt are all plans having concept, preliminary or final approval and all minor subdivision applications received prior to October 1, 1986. Also exempt are all commercial marine zoned districts.

EFFECTIVE DATE: This Ordinance shall take effect on March

27, 1990.

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

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

Returned: Co. Comm. Apr. 3, 1990

MARY R. BELL, CLERK

Resolution No. W/S 90-03
Subj.: Water and Sewer Plan
Amendment
Riverhouse Condominiums
(SPEC #89-1667)

RESOLUTION

WHEREAS, Henry T. Waring has made application to amend the St. Mary's County Comprehensive Water and Sewer Plan for certain property located in the Eighth Election District of St. Mary's County, Maryland located on Maryland Route 5 and Goddard Road (also known as Langley Road). The application requests that the water category be amended from W-6D to W-3D, and the sewer category be amended from S-6 to S-3D. The subject property is shown on Tax Map 51, Block 19 as Parcels 95 and 166.

WHEREAS, the St. Mary's County Planning Commission deliberated on the application at its public meeting on February 13, 1990, and voted unanimously to recommend the amendment of the water and sewer classifications from W-6D to W-3D and from S-6 to S-3D.

2:48PM04/20/908 CI.COM \$0.00

WHEREAS, The Board of County Commissioners held a public hearing on the proposed amendment on March 20, 1990, after due publication of notice.


WHEREAS, the Board of County Commissioners deliberated on the proposed amendment at its public meeting on April 10, 1990, and unanimously approved the request.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to reclassify the subject property from W-6D to W-3D and from S-6 to S-3D.


BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: April 10, 1990.

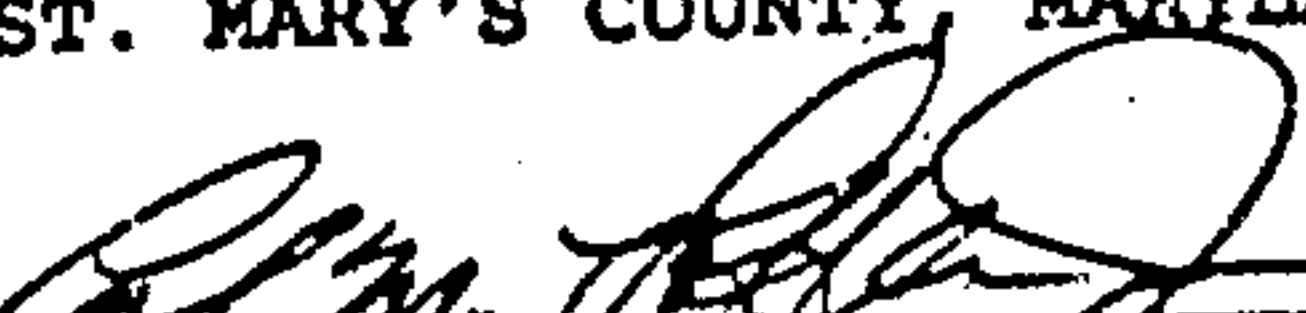
ATTEST:


EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:


JOSEPH R. DENSFORD
County Attorney

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


CARL M. LOEFFLER, President


W. EDWARD BAILEY, Commissioner


ROBERT T. JARBOE, Commissioner


JOHN G. LANCASTER, Commissioner


RODNEY THOMPSON, Commissioner

Resolution No. W/S 90-04
Subj.: Water and Sewer Plan
Amendment
St. Mary's Regional
Park
(SPEC #89-1797)

RESOLUTION

WHEREAS, the St. Mary's County Department of Recreation and Parks has made application to amend the St. Mary's County Comprehensive Water and Sewer Plan for certain property located in the Eighth Election District of St. Mary's County, Maryland containing 23.82 acres of land, more or less, and a second parcel containing 44.94 acres, more or less, located on the west side of Chancellors Run Road south of Norris Road, called and known as the St. Mary's Regional Park. The application requests that the water category be amended from W-6 to W-4D, and the sewer category be amended from S-6 to S-4D. The subject property is shown on Tax Maps 42 and 43, as Parcels 90 and 116.

WHEREAS, the St. Mary's County Planning Commission deliberated on the application at its public meeting on February 13, 1990, and voted unanimously to recommend the amendment of the water and sewer classifications from W-6 to W-4D and from S-6 to S-4D.

WHEREAS, The Board of County Commissioners held a public hearing on the proposed amendment on March 20, 1990, after due publication of notice.

2:48PM04/20/90E CD.COM \$0.00

WHEREAS, the Board of County Commissioners deliberated on the proposed amendment at its public meeting on April 10, 1990, and unanimously approved the request.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to reclassify the subject property from W-6 to W-4D and from S-6 to S-4D.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: April 10, 1990.

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

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

Del. Co. Comm. APR 20 1990 MARY R. BELL, CLERK

NO.: 90-07
SUBJ: Exemption of Business Stock
Property which is Commercial
Inventory for Resale From Tax

RESOLUTION

WHEREAS, the Tax-Property Article, Section 7-222 b(3) of the Annotated Code of Maryland provides for the taxation of business stock personal property at "50% of its assessment less \$200,000 in St. Mary's County, subject to the power of the governing body of the county by law to exempt the remainder of the assessment from the county property tax"; and 9:54AM05/01/908 CO.COM \$0.00

WHEREAS, the Board of County Commissioners of St. Mary's County believes it to be in the best interest of county citizens to phase out the assessment of the business stock property which is commercial inventory for resale over a period of five (5) years beginning July 1, 1990, to permit businesses in St. Mary's County to be more competitive with businesses in surrounding counties.

NOW, THEREFORE BE IT RESOLVED by the the Board of County Commissioners of St. Mary's County that effective July 1, 1990, the personal property tax on business stock property which is commercial inventory for resale shall be 40% of its assessment, less \$200,000, and the exemption shall be increased by 10% on July 1 for each of the four (4) following years, at which time business stock property which is commercial inventory for resale in St. Mary's County shall be exempt from such personal property tax.

THIS DATE: May 1, 1990

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
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

Del. Co. Comm

MAY 1 - 1990

MARY R. BELL, CLERK

No. Z 90-03
 Subj.: ZPUD #86-1058
 Laurel Glen Residential

RESOLUTION

WHEREAS, SDS Development Group, Inc. has made application for a major amendment to a previously approved PUD concept plan for a change in the original access points to Maryland Route 235 and Old Rolling Road. The proposed amendment would alter the concept plan for the residential section of Laurel Glen by eliminating direct access on Maryland Route 235 and using only Old Rolling Road for residential access. The residential portion of the subject property contains 52.32 acres of land, more or less, and is zoned PDR 5.0, Planned Development Residential. The subject property is located in the Eight Election District on the east side of Old Rolling Road, south of its intersection with Maryland Route 5. The property is shown on Tax Map 34, Block 23 as Parcel 99.

10:10AM05/04/90A CO.COM \$0.00

WHEREAS, following the posting of notice on the subject property, publication of notice and written notification of all property owners within two hundred (200) feet of the subject property by certified mail, the St. Mary's County Planning Commission conducted a public hearing on the application on November 27, 1989.

WHEREAS, following deliberation, the Planning Commission on January 22, 1990, by a unanimous vote, recommended to the Board of County Commissioners of St. Mary's County that the major amendment to the approved PUD concept plan be approved, subject to compliance with those conditions set forth in the Staff Report from the Office of Planning and Zoning dated January 22, 1990.

WHEREAS, The Board of County Commissioners, after posting notice on the subject property, publication of notice and written notification of all property owners within two hundred (200) feet of the subject property by certified mail, conducted a public hearing on the application on February 27, 1990.

WHEREAS, The Board of County Commissioners held deliberations on the application at a public meeting on March 13, 1990 and approved the request by a unanimous vote, subject to certain conditions set forth below.

NOW THEREFORE, BE IT RESOLVED AND ORDAINED this 24th day of April, 1990 by the Board of County Commissioners of St. Mary's County, Maryland, that the aforementioned application for a major amendment to the approved PUD concept plan for the subject property is hereby GRANTED, subject to the following conditions:

1. That the internal access road shall have only one (1) direct access to Old Rolling Road; that being between the large curve and Maryland Route 235, based on the submitted plan.
2. That sufficient acceleration/deceleration lanes be constructed on Old Rolling Road to handle the ingress/egress from the proposed development without further impacting other residential traffic flow on Old Rolling Road.
3. That approval is contingent upon the installation of a traffic light as required at Old Rolling Road and Maryland Route 235; said traffic light is to be installed in concert with the Laurel Glen Shopping Center approval, at the developer's expense.
4. That the developer clear an approximately fifteen (15) foot wide access lane from the end of the internal road to Old Rolling Road to provide a stone base sufficient to handle emergency vehicles. The developer shall also cover and seed, and chain off both ends of the access lane.
5. The developer shall either dedicate a fee simple right

of way or provide a mechanism in the deed for a right of way at no cost for the proposed collector road.

6. The developer shall relocate some of the proposed development to provide a larger buffer adjacent to the existing residential area to satisfy citizens' concerns expressed at the public hearing.

ATTEST:

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

Edward V. Cox
EDWARD V. COX 4/24/90
County Administrator

Carl M. Loffley, Jr.
CARL M. LOFFLEY, JR., President

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

Robert Jarboe
ROBERT JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Rodney Thompson
RODNEY THOMPSON, Commissioner

The undersigned applicant hereby agrees to the conditions set forth above, which shall be binding on the personal representatives, heirs, successors and assigns of said applicant, and shall run with and bind the subject property.

SDS DEVELOPMENT GROUP, INC.

By: A. Hugo Decesaris
A. HUGO DECESARIS, President

Del. Co. Comm.

MAY 4 - 1990

MARY R. BELL, CLERK

NO: 90-06A

SUBJECT: Abandonment of Portion
of County Route 3823
(Old Route 249)

RESOLUTION

WHEREAS, on March 6, 1990 the Board of County Commissioners adopted Resolution No. 90-06 officially closing and abandoning a portion of Old Route 249; and

WHEREAS, Resolution No. 90-06 incorrectly cited the County Route No. as 3824 (also known as Old Route 249); and

WHEREAS, the correct County Route No. is 3823.

11:52AM 05/31/90 CCL.COM \$0.00

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that the portion of Old Route 249 to be abandoned is hereby correctly identified as County Route No. 3823.

Witness our signatures this 22nd day of May, 1990.

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

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

Carl M. Loff
Carl M. Loff, J., President

W. Edward Bailey
W. Edward Bailey, Commissioner

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
County Attorney

Del. Co. Comm.

MAY 31 1990

MARY R. BELL, CLERK

USER 007 PAGE 100
RESOLUTION NO: 90-08
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 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
11:53AM05/31/908 CO.COM \$0.00

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, 1990, as follows:

Election District 1	\$.09
Election District 3	\$.06
Election District 4	\$.11
Election District 5	\$.11
Election District 6	\$.11
Election District 7	\$.11
Election District 8	\$.11

THIS DATE:

May 29, 1990

BOARD OF COUNTY COMMISSIONERS OF
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 Q. Lancaster
John Q. 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

Del. Co. Comm.

MAY 31 1990

MARY R. BELL, CLERK

RESOLUTION NO.: 90-09

SUBJECT: 1990-1991 Operating and Capital Budgets, Fire and Rescue Capital Revolving Fund, Special Assessments Fund, Recreation and Parks Enterprise Fund, Wicomico Shores Enterprise Fund, and the County's Property Tax Rate

RESOLUTION

11:53AM05/31/908 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 \$64,027,608; the Capital Budget in the amount of \$18,180,272; Fire and Rescue Capital Revolving Fund in the amount of \$-0-; the Recreation and Parks Enterprise Fund in the amount of \$287,903; the Wicomico Shores Enterprise Fund in the amount of \$833,922; the Special Assessment Fund in the amount of \$37,551; and the County's Property Tax Rate is hereby assessed at \$2.33 per \$100.00 of assessed valuation.

THIS DATE:

MAY 29, 1990

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

Charles H. Wade, Jr.
Charles H. Wade, Jr.
Director of Finance

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
County Attorney

Returned: Co. Comm.

MAY 31 1990

MARY R. BELL, CLERK

RESOLUTION

WHEREAS, Environment Article, Section 9-230 and following of the Annotated Code of Maryland sets forth certain requirements for the land application of sewage sludge; and

WHEREAS, the Agriculture and Seafood Commission of St. Mary's County carefully considered the distinction between sewage sludge and sewage sludge compost, the latter being defined in Title 26, Subtitle 04, Chapter 06, Section 02, (18), Code of Maryland Regulations as "treated sewage sludge produced by subjecting a mixture of sewage sludge and a bulking agent, such as wood chips, to aerobic decomposition in a manner that destroys primary pathogenic and malodorous components"; and

WHEREAS, the Agriculture and Seafood Commission; Doug Proctor, State Department of the Environment; and Frank Govin, Ph.D., Extension Horticulture Specialist, have recommended the use in St. Mary's County of compost meeting code requirements; and

WHEREAS, the Board of County Commissioners on Tuesday, June 5, 1990 conducted a public hearing to gather public comment on the advisability of approving the land application of compost meeting state requirements and has reviewed all facts, evidence, and testimony;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that effective immediately in St. Mary's County the land application and use of compost meeting state requirements is hereby not opposed on the condition that all carriers, providers, and users of said product, regardless of brand name or marketing title, be able to demonstrate State of Maryland, Department of the Environment approval.

THIS DATE: JULY 3, 1990

9:23AM07/06/908 CO.COM \$0.00

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

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 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
County Attorney

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR ST. MARY'S COUNTY, MARYLAND, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 66B OF THE ANNOTATED CODE OF MARYLAND AS AMENDED, AND FOR THE REPEAL OF ORDINANCE NO. 78-43 AND OF ALL OTHER ORDINANCES IN CONFLICT HEREWITH

WHEREAS, Article 66B of the Annotated Code of Maryland, as amended, empowers the county to enact a zoning ordinance and to provide for its administration, enforcement and amendment, and

WHEREAS, the Board of County Commissioners deems it necessary for the purpose of promoting the health, safety, morals and general welfare of the county to enact such an ordinance, and

9:23AM07/06/90B CO.COM \$0.00

WHEREAS, the County Commissioners, pursuant to the provisions of Article 66B of the Annotated Code, as amended, have appointed a Planning Commission to recommend the boundaries of the various districts and appropriate regulations to be enforced therein, and

WHEREAS, the Planning Commission has divided the county into districts and has prepared regulations pertaining to such districts in accordance with the St. Mary's County Comprehensive Plan adopted October 25, 1988 and has designed such regulations and districts to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and general welfare, to provide adequate light and air, to prevent the overcrowding of population, to facilitate the adequate provision of transportation, water and sewerage, schools, parks and other public requirements, and

WHEREAS, the Planning Commission has given reasonable consideration among other things to the character of the districts 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, on November 1, 1989, following due public notice, the Planning Commission held a public hearing thereon, and submitted its final report to the County Commissioners entitled "St. Mary's County Zoning Ordinance - Planning Commission Draft" on March 13, 1990, and

WHEREAS, the County Commissioners gave due public notice of a hearing relating to the zoning districts, regulations and restrictions, and on April 10, 1990 held such public meeting thereon, and

WHEREAS, the County Commissioners effected certain modifications to the Planning Commission report in response to testimony and evidence offered at the April 10, 1990 public hearing, and

WHEREAS, all requirements of Article 66B of the Annotated Code of Maryland, as amended, with regard to the preparation of the report of the Planning Commission and subsequent action of the County Commissioners have been met.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED, by the Board of County Commissioners of St. Mary's County, Maryland, as follows:


- 1) That said regulations, restrictions and zoning districts are incorporated herein by reference, and shall be known collectively as the "St. Mary's County Zoning Ordinance". The Zoning Ordinance shall include the official St. Mary's County Zoning District Maps


prepared by the Office of Planning and Zoning, the March 13, 1990 draft submitted by the Planning Commission, together with the modifications set forth in a Memorandum dated June 27, 1990 from the Director of the Office of Planning and Zoning to the County Commissioners, and the document prepared by the Office of Planning and Zoning entitled "Recommended Modifications to the Nonconforming Use Provisions of the March 27, 1990 Planning Commission Draft of the St. Mary's County Zoning Ordinance", together with the St. Mary's County, Maryland Ordinance for the Chesapeake Bay Critical Area Program, as set forth below;

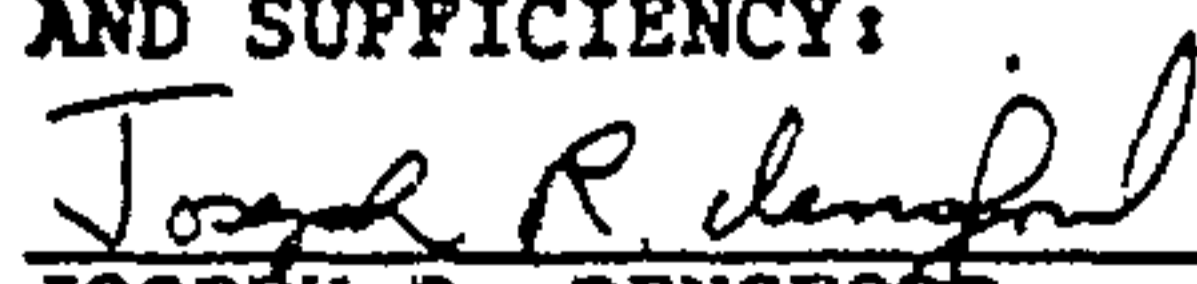
- 2) That the St. Mary's County Ordinance for the Chesapeake Bay Critical Area Program (reference Ordinance No. 290-02) is hereby incorporated into the St. Mary's County Zoning Ordinance by reference, imposing certain regulations and restrictions on the use of land and structures within the defined critical area in addition to the regulations and restrictions pertaining to the above described zoning districts;
- 3) That the Planning Commission and the Office of Planning and Zoning are hereby directed to review the Comprehensive Plan at least every two (2) years, and to initiate revisions pursuant to said Article 66B as needed;
- 4) That the Planning Commission and the Office of Planning and Zoning are hereby directed to review the Zoning Ordinance and accompanying zoning district maps at least annually, and to initiate revisions pursuant to said Article 66B as needed;
- 5) That any site plan submitted for Technical Evaluation Committee (TEC) review and approved by the Planning Commission in concept or preliminary form before the effective date hereof is granted six (6) months to complete final design and receive final approval under the existing standards of Ordinance No. 78-43. Any subdivision plan submitted for TEC review and approved by the Planning Commission in concept or preliminary form before the effective date hereof is granted one (1) year to complete final design and receive final approval under the existing standards of Ordinance No. 78-43.
- 6) That Ordinance No. 78-43, together with all amendments thereto, and any other ordinances which are in conflict herewith, are hereby repealed and rescinded, except as otherwise provided herein; and
- 7) That this ordinance shall take effect on August 1, 1990.

Adopted this 3rd day of July, 1990.


ATTEST:



 EDWARD V. COX
 County Administrator


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

 CARL M. LOFFLER, JR.
 President

APPROVED AS TO LEGAL FORM
 AND SUFFICIENCY:

 JOSEPH R. DENSFORD
 County Attorney


 W. EDWARD BAILEY
 Commissioner


ROBERT T. JARBOE
Commissioner


JOHN G. LANCASTER
Commissioner


RODNEY THOMPSON
Commissioner

LIBER 007 ¹⁹⁹⁰ 166

NO. 90-12

SUBJ: Volunteer Fire Department/
Rescue Squad/Advanced Life
Support - Workmen's Compensation

RESOLUTION

WHEREAS, by Resolution No. 89-30 the Board of County Commissioners implemented the authority of Article 101, Section 34 of the Annotated Code of Maryland to provide for inclusion of members of volunteer fire departments and rescue squads in workmen's compensation coverage; and

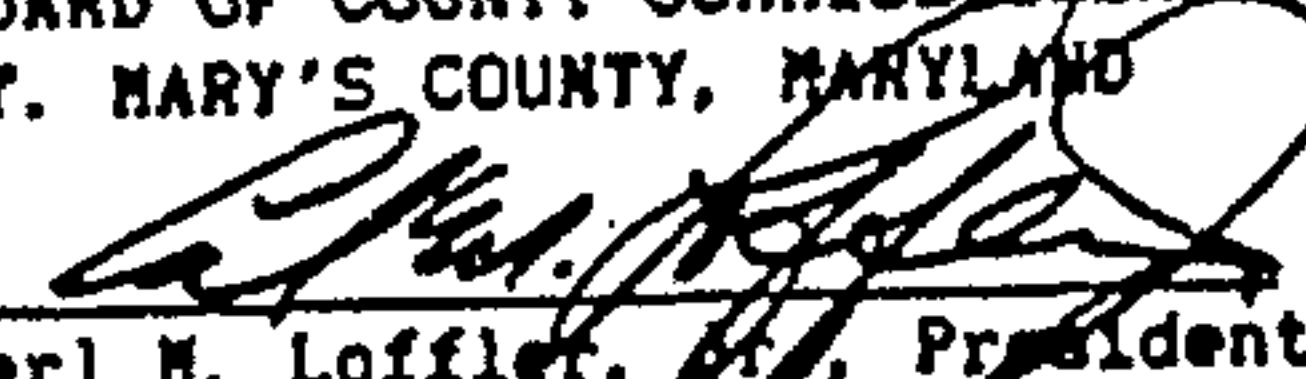
WHEREAS, the 1990 General Assembly by Senate Bill No. 219 amended Article 101 of the Annotated Code of Maryland to give authority to the Board of County Commissioners to add members of the Advanced Life Support Unit to the list of those eligible for coverage under the workers' compensation laws.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County that Resolution No. 89-30 is hereby amended to add members of the Advanced Life Support Unit to those eligible for coverage under the workers' compensation laws subject to the same terms and conditions stated in Resolution No. 89-30.

11:48AM07/19/90B CO.COM \$0.00

THIS DATE: July 17, 1990

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


Carl H. Loffler, President


W. Edward Bailey, Commissioner


Robert T. Jarboe, Commissioner


John G. Lancaster, Commissioner


Rodney Thompson, Commissioner

WITNESS:


Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:


Joseph R. Densford
County Attorney

Del. Co. Comm.

JUL 19 1990]

MARY R. BELL, CLERK

Ordinance No. 90-13
 Subj.: County Transfer Tax

ORDINANCE

WHEREAS, the Maryland General Assembly passed House Bill No. 793, providing for the imposition of a transfer tax for St. Mary's County on real property transfers.

WHEREAS, House Bill 793 authorizes the Board of County Commissioners of St. Mary's County, Maryland to enact an Ordinance imposing such transfer taxes.

WHEREAS, House Bill 793 was effective according to its terms on July 1, 1990.

WHEREAS, the Board of County Commissioners, having provided due public notice, conducted a public hearing on the adoption of an ordinance enacting the provisions of House Bill 793 on June 12, 1990.

B:5JAM07/23/90A CO.COM

\$0.00

WHEREAS, following the public hearing, the Board of County Commissioners held deliberations at its public meeting on June 26, 1990, and further deliberations on July 10, 1990 and July 17, 1990, at which time, by a vote of four for and one against, it was determined that the promotion of the public health, safety and welfare would be best served by the imposition of a county transfer tax, as authorized by House Bill 793.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Mary's County, Maryland this 17th day of July, 1990, that a county transfer tax is hereby imposed on every instrument of writing conveying title to real property or a leasehold interest therein, required to be offered for record among the Land Records of St. Mary's County, Maryland, at the rate set forth below, subject to the following provisions:

A. Definitions - In this section the following words and phrases have the meanings indicated:

(1) "Consideration" means everything of value included in the actual price of real property conveyed, including: cash, bonds, stock, documents evidencing monetary value, choses in action, real or personal property, payment by way of fees, labor or services, instruments of credit, including notes, notes secured by deeds of trust or mortgages, and assumption of liability for debt incurred by another, but not for current property taxes, or county or municipal charges.

(2) "Department" means the Department of Assessments and Taxation.

(3) "Estate" means every kind of interest in real property, including a fee simple estate, leasehold estate, limited estate, life estate, remainder and other legal and equitable interests in real property.

(4) "Instrument of Writing" means a written instrument that conveys title to, or a leasehold interest in, real property, and includes:

- (a) A deed or contract;
- (b) A lease;
- (c) An assignment of a lessee's interest;

(d) Articles of transfer;

(e) Articles of merger or other document which evidences a merger of foreign corporations or foreign limited partnerships; and

(f) Articles of consolidation or other document which evidences a consolidation of foreign corporations.

"Instrument of Writing" does not include:

(a) A mortgage or deed of trust or other contract that creates an encumbrance on real property; or

(b) A security agreement, as defined in Section 12-101(e) of the Tax-Property Article of the Annotated Code of Maryland.

(5) "Mortgage" includes a deed of trust made to secure the repayment of an indebtedness.

B. A county transfer tax is hereby imposed on each transfer of real property recorded or required by law to be recorded among the Land Records of St. Mary's County, Maryland, at a rate of one percent (1%) of the consideration paid or to be paid for such transfer.

C. The transfer tax does not apply to the first \$30,000 of consideration payable for an instrument of writing for residentially improved owner-occupied property which is the first residential property owned by the grantee named in the instrument, provided that the instrument of writing is accompanied by a notarized statement under oath signed by each of the grantees that the residence will be occupied by each of the grantees and that the subject property conveyed by the instrument is the first residential property owned by each of the grantees.

D. The county transfer tax shall not apply to:

(1) An instrument of writing exempt from the state transfer tax under Section 13-207 of the Tax-Property Article of the Annotated Code of Maryland; or

(2) A transfer of land subject to the agricultural land transfer tax under Title 13, Subtitle 3 of the Tax-Property Article of the Annotated Code of Maryland.

E. The county transfer tax shall be paid to the Clerk of the Circuit Court where the instrument of writing is recorded or to the Department of Assessments and Taxation, where the instrument of writing is required to be filed with that Department. Payment of the tax shall be evidenced by the affixing to or stamping on the instrument offered for recordation or filing a legend stating that the county transfer tax has been paid and the amount of payment. An instrument so executed shall be prima facie evidence that the tax has been paid. No such instrument of writing shall be recorded among the Land Records of St. Mary's County or filed with the Department of Assessments and Taxation until such time as the county transfer tax shall have been paid.

F. The proceeds from the county transfer tax shall only be used to finance capital projects.

G. The Board of County Commissioners shall state in the annual budget:

(1) An estimate of the revenue to be received from the county transfer tax for both the current and following fiscal years;

(2) The revenue received from the county transfer tax during the previous fiscal year; and

(3) The capital projects for which the Board of County Commissioners anticipates the proceeds from the county transfer tax will be used.

H. The tax levied by this section together with interest and penalties is from the time due and payable jointly and severally the debt of the legal and equitable transferor and transferee of the property.

I. Whenever a written instrument intending to effect a transfer subject to the county transfer tax is recorded by the clerk or filed with the Department without the tax having been paid, the person liable for the payment of the tax shall be assessed for the amount of the tax due, plus interest at the rate of one percent (1%) for each month, or fractional part of a month, from the date when the written instrument was received for recordation or filing, plus a civil penalty of ten percent (10%) of the tax due. All taxes, interest, and penalties assessed under this subsection shall be paid to the Clerk or the Department.

J. Whenever a lease required by law to be recorded evidences a transfer on which a tax would be levied by this section if the lease were offered for record and recorded, but the lease has not been recorded, an attornment agreement, memorandum of lease, assignment of lease, or other instrument giving or intended to give actual or constructive notice of the unrecorded lease, whether or not actually giving constructive notice in point of law, may not be received for recording until the original lease has been exhibited to the clerk, and a tax paid in the same amount as would be payable on recording of the lease, together with whatever tax may be payable on the other instrument under this section. The tax applicable to a lease in accordance with this subsection is chargeable to the lessee. If it is required to be advanced by the party offering for record the other instrument referred to in this subsection due to the failure or refusal of the lessee to pay the amount due to the Clerk on demand by that party, the amount due plus interest from the date of payment shall be recoverable by that party from the lessee in an action at law.

K. (1) The consideration for a lease for a term of years that is not perpetually renewable is the sum of:

(i) the capitalization at ten percent (10%) of the average annual rental over the entire term of the lease, including any renewable term; and

(ii) the actual consideration other than rent paid or to be paid.

(2) Where the average annual rental cannot be determined, the consideration shall be the greater of:

(i) the capitalization at ten percent (10%) of the sum of the minimum average annual rental ascertainable from the terms of the lease and five percent (5%) of the minimum average rental, plus the actual consideration, other than rent, paid or to be paid, or

(ii) the assessed value of the property covered by the lease multiplied by one and one-half.

L. Where part or all of the consideration for a transfer consists of other property, real or personal, the consideration represented by the other property is the value of the property, determined as follows:

(1) the consideration represented by a full interest in property is the true, full value of the property;

(2) the consideration represented by a life estate is the value of the life estate as determined in accordance with the regulations for federal estate tax adopted by the Internal Revenue Service; and

(3) the consideration represented by a remainder or reversion after one or more life estates is the value remaining after determining the value of the whole and deducting from the whole the value of the preceding estates.

M. To carry out and enforce this section and to collect the tax levied by this section, with the concurrence of the Board of County Commissioners, the Clerk may:

(1) adopt rules and regulations consistent with this section to carry out and enforce this section, to collect fully the tax levied by this section, or to define or define further or construe this section;

(2) compromise disputed claims in connection with the tax imposed by this section;

(3) for good and sufficient cause, abate or remit interest and penalties; and

(4) rebate and refund any taxes erroneously or improperly paid.

N. On or before the 10th day of the month next following the calendar month in which the tax is collected, the Clerk after deducting and retaining five percent (5%) of all sums collected in payment of the tax levied by this section shall remit the balance to the Board of County Commissioners and shall deliver to the Board a full and accurate accounting of the collections during the preceding calendar month.

O. (1) A person may not:

(i) willfully obtain, or attempt to obtain the recording of a conveyance effecting a transfer taxable under this section without first having paid the tax;

(ii) knowingly make a false statement as to the amount or value of consideration;

(iii) willfully affix or attempt to affix to any document a forged or counterfeit legend indicating that the tax levied by this section has been paid;

(iv) willfully violate any of the provisions of this section or the rules and regulations, adopted under this section; or

(v) willfully participate or aid in any manner in the evasion of the tax imposed by this section.

(2) A person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding six (6) months or both.

ORDER 007 PAGE 171

This Ordinance shall take effect on August 17, 1990.

Adopted this 17th day of July, 1990.

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

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

Del. Co. Comm. July 23, 1990

MARY R. BELL, CLERK

NO: 90-14

SUBJ: LENGTH OF SERVICE PROGRAM
FOR VOLUNTEER FIREMEN AND
RESCUE SQUADSMEN

AMENDMENT NO. 2

LENGTH OF SERVICE PROGRAM
BENEFIT OPTIONS

RESOLUTION

WHEREAS, on November 14, 1979 the Board of County Commissioners adopted Resolution No. 79-78 establishing a retirement program for volunteer firemen and rescue squadsmen; and

WHEREAS, on August 16, 1988 the Board of County Commissioners adopted Resolution No. 88-22 changing the references to the Retirement System to Length of Service Program.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that Resolution No. 79-78 is hereby amended to change all references to Eligibility and to Benefits, effective July 1, 1990 to read:

Beginning July 1, 1990, Volunteer Firemen and Rescue Squadsmen may select from two Length of Service Program benefit options. Selection of a benefit option by the individual is irrevocable. These options are:

OPTION 1:

11:26AM 08/07/908 CCL.COM \$0.00

Any person who has reached the age of sixty (60) and who has completed a minimum of twenty (20) years of certified active volunteer service with any St. Mary's County Volunteer Fire Company or Volunteer Rescue Squad, or combination thereof, shall receive one hundred and fifty dollars (\$150.00) per month, for life.

An additional payment of five dollars (\$5.00) per month shall be added to the benefit for each full year of volunteer service in excess of twenty (20) years, provided that a maximum benefit of two hundred dollars (\$200.00) per month or equivalent shall be payable to any individual.

OPTION 2:

Any person who has reached the age of fifty-five (55) and who has completed a minimum of twenty (20) years of certified active volunteer service with any St. Mary's County Volunteer Fire Company or Volunteer Rescue Squad, or combination thereof, shall receive one hundred dollars (\$100.00) per month, for life.

An additional payment of five dollars (\$5.00) per month shall be added to the benefit for each full year of volunteer service in excess of twenty (20) years, provided that a maximum benefit of one hundred and

PAGE 2 of 2

NO: 90-14

SUBJ: LENGTH OF SERVICE PROGRAM
FOR VOLUNTEER FIREMEN AND
RESCUE SQUADSMEN

AMENDMENT NO. 2

LENGTH OF SERVICE PROGRAM
BENEFIT OPTIONS

fifty dollars (\$150.00) per month or equivalent shall be payable to any individual.

THIS DATE:

July 31, 1990

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
County Attorney

Del. Co. Comm. Aug, 7, 1990 Harry R. Bell, Clerk

Subj.: Zoning Ordinance
Clarification
Resolution No. 90-15

RESOLUTION

3:16PM08/15/90A CI.COM \$0.00

WHEREAS, on July 3, 1990 the Board of County Commissioners of St. Mary's County, Maryland adopted Ordinance No. 90-11, which enacted comprehensive zoning regulations for St. Mary's County.

WHEREAS, Section Five (5) of Ordinance No. 90-11 provides that site plans submitted prior to the effective date of Ordinance No. 90-11 are granted a period of six (6) months to receive final approval under the existing zoning standards set forth in Ordinance No. 78-43, and subdivision plans submitted prior to the effective date are granted a period of one (1) year to receive final approval under Ordinance No. 78-43.

WHEREAS, it was intended that Ordinance No. 90-11 would, in addition to permitting consideration of certain site plans and subdivision plans under the existing Ordinance No. 78-43, also permit consideration of certain conditional use and variance applications under Ordinance No. 78-43.

WHEREAS, the St. Mary's County Board of Appeals has requested that the Board of County Commissioners clarify Ordinance No. 90-11 to permit consideration of such conditional use and variance applications which were submitted prior to July 10, 1990.

NOW, THEREFORE, BE IT RESOLVED this 14th day of August 1990 that those applications for conditional uses and variances submitted to the St. Mary's County Office of Planning and Zoning prior to July 10, 1990 shall be required to meet the standards set forth in Ordinance No. 78-43, rather than those contained in Ordinance No. 90-11.

Adopted this 14th day of August.

ATTEST:

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

Edward V. Cox
EDWARD V. COX
County Administrator

Carl M. Loppier, Jr.
CARL M. LOFFIER, JR.
President

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

W. Edward Bailey
W. EDWARD BAILEY
Commissioner

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

Robert T. Jarboe
ROBERT T. JARBOE
Commissioner

John G. Lancaster
JOHN G. LANCASTER
Commissioner

Rodney Thompson
RODNEY THOMPSON
Commissioner

Resolution No. W/S90-05
Subj.: Water and Sewer Plan
Amendment
Hayden's Runn Cluster
Subdivision
(CSUB #89-1877)

RESOLUTION

3:28PM09/04/90A CD.COM \$0.00

WHEREAS, application has been made to amend the St. Mary's County Comprehensive Water and Sewer Plan for certain property located in the Fourth Election District of St. Mary's County, Maryland called and known as Hayden's Runn Cluster Subdivision. The application requests that the water category be amended from W-6 to W-3D. The subject property, containing 199.842 acres of land, more or less, is located on Chaptico-Mechanicsville Road south of Beverly Estates, and is shown on Tax Map 12, Block 23 as Parcel 30.

WHEREAS, the St. Mary's County Planning Commission deliberated on the proposed amendment at its public meeting on June 11, 1990, and voted unanimously to recommend to the Board of County Commissioners of St. Mary's County, Maryland that the water classification of the subject property be amended from W-6 to W-3D.

WHEREAS, The Board of County Commissioners held a public hearing on the proposed amendment on July 17, 1990, after due publication of notice.

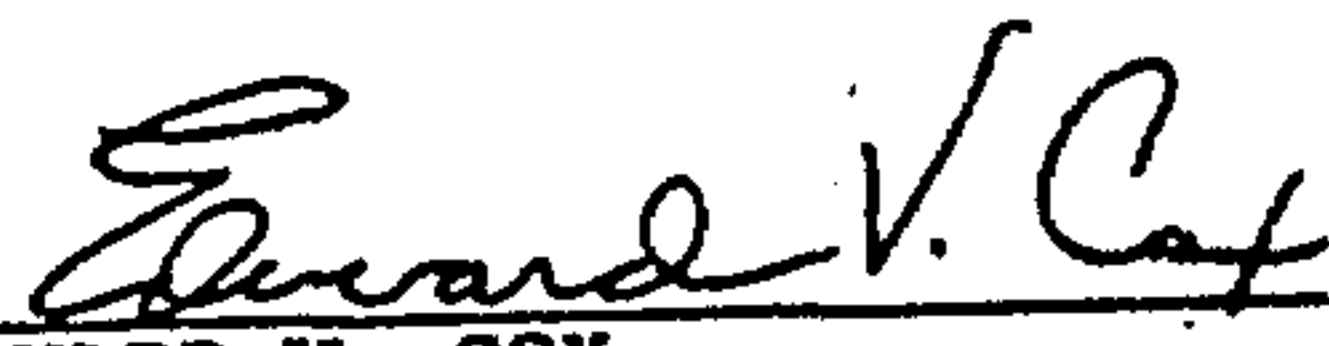
WHEREAS, the Board of County Commissioners deliberated on the proposed amendment at its public meeting on July 31, 1990.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to reclassify the subject property from W-6 to W-3D.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: August 28th, 1990


ATTEST:


EDWARD V. COX
County Administrator

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


CARL M. LOFFLER, JR., President

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:


JOSEPH R. DENSFORD
County Attorney


W. EDWARD BAILEY, Commissioner


ROBERT T. JARBOE, Commissioner


JOHN G. LANCASTER, Commissioner


RODNEY THOMPSON, Commissioner

No. Z-90-04A
Subj.: ZPUD #90-0444
Oak Crest Center

RESOLUTION

3:28PM09/04/90A CO.COM \$0.00

WHEREAS, Charles County Concrete, Robert Dean et al. have made application to designate certain property currently zoned as I-1, Industrial, and RL, Residential, to PD-IP, Planned Development Industrial Park, pursuant to a Development Plan which was processed under and met the requirements of the 1974 Zoning Ordinance, as amended, and which conformed to the current St. Mary's County Comprehensive Land Use Plan. The subject property contains 146.4 acres of land, more or less, and is located off of Maryland Route 235 across from the Wildewood Shopping Center in the Eighth Election District of St. Mary's County, Maryland. The property is shown on Tax Map 34, Block 10 as Parcels 292 and 521.

WHEREAS, following the posting of notice on the subject property, publication of notice and written notification of all property owners within two hundred (200) feet of the subject property by certified mail, the St. Mary's County Planning Commission conducted a public hearing on the application on April 23, 1990.

WHEREAS, the PD-IP zoning classification is a "floating zone" under the provisions of the current Zoning Ordinance and therefore a finding of "change or mistake" is not applicable to the subject property.

WHEREAS, the location of the subject property within the major development district for St. Mary's County, the nature of the parent zoning classifications (i. e. I-1 and RL, which are holding zones for PD-IP), the adjacent land uses and the special protection of development standards including, but not limited to, set backs, buffers, stormwater management, building coverage and site plan review will assure compatibility with neighboring properties.

WHEREAS, following deliberation, the Planning Commission on June 11, 1990, by a unanimous vote, recommended to the Board of County Commissioners of St. Mary's County that the designation of the subject property as PD-IP be approved.

WHEREAS, The Board of County Commissioners, after posting notice on the subject property, publication of notice and written notification of all property owners within two hundred (200) feet of the subject property by certified mail, conducted a public hearing on the application on July 17, 1990.

WHEREAS, The Board of County Commissioners held deliberations on the application at a public meeting on July 31, 1990 and approved the request by a unanimous vote.

NOW THEREFORE, BE IT RESOLVED AND ORDAINED this 21st day of August, 1990 by the Board of County Commissioners of St. Mary's County, Maryland, that the aforementioned application for designation of the subject property as PD-IP is hereby GRANTED, and the Development Plan as revised, including the plats and drawings, is designated as the Development Plan for the subject property, to be developed in accordance with the land uses set forth in the 1974 Zoning Ordinance, as amended, and the development standards set forth within the approved development Plan. The zoning designation is granted upon the condition that the PUD boundary buffer for the property is hereby established as seventy-five feet (75') in accordance with the "E" bufferyard required for PD-IP properties which abut RL, Residential properties.

To the extent Resolution No. Z90-04 is inconsistent with the provisions hereof, such inconsistent portions are hereby rescinded.

ATTEST:

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

Edward V. Cox
EDWARD V. COX
County Administrator

Carl M. Loeffler, Jr.
CARL M. LOEFFLER, JR., President

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

W. EDWARD BAILEY, Commissioner

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

Robert Jarboe
ROBERT JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Rodney Thompson
RODNEY THOMPSON, Commissioner

NO. : 90-16
SUBJ: Non-Tidal Wetland

RESOLUTION

WHEREAS, the federal and state governments have enacted Non-Tidal Wetland measures with the expressed purpose of protecting the environment, a purpose which the County Commissioners wholeheartedly endorse; and

11:30PM 09/20/90 CO.COM \$0.00

WHEREAS, the federal and state governmental bodies in their haste to attain their purpose have excluded safeguards for the protection of individual liberties and property rights as provided in the United States Constitution; and

WHEREAS, the federal and state governmental bodies have defined Non-Tidal Wetland in such a broad manner that enforcement personnel may not be consistent in their determination of a Non-Tidal Wetland; and

WHEREAS, it is alleged that permits may be obtained for various land uses in a Non-Tidal Wetland by creating additional Non-Tidal Wetland, acre for acre through mitigation, without any consideration for the destruction of land good for agriculture and development purposes.

NOW, THEREFORE BE IT RESOLVED, that the Board of County Commissioners are pro-environment but believe that environmental issues need to have a balance between the value and scarcity of the resource and the needs and the welfare of the people;

BE IT FURTHER RESOLVED that the Board of County Commissioners hereby supports the efforts to develop a clear definition of a Non-Tidal Wetland.

THIS DATE: 9/18/90

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 FORM AND LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
County Attorney

Del. Co. Comm.

SEP 20 1990

MARY R. BELL, CLERK

No. Z-90-05
Subj.: Amend Resolution
No. Z-89-03
Samuel B. Burch, Jr.

RESOLUTION

10:31AM09/21/900 CO.COM \$0.00

WHEREAS, the Board of County Commissioners adopted Resolution No. Z-89-03 on August 22, 1989 which rezoned approximately 36.6 acres of land, more or less on the south side of Golden Beach Road in the Fifth Election District of St. Mary's County, Maryland from AR, Agricultural-Residential, to C-2, Commercial. The application is identified as Case No. 88-2003.

WHEREAS, one of the conditions imposed upon the rezoning of the subject property was that "the subject property be served by a joint use well to the Magothy Aquifer".

WHEREAS, the property owner made application to the State of Maryland Department of Natural Resources, Water Resources Administration, for the installation of a well as required by the foregoing condition.

WHEREAS, the Water Resources Administration has issued a Water Appropriation and Use Permit (No. SM90G027) to the property owner, requiring that "the water shall be taken from two wells in the Aquia Formation".

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Board of County Commissioners of St. Mary's County, Maryland, this 18th day of September, 1990 that Resolution No. Z-89-03 is hereby amended as follows:


Condition Three (3) is hereby rescinded in its entirety and the following substituted:

"3. That the subject property be served by a joint use well to the Magothy or Aquia Aquifer, as approved by the State of Maryland Department of Natural Resources, Water Resources Administration."

In all other respects, Resolution No. Z-89-03 shall remain in full force and effect.

ATTEST:


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



EDWARD V. COX

CARL M. LOFFLER, President

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:


W. EDWARD BAILEY, Commissioner


JOSEPH R. DENSFORD
County Attorney


ROBERT JARBOE, Commissioner


JOHN G. LANCASTER, Commissioner


RODNEY THOMPSON, Commissioner

NO : 90- 17

SUBJ: ADOPTION OF ST. MARY'S COUNTY
CABLE TELEVISION SYSTEM
FRANCHISE ORDINANCE

10:22AM 10/05/90A CC.COM \$0.00

RESOLUTION

WHEREAS, Article 25 3(c) of the Maryland Annotated Code provides authority to the St. Mary's County Commissioners to grant a franchise for the provision of cable television in St. Mary's County; and

WHEREAS, in July of 1986 the St. Mary's County Commissioners appointed a Cable Television Study Committee to look into the feasibility of enacting a cable television ordinance for St. Mary's County; and

WHEREAS, on Tuesday, July 31, 1990 the Cable Television Study Committee presented a draft Ordinance to the St. Mary's County Commissioners; and

WHEREAS, on August 21, 1990 the Board of County Commissioners conducted a public hearing to receive comments on the draft Ordinance and held subsequent discussion with the Cable Television Study Committee on September 25, 1990;

NOW THEREFORE BE IT RESOLVED AND ORDAINED that the Board of St. Mary's County Commissioners hereby adopts the Cable Television System Franchise Ordinance, a copy of which is attached hereto and made a part hereof.

The Cable Television System Franchise Ordinance shall be effective January 1, 1991.

THIS DATE:

October 2, 1990

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 FORM AND LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
County Attorney

CABLE TELEVISION SYSTEM FRANCHISE ACT

TABLE OF CONTENTS

SECTION ONE	- INTENT AND PURPOSE	1
SECTION TWO	- DEFINITIONS	1
SECTION THREE	- GRANT OF AUTHORITY	5
SECTION FOUR	- FRANCHISE CHARACTERISTICS	5
SECTION FIVE	- FRANCHISEE SUBJECT TO OTHER LAWS	
	POLICE POWER	6
SECTION SIX	- INTERPRETATION OF FRANCHISE TERMS	6
SECTION SEVEN	- APPLICATIONS FOR GRANT, RENEWAL,	
	MODIFICATION, OR TRANSFER OF FRANCHISES	7
SECTION EIGHT	- GRANT OF FRANCHISES	12
SECTION NINE	- INSURANCE; SURETY; INDEMNIFICATION	14
SECTION TEN	- SECURITY FUND	15
SECTION ELEVEN	- MINIMUM FACILITIES AND SERVICES	18
SECTION TWELVE	- FRANCHISE FEE	21
SECTION THIRTEEN	- REPORTS AND RECORDS	23
SECTION FOURTEEN	- CUSTOMER SERVICE REQUIREMENTS	24
SECTION FIFTEEN	- DISCRIMINATION PROHIBITED	26
SECTION SIXTEEN	- USE OF RIGHTS-OF-WAY	27
SECTION SEVENTEEN	- SUBSCRIBER PRIVACY	29
SECTION EIGHTEEN	- TECHNICAL STANDARDS	29
SECTION NINETEEN	- ENFORCEMENT REMEDIES	30
SECTION TWENTY	- RENEWAL OF FRANCHISE	31
SECTION TWENTY-ONE	- TRANSFERS	35
SECTION TWENTY-TWO	- REVOCATION OR TERMINATION OF FRANCHISE	36
SECTION TWENTY-THREE	- ARBITRATION	39
SECTION TWENTY-FOUR	- CONTINUITY OF SERVICE MANDATORY	40
SECTION TWENTY-FIVE	- UNLAWFUL SOLICITATION OR	
	ACCEPTANCE OF GIFTS	41
SECTION TWENTY-SIX	- RATES	41
SECTION TWENTY-SEVEN	- ACCESS FACILITIES	41
SECTION TWENTY-EIGHT	- CABLE ADVISORY COMMITTEE	43
SECTION TWENTY-NINE	- PERFORMANCE EVALUATION	44
SECTION THIRTY	- SEVERABILITY	45

CABLE TELEVISION SYSTEMS FRANCHISE ACT

ORDINANCE

This Ordinance shall be known and may be cited as the "St. Mary's County Cable Television Franchise Act."

SECTION ONE. INTENT AND PURPOSES

It is the intent of the County to promote the public health, safety, and general welfare by providing for the grant of one or more franchises for the construction and operation of a cable system; to provide for the regulation of each cable system by the County; to provide for the payment of fees and other valuable consideration by a franchisee to the county for the privilege of using the public rights-of-way for constructing and operating a cable system; to promote the widespread availability of cable service to county residents wherever economically feasible, including to those who reside in multifamily buildings and in rural communities; to encourage the development of cable as a means of communication between and among the members of the public and public institutions; and to encourage the provision of diverse information to the community over cable.

SECTION TWO. DEFINITIONS

For purposes of this Ordinance the following words and their derivations have the meanings defined below. Words not defined below are given their meaning in Section 602 of the Cable Act, 47 U.S.C. SEC. 522, and, if none, their common and ordinary meaning. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is mandatory and the word "may" is permissive.

(A) Access channel means any channel set aside for public use, educational use, or governmental use without a charge by the franchisee for such channel usage.

(B) Application means a proposal to construct and operate a cable system within the County, transfer a franchise, renew a franchise or modify a franchise. An application includes the initial proposal plus all subsequent amendments or supplements to the proposal and relevant correspondence.

(C) Cable Act means the Cable Communications Policy Act of 1984, 47 U.S.C. Sec. 521 Et Seq.

(D) Committee means the St. Mary's County CATV Advisory Committee.

(E) Cable service means the one-way transmission of any video or other programming service to subscribers together with any subscriber interaction provided in connection with such service.

(F) Cable system means a facility, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within the County. Such term does not include: (1) A facility that serves only to retransmit the television signals of one or more local (i.e., Baltimore/Washington Area) television broadcast stations; (2) A facility that serves only subscribers in one or more multiple unit dwellings under common ownership, control, or management, unless such facility uses or crosses (whether above, on or below ground) any public street, road, way, easement or right-of-way; (3) A facility of a common carrier that is subject, in whole or in part, to the provisions of Title II of the Communications Act of 1934, 47 U.S.C. Sec. 201 et seq., except

that such facility will be considered a cable system to the extent it is used in the transmission of video programming directly to subscribers; or (4) Any facilities of any electric utility used solely for operating its electric utility systems.

(G) Control of a franchisee or applicant means the legal or practical ability to direct the affairs of the franchisee or applicant either directly or indirectly, whether by contractual agreement or majority ownership of an economic interest.

(H) County means St. Mary's County, Maryland.

(I) Commissioners means the Board of County Commissioners of St. Mary's County, Maryland.

(J) Department means the St. Mary's County Office of Inspections and Permits.

(K) District means the geographic area within the county designated by the franchise agreement in which the franchisee is authorized to construct and operate a cable system.

(L) FCC means the Federal Communications Commission.

(M) Franchise means the right granted by the County to a franchisee to construct, maintain and operate a cable system over, on or under all streets, roads and other public ways, easements and rights-of-way within all or specified areas of the County. The term does not include any license or permit that may be required by this subtitle or other laws, ordinances, or regulations of the County for the privilege of transacting and carrying on a business within the County or for disturbing the surface of any street or public thoroughfare.

(N) Franchise Agreement means a contract entered into in accordance with the provisions of this Ordinance between the County and a franchisee that sets forth the terms and conditions under which the franchise will be exercised.

(O) Franchisee means any person granted a franchise pursuant to this Ordinance.

(P) Gross revenues means all revenues derived by a franchisee from the operation of its cable system within those areas of the County governed by this Ordinance, including, but not limited to, revenues therein derived from cable service, home shopping channels, institutional services, rental or lease of equipment, installation fees or ancillary services. Gross revenues shall not include bad debt (i.e., revenues not received by a franchisee), or taxes or other assessments collected by a franchisee for or on behalf of any governmental entity.

(Q) Leased access channel means a channel designated in accordance with Section 612 of the Cable Act, 47 U.S.C. Sec. 532, for commercial use by persons unaffiliated with the franchisee.

(R) Overbuild means a cable system constructed to serve subscribers in a district or part of a district served by an existing cable system, including those parts of an existing system that will be constructed within six (6) months pursuant to plans filed with the County.

(S) Person means any individual, corporation, partnership, association, joint venture or organization of any kind and the lawful trustee, successor, assignee, transferee or personal representative thereof.

(T) Subscriber means any person who legally receives any one of the services provided by the cable system.

(U) System malfunction means an equipment or facility failure that results in the loss of satisfactory service on one or more channels. A malfunction is major if it affects 100 or more subscribers.

(V) Transfer of a franchise means any transaction in which (1) an ownership or other interest in a franchisee is transferred from one person or group or persons to another person or group of persons so that control of the franchisee is transferred or (2) the rights held by the franchisee under a franchise agreement are transferred or assigned to another person or group of persons.

SECTION THREE. GRANT OF AUTHORITY; FRANCHISE REQUIRED

The County may grant one or more franchises in accordance with this subtitle. No person may construct or operate a cable system in the County without a franchise granted by the County.

SECTION FOUR. FRANCHISE CHARACTERISTICS

(A) A franchise authorizes use of the public rights-of-way for installing cables, wires, lines and other facilities to operate a cable system within a specified district, but does not expressly or implicitly authorize the franchisee to provide service to, or install cables, wires, lines or any other equipment or facilities upon private property without owner consent (except for use of compatible easements pursuant to 47 U.S.C. Sec. 541(A)(2)), or to use publicly or privately owned utility poles or conduits without a separate agreement with the owners.

(B) A franchise is nonexclusive, and will not expressly or implicitly preclude the issuance of other franchises to operate cable systems within the County or affect the County's right to authorize use of public rights-of-way to other persons as it deems appropriate.

(C) A franchise conveys no automatic right of renewal thereof but shall be subject to the renewal terms of this Ordinance and the Cable Act.

(D) A franchise agreement constitutes a contract between the franchisee and the County once it is accepted by the franchisee and the County. A franchisee contractually commits itself to comply with the terms, conditions and provisions of the franchise agreement and with all applicable laws.

SECTION FIVE. FRANCHISEE SUBJECT TO OTHER LAWS, POLICE POWER

(A) A franchisee is subject to and shall comply with all applicable local, county, state and federal laws, ordinances, codes, rules, regulations and orders.

(B) Any other provision in the St. Mary's County Code concerning the grant of franchises which is inconsistent with the provisions or intent of this Ordinance shall not apply to the grant of franchises for the construction and operation of cable systems.

(C) A franchisee or other person may not be excused from complying with any of the terms and conditions of this Ordinance or a franchise agreement by any failure of the County, upon one or more occasions, to require compliance or performance.

SECTION SIX. INTERPRETATION OF FRANCHISE TERMS

(A) The provisions of this Ordinance will apply to a franchise agreement as if fully set forth in the franchise agreement. The express terms of this Ordinance will prevail over conflicting or inconsistent provisions in a franchise agreement.

(B) The provisions of a franchise agreement will be liberally construed in order to effectuate its purposes and objectives consistent with this Ordinance and the public interest.

(C) A franchise agreement will be governed by and construed in accordance with the laws of the State of Maryland.

**SECTION SEVEN. APPLICATIONS FOR GRANT, RENEWAL, MODIFICATION,
OR TRANSFER OF FRANCHISES**

(A) An application shall be filed with the Commissioners for the grant of new franchise or the renewal of a franchise, under either the formal or informal procedures in accordance with Section 626 of the Cable Act, 47 U.S.C. Sec. 346, Modification of a Franchise Agreement or a Transfer of a Franchise. An applicant has the burden to demonstrate substantial compliance with all material requirements of this Ordinance and of federal law.

(B) To be acceptable for filing, an application shall: (i) be submitted in the number of copies required by the Commissioners; (ii) be accompanied by the application filing fee where required; (iii) conform to any applicable request for proposals; and (iv) contain all required information. All applications shall include the names and addresses of persons authorized to act on behalf of the applicant with respect to the application.

(C) All applications accepted for filing shall be made available by the Commissioners for public inspection. The Commissioners shall advertise the receipt of all accepted applications for two (2) successive weeks in a newspaper of general circulation in the County, which advertisement shall identify the location at which such applications may be inspected and copied.

(D) An application for the grant of a new franchise may be filed pursuant to a request for proposals issued by the County or on an unsolicited basis. The County, upon receipt of an unsolicited application, may issue a request for proposals. If the County elects to issue a request for proposals upon receipt of an unsolicited application, the applicant may submit an amended

application in response to the request for proposals, may inform the Commissioners that its unsolicited application should be considered in response to the request for proposals, or may withdraw its unsolicited application. An application which does not conform to the requirements of a request for proposals may be considered nonresponsive.

(E) An application for the grant of a new franchise shall contain, at minimum, the following information:

(1) Name and address of the applicant and identification of the ownership and control of the applicant, including: The names and addresses of the ten (10) largest holders of an ownership interest in the applicant and all persons with 5% or more ownership interest; the persons who control the applicant; all officers and directors of the applicant; and any other cable system ownership interest of each named person;

(2) An indication of whether the applicant, any person controlling the applicant, or any officer, director or holders of more than 5% ownership interest of the applicant has been adjudged bankrupt, had a cable franchise revoked, or been found guilty by any court or administrative agency of a violation of a security or antitrust law, a felony, or any crime involving moral turpitude; and if so, identification of any such person or entity and a full explanation of the circumstances;

(3) A demonstration of the applicant's technical, legal and financial ability to construct and operate the proposed cable facility, including identification of key personnel;

- (4) A complete description of applicant's prior experience in cable operations and identification of communities in which applicant or its principals have, or had, a cable franchise or an interest therein, including the identification of any past or pending disciplinary actions or litigation involving any such franchisees and their franchising authorities;
- (5) Identification of the district to be served by the cable system, including a description of the district's boundaries;
- (6) A detailed description of the physical facility proposed, including channel capacity, technical design, performance characteristics, headend and access facilities to be provided to satisfy the requirements of Section 27 hereof.
- (7) A description of the construction of the proposed system, including an estimate of aerial and under-ground mileage and its location, the proposed construction schedule, a description, where appropriate, of how services will be converted from existing facilities to new facilities, and information on the availability of space on poles and conduits including, where appropriate, an estimate of the cost of rearrangement of facilities to accommodate such use;
- (8) A description of the services to be provided initially, including all broadcast and non-broadcast signals to be carried and all non-television services; and, if services will be offered by tiers, identification of the signals and/or services to be included on each tier;

- (9) The proposed rate structure for the first five (5) years of operation, including proposed charges for each service tier, installation, converters and other equipment or services;
- (10) A demonstration of how the proposal will reasonably meet the future cable-related needs and interests of the community, for at least a five-year period, including a description of how the proposal will meet the needs described in any recent community needs assessment conducted for the county;
- (11) Pro forma financial projections for the first five (5) years of the franchise term, including statement of income, balance sheet, sources and uses of funds, and schedule of capital additions, with all significant assumptions explained in notes or supporting schedules;
- (12) An affidavit of the applicant or authorized officer certifying the truth and accuracy of the information in the application, acknowledging the enforceability of application commitments, and certifying that the proposal meets all federal, state and county requirements;
- (13) If an applicant proposes to provide cable service to an area already served by an existing cable franchisee, the identification of the area where the overbuild would occur, the potential subscriber density in the area which would encompass the overbuild, and other information as necessary for the county to make its determination pursuant to section 8(C); and
- (14) Any other information necessary to demonstrate compliance with the requirements of this Ordinance and information that the County may reasonably request of the applicant.

(F) An application for modification of a franchise shall include, at minimum, the following information:

- (1) The specific modification requested;
- (2) The justification for the requested modification, including the impact of the requested modification on subscribers (and others) the County and the applicant, and the impact on the applicant if the modification is not approved;
- (3) A statement whether the modification is sought pursuant to Section 625 of the Cable Act, 47 U.S.C. Sec. 545, and, if so, a demonstration that the requested modification meets the legal standards of 47 U.S.C. Sec. 545; and
- (4) Any other information reasonably necessary for the county to make a determination.

(G) An application for renewal of a franchise shall comply with the requirements of Section 20, hereof.

(H) An application for approval of a transfer of a franchise shall comply with the requirements of Section 21.

(I) To be acceptable for filing, an application shall be accompanied by a filing fee in the following amount, as appropriate:

For a new franchise:	\$5,000
For renewal of a franchise:	2,500
For a transfer of a franchise:	1,500
For a modification of a franchise (except expansion of a district):	2,500

(J) Where a cable system operator who has provided service in the County for at least six months prior to the adoption of this Ordinance enters into a Franchise Agreement subject to the terms hereof, no initial franchise application fee shall be charged.

SECTION EIGHT. GRANT OF FRANCHISES

(A) A franchise may be granted for a period not to exceed twenty (20) years to serve a specified district of the County.

(B) The grant of a franchise may be conditioned upon the completion of construction within a prescribed time or upon the performance of other specific obligations, specifying that, except for causes beyond the control of franchisee, failure to timely comply with the condition will cause the franchise to become null and void without further action by the County, unless the County, at its discretion and for good cause shown, grants an extension of time. In such an event the revocation procedures specified in Section 22 hereof shall not be applicable.

(C) In evaluating an application for a new franchise, the County shall consider the applicant's character; the applicant's technical, financial and legal qualifications to construct and operate the proposed system; the nature of the proposed facilities, equipment and services; the applicant's record in other communities, if any; and whether the proposal will meet anticipated community needs and serve the public interest. Where an applicant proposes an overbuild of an existing cable system, the County may also consider the economic feasibility of multiple cable operators, and whether any adverse consequences to the public interest will result if the application is granted.

(D) Based upon the application, the written and oral testimony and other material presented at a public hearing before the Commissioners and any other

information relevant to the application, the Commissioners shall decide whether to grant or deny a franchise application.

(E) If the Commissioners grant a franchise application, the Commissioners and the applicant shall agree on the terms of a franchise agreement within ninety (90) calendar days from the date of the resolution making the grant. This period may be extended for good cause by the Commissioners. If agreement is not reached with the Commissioners within ninety (90) calendar days or within any extension period granted by the Commissioners, because of some act or inaction on the part of the franchisee, the Commissioners shall have the right to declare the franchise application to be null and void.

(F) The Commissioners shall make the text of a proposed franchise agreement available to the public and shall advertise it once a week for three (3) successive weeks in a newspaper of general circulation in the County. Such advertisement shall state the general terms of the Agreement, giving the date and time of a public hearing or other opportunity for comments and objections to the proposed Agreement.

(G) After complying with the requirements of Subsections (C) - (F) above, the Commissioners shall, following a public hearing, approve or disapprove the proposed franchise agreement by resolution.

(H) The grant of an initial franchise or a renewed franchise may be subject to a franchise acceptance fee in an amount not to exceed the county's out-of-pocket costs in considering the application, less the amount of the filing fee. Within thirty (30) calendar days of the date of the County Commissioners' resolution approving the franchise agreement, the County shall notify the approved applicant of the amount of any franchise acceptance fee and its method of calculation. If the franchise acceptance fee is not paid within

sixty (60) calendar days of the date of the Commissioners' resolution approving the franchise agreement, the franchise shall be null and void. Prior to the franchise becoming effective, the approved applicant shall demonstrate compliance with the surety, insurance and similar provisions of the franchise agreement.

SECTION NINE. INSURANCE; SURETY; INDEMNIFICATION.

(A) A franchise agreement shall require the following insurance coverage to be in force at all times during the franchise period: (i) workmen's compensation insurance to meet all state requirements and (ii) general comprehensive liability insurance with respect to the construction, operation and maintenance of a cable system, including the operation of motor vehicles, in the following minimum amounts:

- (1) For bodily injury, including death, \$500,000 for any one person, and \$1,000,000 for any one accident;
- (2) For property damage \$1,000,000; and
- (3) For damages resulting from any liability of any nature that may arise from or be occasioned by franchisee's negligent operation of the cable system, including any communication over the cable system, excepting programming on access channels required under section 11(A)(2) herein, \$1,000,000.

(B) All insurance policies shall be with sureties qualified to do business in Maryland and in a form approved by the County Attorney. The Commissioners may require in a franchise agreement coverage and amounts in excess of the above minimums. The County shall be named as an additional

LIBER 607 PAGE 196
insured party in all such insurance policies. No such policies shall be cancelled without a minimum of 30 days prior written notice to the County.

(C) A franchisee shall, at its sole cost and expense, indemnify, hold harmless and defend the County, its officials, boards, commissions, agents and employees against any and all claims, suits, causes of action, proceedings and judgments for damages or equitable relief arising out of the construction, maintenance or operation of its cable system regardless of whether the act or omission complained of is authorized, allowed or prohibited by the franchise, including all reasonable attorney's fees, provided that the respective indemnitees shall not have been contributorily negligent in any respect. This provision includes, but is not limited to, claims arising out of copyright infringements or a failure by the franchisee to secure consents from the owners, authorized distributors or licensees of programs to be delivered by the cable system.

(D) The franchise agreement shall require the franchisee to have in force at all times a performance bond or an irrevocable letter of credit in an amount specified in the franchise agreement as necessary to ensure the faithful performance by the franchisee of its obligation under the franchise agreement. Such surety instruments shall be provided by an entity qualified to do business in the State of Maryland and in a form approved by the County Attorney.

SECTION TEN. SECURITY FUND

(A) Prior to the franchise becoming effective, the franchisee shall post with the County Director of Finance a cash security deposit, an irrevocable letter of credit, or a security bond in an amount not to exceed \$10,000 or such other amount as may be specified in the franchise agreement to be used

as a security fund to ensure the faithful performance of all provisions of this Ordinance and the franchise agreement, and compliance with all orders, permits, and directions of the County, and the payment by the franchisee of any claims, liens or taxes due the County which arise by reason of the construction, operation or maintenance of the system. Construction permit bonds will also be required by the Department of Public Works for work performed within the County's rights-of-way.

(B) The Director of Finance shall place any cash security deposit in an interest-bearing account. The interest shall accrue to the benefit of the franchisee but may not be withdrawn; all interest will be added to and become part of the original security fund during the term of the franchise.

(C) In the event that a franchisee shall commit a material breach of any material provision of its franchise agreement and the County shall suffer or incur any damages (whether liquidated or otherwise), costs or expenses on account thereof, then the Director of Finance may, upon at least ten (10) business days prior written notice to both the County and the franchisee, notify the County and the franchisee that the Director of Finance intends to withdraw from the security fund a sum equal to the amount of the County's claimed damages, costs and expenses, which shall be itemized in such notice together with a summary of the claimed breach.

(D) Within ten (10) calendar days after the franchisee's receipt of such notice from the Director of Finance, the County may (upon its own initiative), and shall (upon the written request of the franchisee transmitted to the County within ten (10) days after the franchisee's receipt of the foregoing notice from the Director of Finance), conduct a hearing which shall:

- 1) be commenced by the issuance of a formal order of the County, which order shall mandate a hearing upon the matters set forth in the respective notice transmitted by the Director of Finance (which notice shall be incorporated within such order in its entirety) and shall designate a presiding officer to preside over such hearing;
- 2) be presided over by the foregoing, duly appointed presiding officer and be transcribed by a duly qualified court stenographer;
- 3) afford the franchisee full rights of timely discovery (by written interrogatory, deposition and production of documents);
- 4) afford the franchisee full rights to be heard, to present testimony and evidence and to cross examine witnesses;
- 5) be concluded within thirty (30) days after the commencement thereof, unless the County and the franchisee shall agree otherwise; and
- 6) be concluded by a written decision of the County, which decision shall set forth the findings of fact relevant thereto and shall be supported by a preponderance of the evidence of record.

(B) If the final written decision of the County shall be that the franchisee has committed and failed to cure the material breach(es) of its franchise and that the County has suffered or incurred the material damages, costs and expenses, then the Director of Finance shall be authorized to make the subject withdrawal from the security fund at any date after ten (10) business days shall have elapsed from and after the date on which a certified copy of such decision shall have been delivered to the

franchisee. If the final written decision of the County shall be that the franchisee has not committed, or has not failed to cure, the material breach(es) of its franchise or that the County has not suffered or incurred the subject damages, costs and expenses, then the Director of Finance shall not be authorized to make the subject withdrawal from the security fund. The prevailing party shall be entitled to recover from the other party for all reasonable attorney's fees incurred by it in connection therewith.

(F) In the event that the franchise is duly revoked in accordance with the terms of this Ordinance, the security fund shall become the property of the County. In the event that the franchise expires, or is duly terminated in accordance with the terms of this Ordinance, the County shall thereupon return the remaining balance plus accrued interest of the security fund to the franchisee, provided that there is no outstanding default or unpaid amounts owed to the County by the franchisee.

(G) The rights reserved to the County with respect to the security fund are in addition to all other rights of the County whether reserved by this Ordinance, the franchise agreement or authorized by other law, and no action, proceeding or exercise of a right with respect to such security fund shall affect any other right the County may have.

SECTION ELEVEN. MINIMUM FACILITIES AND SERVICES

(A) The following minimum requirements for facilities and services shall apply to all franchises. With the agreement of the franchisee the County may require that a franchise exceed these minimum requirements as set forth in the franchise agreement.

- (1) A cable system shall have a minimum capacity of 35 video channels available for immediate or potential use, and have the capability of future activation of two-way communications when technologically and economically feasible.
- (2) Depending on programming needs, and provided that any existing access channel is then being fully utilized and has no programming time available, the County can require a cable system to provide up to three (3) access channels for public, education, or government access.
- (3) A cable system shall provide leased access channels as required by federal law.
- (4) Service to public buildings may be required without charge as set forth in the franchise agreement.
- (5) When technologically and economically feasible, a franchisee shall interconnect the cable system access channels with those of other cable systems in the County upon the direction of the County Commissioners or as otherwise provided in the franchise agreement.
- (6) A franchisee shall design its system to allow the County to interrupt cable service in an emergency to deliver necessary information to subscribers.
- (7) A franchisee shall make available to any subscriber who requests equipment capable of decoding closed-captioning information for the hearing impaired, the names and addresses of vendors or suppliers of such equipment. A franchisee shall also provide, upon the request of any subscriber, free installation of

such device after the respective subscriber has received it. A franchisee shall itself not have any obligation to sell, lease or maintain any such equipment.

(8) At the request of a subscriber, a franchisee shall provide one or more "lock-out" devices which shall allow the subscriber to eliminate the comprehensible reception of any one or more pay channels other than those in the basic tier of service (i.e., one such "lock-out" device to be provided for each such channel which the subscriber desires to render incomprehensible). The franchisee may charge the subscriber for the cost of installation and maintenance of this device.

(B) Unless otherwise provided in the franchise agreement, a franchisee shall promptly extend cable service from its existing lines where the minimum density of the unserved area is thirty (30) dwellings per cable mile. The franchisee shall be required to extend its existing cable service to potential subscribers residing in areas which do not meet the minimum density under the following conditions:

- (1) If they are willing to pay a one-time charge equivalent to the franchisee's construction cost per dwelling passed above the franchisee's construction cost at the minimum dwelling density; or
- (2) as to any cable mile having a minimum of twenty (20) homes, if fifteen (15) potential subscribers per cable mile commit themselves to taking service for at least one year.

SECTION TWELVE. FRANCHISE FEE

(A) A franchisee, in consideration of the privilege granted under a franchise for the use of public rights-of-way to construct and operate a cable system, shall pay to the County five (5%) percent of the franchisee's gross revenues during the period of its franchise. A franchisee shall pay the franchise fee due to the County for the preceding quarter within sixty (60) calendar days of the end of that quarter.

(B) Any payment of franchise fees to adjust for a shortfall in the quarterly payments for the preceding year shall be made no later than the filing date for the annual financial statements. Adjustments for any overpayment will be credited to subsequent quarterly payments.

(C) Unless a franchise agreement provides otherwise, a franchisee shall file with the Commissioners within sixty (60) calendar days of the end of each calendar quarter a financial statement showing the gross revenues received by the franchisee during the preceding quarter and the number of subscribers served.

(D) A franchisee shall file within three (3) months of the end of its fiscal year the franchisee's annual financial statements for the preceding year prepared and certified by its chief financial officer. The financial statement shall include a statement of income, a balance sheet, and where the franchisee is in a significant construction phase, a general statement of sources and applications of funds. The statement shall include notes that specify all significant accounting policies and practices upon which it is based. A summary shall be provided comparing the current year with previous years since the beginning of the franchise.

(E) The Director of Finance may inspect and audit any and all books and records of the franchisee relating to the operations of the franchisee within the County and recompute any amounts determined to be payable under the franchise. The cost of the audit will be borne by the franchisee if the annual payment to the County is increased by more than three (3%) percent as a result of the audit.

(F) In the event that a franchise payment is not received by the County on or before the due date, interest will be charged from the due date at the annual interest rate then chargeable for unpaid federal income taxes (26 U.S.C. Sec. 6621). In addition, the franchisee will pay a late charge of five (5%) percent of the amount of such payment. Interest and late charges will not be imposed for any payment necessary as a result of the yearly adjustment provided for in subsection (E) above, if the payment to correct for a shortfall does not exceed ten (10%) percent of the total payments made during the year. In the event such payment does exceed ten (10%) percent of the total payments made during the year, the franchisee will be liable for interest and late charges for the entire amount due.

(G) When a franchise terminates for whatever reason, the franchisee shall file with the Commissioners within ninety (90) calendar days of the date its operations cease an audited financial statement showing the gross revenues received by the franchisee since the end of the previous fiscal year. Adjustments will be made at that time for franchise fees due to the date that the franchisee's operations ceased.

(H) All payments due the County by a franchisee shall be made to the County's Director of Finance and will be General Fund revenues.

SECTION THIRTEEN. REPORTS AND RECORDS

(A) Within one hundred twenty (120) days of the close of its fiscal year, a franchisee shall, upon the written request of the County made prior to the end of the respective fiscal year, file with the Commissioners an annual report that includes the following information with respect to such franchisee's operations within the County:

(1) A summary of the previous calendar year's activities in development of the system, including but not limited to services begun or dropped, number of subscribers (including gains and losses), homes passed and miles of cable distribution plant in service. The summary shall also include a comparison of any actual construction, including system upgrades, during the year with any projected construction previously provided to the County.

(2) A copy of updated maps depicting the location of all trunks where there was construction in the year of the report.

(3) A summary of complaints identifying the nature of complaints and their disposition. Where complaints involve one or more recurrent system problems, the nature of each problem and what steps have been taken to correct it shall be identified. More detailed information or complaints shall be submitted upon request of the Commissioners.

(4) If the franchisee is a corporation, a list of officers and members of the board and the officers and board members of any parent corporation; and, where a parent corporation's stock is publicly traded, a copy of its most recent annual report.

(5) A list of all partners or stockholders holding five a (5%) percent or more ownership interest in (i) the franchisee and (ii) any parent corporation; provided, however, when any such entity has fewer than ten (10) persons holding a five (5%) percent ownership interest, the ten (10) largest such holders. Alternatively, the annual ownership information required by the FCC for broadcast licensees may be supplied.

(6) A copy of all the franchisee's rules and regulations applicable to subscribers and users of the cable system.

(7) A report on the number of elderly and handicapped subscribers receiving any rate discounts and the amount of the discounts.

(8) A franchisee shall maintain with respect to its operations within the county a complete set of books and records available for inspection by the County during normal business hours upon fourteen (14) days prior written notice.

(C) Upon written request of the franchisee and approval by the County Attorney, which approval shall not be unreasonably withheld or delayed, information of a proprietary nature submitted to the County pursuant to this Ordinance or a franchise agreement and exempted by the Maryland Public Information Act from disclosure will not be made available for public inspection.

SECTION FOURTEEN. CUSTOMER SERVICE REQUIREMENTS

(A) Unless otherwise provided in the franchise agreement, a franchisee shall maintain in its franchise district a business office open during normal business hours with a listed local telephone number and employ a sufficient number of telephone lines to allow reasonable access by subscribers and members

of the public. When the business office is closed, an answering machine or service capable of receiving service complaints and inquiries shall be employed.

(B) A franchisee shall have available during customary business hours such personnel, equipment and procedures as shall be reasonably capable of locating and correcting major system malfunctions. Corrective action for all major system malfunctions shall be initiated and, subject to then prevailing circumstances such as weather conditions, be completed promptly. Corrective action for all other malfunctions shall be initiated as provided for in the franchise agreement, but not later than the next business day after the subscriber service call is received, provided that such call is received during customary business hours, and such corrective action shall be completed as promptly as reasonably possible.

(C) A franchise agreement may specify procedures for the investigation and resolution of all complaints, including, but not limited to, those regarding the quality of service and equipment malfunction.

(D) A franchisee shall provide to each subscriber, at the time cable service is installed, written instructions for placing a service call, filing a complaint or requesting an adjustment. Each subscriber shall also be provided with a schedule of the subscriber's rates and charges, a copy of the service contract, delinquent subscriber disconnect and reconnect procedures, and a description of any other of the franchisee's policies in connection with its subscribers.

(E) A franchisee may interrupt service on the cable system only for good cause and for the shortest time possible and, except in emergency situations,

only after prior notice to the County of the anticipated service interruption (and, if the County promptly so requests, to the respective subscribers who will be affected thereby).

(F) A franchisee shall maintain a complete record of service complaints received and action taken. These records shall be open to the County for inspection during normal business hours. Such records shall be retained for not less than three (3) years.

(G) Upon termination of service to a subscriber and at the subscriber's request, a franchisee shall remove all its facilities and equipment from the subscriber's premises within thirty (30) days of the subscriber's request. Where removal is impractical, such as with buried cable or internal wiring, facilities and equipment may be disconnected and abandoned rather than removed.

SECTION FIFTEEN. DISCRIMINATION PROHIBITED

(A) Unless approved by the County and to the extent consistent with federal law, no franchisee may in its rates or charges, or in the availability of the services or facilities of its system, or in any other respect except for system promotional activities, bulk sales to multiple dwelling units, and discount sales programs, make or grant undue preferences or advantages to any subscriber or potential subscriber to the system, or to any user or potential user of the system, nor subject any such persons to any undue prejudice or any disadvantage. A franchisee shall not deny, delay or otherwise burden service or discriminate against subscribers or users except for discounts for the elderly and handicapped who have an annual income of less than \$15,000.

(B) A franchisee shall not deny cable service to any potential subscribers because of the income of the residents of the area in which the subscribers reside.

(C) A franchisee shall not refuse to employ, nor discharge from employment, nor discriminate against any person in compensation or in terms, conditions or privileges of employment because of race, color, or creed, and shall at all times be an equal opportunity employer.

SECTION SIXTEEN. USE OF RIGHTS-OF-WAY

(A) A franchisee shall utilize whenever reasonably possible and with the owner's permission, existing poles, conduits or such other facilities. Copies of agreements for use of poles, conduits or such other facilities shall be filed with the Commissioners as required by the franchise agreement or upon request of the Commissioners.

(B) All transmission lines, equipment and structures shall be installed and located so as to avoid unreasonable interference with the rights and reasonable convenience of property owners. The County may from time to time issue such reasonable rules and regulations concerning the installation and maintenance of the cable system installed in the public rights-of-way as may be consistent with this Ordinance, the franchise agreement, and the Cable Act.

(C) Suitable safety devices and practices as required by local, county, state, and federal laws, ordinances, regulations and permits shall be used during construction, maintenance and repair of a cable system.

(D) A franchisee shall remove, replace or modify at its own expense the installation of any of its facilities within any public right-of-way when required to do so by the County to allow it to change, maintain, repair or improve a public thoroughfare.

(E) On streets and roads where electrical and telephone utility wiring is located underground, either at the time of initial construction or subsequently, the cable shall also be located underground at the franchisee's expense. Between a street or road and a subscriber's residence, the cable shall be located underground at the franchisee's expense if electrical and telephone utility wiring are located underground. Between a street or road and a subscribers's residence, if electric or telephone utility wiring is aerial, a franchisee may install aerial cable except where a property owner or resident requests underground installation and agrees to bear the difference in cost by which underground installation exceeds the cost of aerial installation. Where cable is required to be buried hereunder no cable shall be temporarily left above ground for more than seventy-two (72) hours after the franchisee has received the respective locates (i.e., the marked locations of the existing underground utilities) by the Miss Utility locate service, without prior approval of the respective owners (or occupants) of the real property on which said cable is to be located, weather conditions permitting.

(F) A franchisee shall obtain any required federal, state, or county permits before causing any damage or disturbance to public thoroughfares or private property as a result of its construction or operations and shall restore as nearly as possible to their former condition in accord with applicable construction industry standards such private property and public thoroughfares, the latter in a manner approved by the County. Such permits shall not be unreasonably withheld or delayed by the county or any county agency or representative. If such restoration is not performed as hereinabove specified within a reasonable time, the County, or the property owner in the case of private property, may, after prior notice to the franchisee, cause the repairs to be made at the expense of the franchisee.

(O) A franchisee may trim trees within public rights-of-way at its own expense as necessary to protect its wires and facilities, subject to any direction that may be provided by the County. Trees on private property may be trimmed with the consent of the property owner.

(N) At the request of any person holding a valid building moving permit and upon sufficient notice, the franchisee shall temporarily raise, lower or cut its wires as necessary to facilitate such move upon not less than seventy-two (72) hours advance notice. The direct expense of such temporary changes, including standby time, shall be paid by the permit holder and the franchisee may require payment in advance.

SECTION SEVENTEEN. SUBSCRIBER PRIVACY

A franchisee shall protect the privacy of all subscribers pursuant to the provisions of Section 631 of the Cable Act, 47 U.S.C. Sec. 851. A franchisee shall not condition subscriber service on the subscriber's grant of permission to disclose information which, pursuant to federal law, cannot be disclosed without the subscriber's explicit consent.

SECTION EIGHTEEN. TECHNICAL STANDARDS

(A) Any cable system constructed within the County shall meet or exceed technical standards consistent with this Ordinance, the franchise agreement and the franchisee's application. The system shall be capable of delivering all National Television Systems Committee (NTSC) color and monochrome standard signals and designed to provide picture quality of TASC Grade 2 or better with reasonable reliability but in no event less than required by the current FCC standards. All television signals transmitted on a cable system shall include any associated closed captioning information for the hearing impaired. Antennas, supporting structures and outside plant used in the system shall be

designed to comply with the recommendations of the Electronic Industries Association on tower structures and outside plant.

(B) All construction, installation and maintenance shall comply with the National Electrical Safety Code, the National Electric Code, all state and local regulations, and good and accepted industry practices.

(C) At the stages of construction specified in the franchise agreement, the franchisee shall perform, at its expense, proof of performance tests designed to demonstrate compliance with the requirements of this Ordinance, the franchise agreement and FCC requirements. The franchisee shall provide the proof of performance test results promptly to the Commissioners.

(D) The Commissioners may require annual (but no less frequently than biannual) proof of performance tests on completed portions of the system, to be performed at the expense of the franchisee. The franchisee shall provide the test results promptly to the Commissioners.

(E) The franchisee shall advise the Commissioners when a proof of performance test is scheduled so that the County may have an observer present.

(F) A franchisee shall not design, install or operate its facilities in a manner that will interfere with the signals of any broadcast station, the electrical system located in any building, the cable system of another franchisee, or individual or master antennas used for receiving television or other broadcast signals.

SECTION NINETEEN. ENFORCEMENT REMEDIES

(A) The County has the right to apply any one or combination of the following remedies in the event a franchisee commits a material violation of any material provision of its franchise agreement:

(1) Impose liquidated damages in such amount, whether per day, incident, or other measure of violation, as provided in the franchise agreement. Payment of liquidated damages by the franchisee will not relieve the franchisee of its obligation to meet the franchise requirements.

(2) Revoke the franchise as provided for in Section 22.

(B) In determining which remedy or remedies are appropriate, the County shall take into consideration the nature of the violation, the person or persons bearing the impact of the violation, the nature of the remedy required in order to prevent further violations, and such other matters as the County determines are appropriate.

(C) In addition to or instead of any other remedy, the County may seek legal or equitable relief from any court of competent jurisdiction.

(D) Notwithstanding anything to the contrary herein, the County shall not apply any remedy in the event that the respective violation is attributable to an Act of God or other cause beyond the reasonable control of the franchisee.

SECTION TWENTY. RENEWAL OF FRANCHISE

(A) If a franchisee decides to initiate a formal franchise renewal process in accordance with Section 626(a)-(g) of the Cable Act, 47 U.S.C. Sec. 546(A)-(G), it shall notify the Commissioners within 30 to 36 months of the franchise expiration date. Upon such notification, or at the County's own initiative, the County shall commence the following process:

(1) The County Commissioners shall review and evaluate the future cable-related community needs and interests and the franchisee's past performance within one hundred twenty (120) days. The review and evaluation process shall include opportunity for public comment.

(2) Immediately upon completion of the review and evaluation process, the Commissioners shall notify the franchisee that it may file a renewal application. The notice shall specify the information to be included in the renewal application and the deadline for filing the application, which shall be no later than ninety (90) calendar days following the date of the notice. If the franchisee does not submit a renewal application by the specified date, it will be deemed not to be seeking renewal of its franchise.

(3) Upon receipt of the renewal application, the Commissioners shall publish notice of its receipt and may schedule one or more public meetings or implement other procedures under which comments from the public on the application may be received.

(B) In considering a renewal application, the County shall consider whether:

(1) The cable operator has substantially complied with the material terms of the existing franchise and with applicable law;

(2) The quality of the cable operator's service, including signal quality, response to consumer complaints and billing practices (but without regard to the mix, quality or level of cable services or other services provided over the system) has been reasonable in light of community needs;

(3) The cable operator has the financial, legal and technical ability to provide the services, facilities and equipment set forth in its proposal; and

(4) The cable operator's proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

(C) The Commissioners shall hold at least one public hearing to consider the application. The cable television advisory committee may make recommendations to the Commissioners prior to its public hearing, a copy of which recommendations shall be made available to the franchisee in advance of the Commissioners public hearing. Following the public hearing on the renewal application, the Commissioners shall either:

- (1) Pass a Resolution agreeing to renew the franchise, subject to the negotiation of a franchise renewal agreement satisfactory to the County and the franchisee, or
- (2) Pass a Resolution that makes a preliminary assessment that the franchise should not be renewed.

(D) The Commissioners' action under subsection (C) above shall be taken within six (6) months of the date of the renewal application notice to the franchisee required in subsection (2) above.

(E) If a preliminary assessment is made that a franchise should not be renewed, at the request of the franchisee or on its own initiative, the County shall commence an administrative proceeding in accordance with Section 626(c) of the Cable Act, 47 U.S.C. Section 546(c) and other applicable federal, state and local laws.

(F) The Commissioners shall initiate an administrative proceeding by issuing a hearing order which establishes the issues to be addressed in the hearing and the procedures to be followed, and the cable television advisory committee shall conduct the hearing. Upon completion of the hearing, the

committee shall issue a recommended decision. Parties to the hearing and the public shall have 30 calendar days to comment on the recommended decision after its issuance.

(G) Based on the recommended decision, the comments and arguments presented, and other evidence of record, the Commissioners, following a public hearing, shall make a final determination on whether to grant or deny the renewal application. The Commissioners shall issue a written decision setting forth the reasons for their decision.

(H) The provisions of subsections (A)-(G) above notwithstanding, a franchisee may submit a proposal for renewal of a franchise in accordance with 47 U.S.C. Sec. 546(H). The County shall hold one or more public hearings or implement other procedures under which comments on the proposal may be received from the public. Following such public hearings or other procedures, the Commissioners shall determine whether the franchise should be renewed and the terms and conditions of any renewal.

(I) Once the Commissioners grant a renewal application, the Commissioners and the franchisee shall agree on a franchise agreement, pursuant to the procedures specified in Section 8(E)-(H), before the renewal becomes effective.

(J) If renewal of a franchise is ultimately denied, the former franchisee may sell or otherwise transfer ownership of the system to any third person, subject to the Commissioners' approval of such person, pursuant to Section 21 hereof, which approval the Commissioners shall not unreasonably withhold or delay. Any such sale or other transfer shall be effected at fair market value (which for purposes of this section shall be the price that a willing buyer would pay to a willing seller for the system as a going concern, together with a new franchise substantially in the form of a renewal of the former

franchisee's franchise, based on cable system valuations prevailing in the industry at the time). Subject to the provisions of Section 21, hereof, the County shall cooperate with the former franchisee in any such sale or other transfer. The Commissioners shall negotiate in good faith with any prospective purchaser for a new franchise agreement.

(K) If renewal of a franchise is denied and the former franchisee is unable to effect a transfer of ownership of the system within a reasonable time pursuant to Section 20(J), the County may require the former franchisee to remove its facilities and equipment. If the former franchisee fails to do so within a reasonable period of time, the Commissioners may have the removal done at the former franchisee's and/or surety's expense; provided, that the former franchisee shall not have any obligation to remove its facilities and equipment where removal is impractical, such as with buried cable or internal wiring, which facilities and equipment may be disconnected and abandoned rather than removed.

SECTION TWENTY-ONE. TRANSFERS

Unless otherwise provided in the franchise agreement:

(A) A transfer of a franchise shall not occur without prior approval of the County, provided that the County shall not unreasonably withhold or delay its approval.

(B) The proposed transferee shall submit to the Commissioners an application to transfer the franchise. An application to transfer a franchise shall meet the requirements of Section Six and provide complete information on the proposed transaction, including details on the legal, character, financial, technical and other pertinent qualifications of the transferee, and on the potential impact of the transfer on subscriber rates. At minimum, the

information required in Section 7(E)(1)-(4) shall be provided by the proposed transferee. The information required in Section 7(E)(5)-(10) shall also be provided whenever the proposed transferee expects material changes to occur in those areas.

(C) Final action on an application for transfer of a franchise shall be taken by the Commissioners.

(D) Approval by the County of a transfer of a franchise does not constitute a waiver or release of any of the rights of the County under this Ordinance or the franchise agreement.

(E) The County may impose a grant fee to cover its costs in excess of the filing fee in considering an application for transfer of a franchise.

SECTION TWENTY-TWO. REVOCATION OR TERMINATION OF FRANCHISE

(A) A franchise may be revoked by the Commissioners for the franchisee's material failure to construct, operate or maintain the cable system as required by this Ordinance or the franchise agreement or for other material breach by the franchisee of any other material provision of this Ordinance or the franchise agreement in accordance with the procedures set forth herein. If within thirty (30) calendar days following written notice from the Commissioners to the franchisee that it is in material breach of this Ordinance or the franchise agreement, the franchisee has not taken corrective action or corrective action is not being actively and expeditiously pursued, the Commissioners acting on its own motion or upon the recommendation of the committee shall give written notice to the franchisee of its intent to consider revocation of the franchise, stating its reasons.

(B) The Commissioners shall initiate an administrative proceeding to investigate facts and make recommendations on possible revocation. Such a proceeding shall be commenced by the issuance of a hearing order which establishes the issues to be addressed in the hearing and the procedures to be followed, and the Commissioners shall appoint a presiding officer for the hearing. Upon completion of the hearing, the presiding officer shall issue a recommended decision. The franchisee and any members of the public shall have thirty (30) calendar days, or such other longer period of time as the hearing order may specify, to comment on the recommended decision after its issuance. Within thirty (30) days after receipt of any such comments, or such other period as the hearing order may specify, the Committee may submit recommendations to the Commissioners.

(C) Before final action can be taken, the Commissioners shall hold a public hearing, at which time the franchisee and members of the public shall be given an opportunity to be heard. Following the public hearing the Commissioners shall determine whether or not to revoke the franchise based on any recommended decision, the arguments presented at the hearing, any recommendations of the Committee and other evidence of record. Such proceeding shall be held in accordance with the provisions of Section 10(D) hereof. The Commissioners' determination shall be reflected in a written opinion setting forth the reasons for its decision.

(D) Any franchise may, at the option of the County, be revoked one hundred twenty (120) calendar days after an assignment for the benefit of creditors or the appointment of a trustee to take over the business of the franchisee, whether in a receivership, reorganization, bankruptcy assignment for the benefit of creditors or other action or proceeding, unless within that one hundred twenty (120) day period:

(1) Such assignment, receivership or trusteeship has been vacated; or

(2) Such assignee, receiver or trustee has complied, in all material respects, with the terms and conditions of this Ordinance and the franchise agreement and has executed an agreement, approved by the court having jurisdiction, assuming and agreeing to be bound by the terms and conditions of the franchise.

(E) In the event of foreclosure or other judicial sale of any of the facilities, equipment or property of a franchisee, the County may revoke the franchise by serving notice upon the franchisee and the successful bidder at the sale, in which event the franchise and all rights and privileges of the franchise will be revoked thirty (30) calendar days after serving such notice, unless:

(1) The County has approved the transfer of the franchise to the successful bidder, which approval shall not be unreasonably withheld or delayed; and

(2) The successful bidder has reached an agreement with the Commissioners to assume and be bound by the terms and conditions of the franchise.

(F) If the County revokes a franchise, or if for any other reason a franchisee abandons or terminates service to all or substantially all of its subscribers, the following procedures and rights shall apply:

(1) The County may require the former franchisee to remove its facilities and equipment, provided that such franchisee shall not

have any obligation to remove its facilities and equipment where removal is impractical, such as with buried cable or internal wiring, which facilities and equipment may be disconnected and abandoned rather than removed. If the former franchisee fails to do so within a reasonable period of time, the County may have the removal done at the franchisee's and/or surety's expense.

(2) If a franchise is revoked, the former franchisee may sell or otherwise transfer ownership of the system to any third person, subject to the Commissioners' approval of such third person pursuant to Section 21 hereof, which approval the Commissioners shall not unreasonably withhold or delay. Any such sale or other transfer shall be effected at fair market value (which for purposes of this section shall be the price that a willing buyer would pay to a willing seller for the system as a going concern, together with a new franchise substantially in the form of a renewal of the former franchisee's franchise based on cable system valuations prevailing in the industry at the time). Subject to the provisions of Section Twenty-one hereof, the County shall cooperate with the former franchisee in any such sale or other transfer. The Commissioners shall negotiate in good faith with any prospective purchaser for a new franchise agreement.

(3) If a cable system is abandoned by a franchisee, the County may among other legal remedies available sell, assign or transfer all or part of the assets of the system.

SECTION TWENTY-THREE. ARBITRATION

(A) Matters that are arbitratable under the provisions of a franchise agreement may be subjected to the arbitration procedures specified below.

(B) The arbitration procedure employed shall be consistent with the rules and procedures of the American Arbitration Association. The County and the franchisee will each select a qualified arbitrator. The two persons selected shall select a third qualified arbitrator, and the three arbitrators will constitute a panel whose decision is binding on both parties. The fees of the first two arbitrators shall be paid by the party selecting such person, and the third person shall be compensated one-half by the County and one-half by the franchisee. The general costs of the proceeding shall be shared equally by the County and the franchisee.

SECTION TWENTY-FOUR. CONTINUITY OF SERVICE MANDATORY

(A) It is the right of all subscribers to receive all services offered by the franchisee as long as their respective financial and other obligations to the franchisee are satisfied.

(B) In the event of a termination or transfer of the franchise for whatever reason, the franchisee shall do everything in its power to ensure that all subscribers receive continuous, uninterrupted service regardless of the circumstances. The franchisee shall cooperate with the County to operate the system for a temporary period following termination or transfer as necessary to maintain continuity of service to all subscribers. The temporary period will not exceed six (6) months without the franchisee's written consent. During such period the cable system shall be operated under such terms and conditions as the County and the franchisee may agree, or such other terms and conditions that will continue, to the extent possible, the same level of service to subscribers and that will provide reasonable compensation to the cable operator.

(C) If the franchisee intentionally and permanently discontinues service to all of its subscribers without county approval, the franchise may immediately be revoked and the County is empowered to occupy and take possession of all facilities and property, real and personal, related to the cable system for the purpose of operating the system. The County may undertake such operation itself or authorize operation by a contractor.

SECTION TWENTY-FIVE. UNLAWFUL SOLICITATION OR ACCEPTANCE OF GIFTS

It is unlawful for any person to offer any gift, favor, loan, service, promise, employment or anything of value to a County official or employee, or for a County official or employee to solicit or accept any such thing of value, for the purpose of influencing the grant, modification, renewal, transfer or any other matter affecting a franchise or the administration or enforcement of this Ordinance.

SECTION TWENTY-SIX. RATES

For the purpose of consumer information the franchisee shall provide a minimum thirty (30) days prior notice to the County and the subscribers of any changes in rates and charges. At such time as federal law permits rate regulation of the franchisee's cable system, the County reserves the right upon at least one hundred twenty (120) days prior written notice to the franchisee to implement procedures to impose such regulation.

SECTION TWENTY-SEVEN. ACCESS FACILITIES

(A) Applications for a franchise shall include proposals for the provision of public, educational and governmental access channels sufficient to meet community needs during the term of the franchise as determined by the County. A franchisee or applicant shall specify what grants, if any, it is willing to make for studio equipment and facilities to be used for local

program production by all cable access users. Applicants are encouraged to include proposals for local origination programming by the franchisee.

(B) All access channel operators shall conform to the following minimum requirements:

(1) The County may require in a franchise that a franchisee shall provide such access equipment as shall be necessary to meet the reasonably expected demand for such equipment. Access channels shall be carried on the franchisee's lowest priced service offering.

(2) The franchisee shall have no control over the content of the programming carried on access channels, except as permitted by federal, state or local law. The County may require a franchisee, or select a non-profit corporation or other entity, to manage the access program and to establish reasonable rules for the use of access channels consistent with the requirements of this Ordinance, the franchise agreement and the intended purpose of such channels. Such rules shall be subject to review and approval by the Commissioners following a public hearing.

(3) The use of any public access channel shall be made available to any county resident on a nondiscriminatory basis at no charge for channel use. Where access studio facilities are located on a franchisee's premises, the franchisee shall make its personnel available for consultation and assistance to access users at no charge provided that such personnel can be spared from their normal duties.

(4) The use of any educational access channel shall be made available free of charge to the county school system or other

qualified educational institutions for the transmission of local educational programming.

(5) The use of any local governmental access channels shall be made available free of charge to the County for the transmission of government-related programming.

(6) The franchisee shall submit to the County on an annual basis a plan for publicizing access programs and access use.

(C) At the request of a franchisee the County shall promulgate rules under which channel capacity dedicated to access use may be used by the franchisee when it is not being used for access purposes.

SECTION TWENTY-EIGHT. CABLE ADVISORY COMMITTEE

(A) A Cable Advisory Committee shall function to advise the Commissioners on all matters related to the use of cable systems and facilities. The committee shall consist of five (5) residents of St. Mary's County appointed by the Commissioners. Members shall serve for overlapping terms of five (5) years, or until their successors are appointed and confirmed. A vacancy on the committee shall be filled for the unexpired term of the departing member. The advisory committee shall advise the County on all matters related to the use of cable communications operations, and its duties and functions shall be:

(1) To review complaint and system malfunction statistics and make any recommendations to the franchisee and Commissioners as it may find appropriate for the improvement of the system's technical operation;

(2) To make recommendations as to possible improvements in general categories of programming or service to subscribers, including matters dealing with control and operation of

government, public and education access channels, and the overall operation of the system;

(3) To assist in any performance evaluation of a cable system; and

(4) To perform other duties as directed by the Commissioner.

(B) Members of the committee shall receive no compensation for their services except reasonable and necessary expenses as may be provided in the budget.

SECTION TWENTY-NINE. PERFORMANCE EVALUATION

(A) The County may periodically evaluate the performance of a franchisee during the franchise term. A franchisee shall cooperate fully with these evaluations and supply the County with the specific relevant information reasonably requested by the County. If the County desires to implement a survey of subscribers in connection with its evaluation of service, a franchisee shall distribute the County's questionnaire to its subscribers. Any meetings between the County and the franchisee for purposes of evaluation shall comply with the St. Mary's County Open Meetings Law.

(B) If evaluation indicates the need for modification to the franchise agreement, the committee shall attempt to negotiate the necessary changes. The committee shall issue a report to the Commissioners of the results of the performance evaluation and any recommended changes to the franchise agreement as negotiated with the franchisee.

(C) The Commissioners may hold a public hearing on any performance evaluation reports. Any franchise agreement modifications shall be approved by the Commissioners and the franchisee before they become effective.

USER 007 PAGE 220

SECTION THIRTY. SEVERABILITY

If any part of this Ordinance is held invalid, the invalidity shall not affect the other parts.

Returned: Co. Comm.

OCT 5 1990

MARY R. BELL, CLERK

NO: 90 - 18

SUBJ: POLYVINYL CHLORIDE (PVC)
PLASTIC PIPE

8:55AM10/16/90A CO.COM \$0.00

RESOLUTION

WHEREAS, the Board of County Commissioners on March 12, 1985 adopted Resolution No. 85-06 permitting the use of PVC pipe in St. Mary's County in accordance with the Plumbing Code of the State of Maryland; and

WHEREAS, the Plumbing Board has determined that a clarification is necessary in the kind of PVC pipe to be used and voted unanimously on March 28, 1990 to recommend that the Board of County Commissioners amend Resolution No. 85-06;

NOW, THEREFORE, the County Commissioners hereby resolve to accept the recommendation of the Plumbing Board and to approve the use of Polyvinyl Chloride (PVC) Plastic Drain, Waste and Vent Pipe and Fitting, Schedule 40, as the Minimum Requirements and to approve same for the construction of sewer line connecting a building to either a septic tank or a Metropolitan Commission line or public sewer.

Effective this date: November 1, 1990.

THIS DATE:

October 9, 1990

ATTEST:

Edward V. Cox

Edward V. Cox
County Administrator

APPROVED AS TO
LEGAL SUFFICIENCY

Joseph R. Densford

Joseph R. Densford
County Attorney

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

USER 007 PAGE 228

ORDINANCE NO.: 90-19
SUBJ.: REPEAL AND
REAUTHORIZATION
OF ENERGY TAX

ORDINANCE

AN ORDINANCE to repeal Ordinance 89-13 to impose and collect certain taxes on energy or fuel, and to provide reauthorization of taxes as set forth in Sections 24E, 24F and 30 of Chapter 267 of the Code of St. Mary's County, Maryland, and

11:32AM 10/18/90A CO.COM \$0.00

WHEREAS, in compliance with and pursuant to Article 24, Section 9-604 of the Revenue and Taxes Article, Annotated Code of Maryland 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 October 2, 1990 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 January 1, 1991, 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.

LDR 007 PAGE 229

- (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 by the number of units of energy or fuel reflected in the energy or fuel bill.

USER 007 PAGE230

(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, 1990 through June 30, 1991, is hereby imposed at the following rates:

- | | |
|-----------------------------|-----------------------|
| (1) Electricity | \$ 0.00336 per kwhr. |
| (2) Natural Gas | \$ 0.00000 per therm. |
| (3) Liquefied Petroleum Gas | \$ 0.05321 per gal. |
| (4) Fuel Oil | \$ 0.04884 per gal. |

(f) For any fiscal year beginning after June 30, 1990, 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, without itemizing the tax. The fuel 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).

USER 007 PAGE 232

(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 on or before the last day of the month after 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.

LDR 007 PAGE 233

(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 fifty-five (\$55) per year at a five percent (5%) tax rate 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 January 1, 1991.
- (b) The above and preceding is adopted to have the full force and effect of law in St. Mary's County.

THIS DATE:

OCTOBER 16, 1990

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

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

Rodney Thompson
Rodney Thompson
Vice-President

W. Edward Bailey
W. Edward Bailey
Commissioner

Robert T. Jarboe
Robert T. Jarboe
Commissioner

John G. Lancaster
John G. Lancaster
Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
County Attorney

Returned: Co. Comm. OCT 18, 1990

MARY R. BELL, CLERK

NO: 90-20

RE: AUTHORIZATION TO "PICK-UP"
EMPLOYEE CONTRIBUTIONS TO
THE RETIREMENT SYSTEMS

2153PM10/23/90A CD.COM \$0.00

RESOLUTION

WHEREAS, The Board of County Commissioners of St. Mary's County believes that it is in the best interest of the County and its employees to "pick-up" employee contributions to the retirement system; and

WHEREAS, employees' contributions to the retirement plans are currently subject to taxation as income in the year of the contribution; and

WHEREAS, the County desires to "pick-up" employees' contributions to the retirement plans, in accordance with the provisions of Internal Revenue Code Section 414(h)(2), so that the contributions are not subject to taxation as income; and

WHEREAS, on receiving an appropriate ruling from the Internal Revenue Service permitting the County to "pick-up" employee contributions to the retirement plans, the County intends to commence the "pick-up" of employee contributions.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, that as set forth in this Resolution, St. Mary's County (the "County") intends to "pick-up" (within the meaning of Internal Revenue Code Section 414(h)(2)), the mandatory employee contributions for employees of the County to the following retirement plans (Retirement Plans):

1. St. Mary's County Sheriff's Department Retirement Plan;
2. Employees' Retirement System of the State of Maryland; and
3. Pension System for Employees of the State of Maryland.

The County intends to pay the mandatory employee contributions to the Retirement Plans in lieu of contributions by the employee under the following conditions:

1. The contribution "picked up" by the County shall be paid directly to the appropriate retirement plan;

2. Employees of the County who are members of the Retirement Plans shall not be permitted to elect to receive direct payment from the County in lieu of having the County pay the mandatory employee contributions to the appropriate Retirement Plan; and

3. The County will "pick-up" contributions paid to the Retirement Plan by way of a reduction in current salary, an off-set against future salary increases, or a combination of both.

The County intends to commence the "pick-up" of employee contributions after:

1. The date on which the Internal Revenue Service issues a ruling permitting the "pick-up" by the County of mandatory employee contributions to the applicable Retirement System; and

LEA 607 PAGE 237

NO: 20-20

RE: AUTHORIZATION TO "PICK-UP"
EMPLOYEE CONTRIBUTIONS TO
THE RETIREMENT SYSTEMS

PAGE 2 of 2

2. In the case of any employee of the County who is a member of one of the State of Maryland Retirement Plans, the date on which the Maryland State Retirement and Pension Systems' Board of Trustees permits the "pick-up" by the County of mandatory employee contributions to the State of Maryland Retirement Systems.

ADOPTION DATE: October 23, 1990

EFFECTIVE DATE: January 1, 1991

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
County Attorney

Del. Co. Adm. Off.

DEC 03 1990

EVELYN W. ARNOLD, CLERK

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

RESOLUTION NO. R-90-21

A RESOLUTION of County Commissioners of St. Mary's County authorizing the issuance and sale of Six Million Eight Hundred Fifty Thousand Dollars (\$6,850,000) aggregate principal amount of serial maturity, general obligation bonds under the provisions of Chapter 451 of the Laws of Maryland of 1987 and Chapter 417 of the Laws of Maryland of 1989, the bonds to be designated "County Commissioners of St. Mary's County Public Facilities Bonds of 1990", 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, including road improvements, public buildings, 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: 1:24PM11/29/90 CD.COM \$0.00

COUNTY:

Section 1. Pursuant to the authority of Chapter 451 of the Laws of Maryland of 1987 and Chapter 417 of the Laws of Maryland of 1989 (collectively, the "Act"), County Commissioners of St. Mary's County, a body politic and corporate and a political subdivision of the State of Maryland

(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 in the St. Mary's County Board of County Commissioners Approved Budget for Fiscal Year 1989-1990 adopted on May 23, 1990 and for Fiscal Year 1990-1991, adopted on May 29, 1990 and a portion of the costs of issuing the Bonds allocable to such projects, in the aggregate amount of \$6,850,000:

Road Improvements:

Pegg's Road	\$3,076,000
Wicomico Shores Streets	94,000
Hewitt's Road	297,000

Public Buildings:

County Maintenance Storage Building	81,000
County Office Space	304,000
S.M.I.L.E. - Senior Center	300,000
Detention Center	73,000
Arnold Building	23,000
Sierra House	159,000

Landfills:

St. Andrews Landfill	755,000
5th District Transfer Station	107,000
Clements Landfill Closeout	701,000

Schools:

Park Hall Elementary Roof	266,000
Lexington Park Elementary Paving	70,000
Dynard Elementary Addition	315,000
Leonardtwn Elementary Roof	137,000

Airport Improvements:

Airport Runway	92,000
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TOTAL: \$ 6,850,000

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 Six Million Eight Hundred Fifty Thousand Dollars (\$6,850,000), to be designated "County Commissioners of St. Mary's County Public Facilities Bonds of 1990" (the "Bonds").

Section 3. The Bonds shall be dated December 1, 1990, 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 December 1, as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
1991	\$460,000	1999	\$455,000
1992	460,000	2000	455,000
1993	460,000	2001	455,000
1994	460,000	2002	455,000
1995	460,000	2003	455,000
1996	455,000	2004	455,000
1997	455,000	2005	455,000
1998	455,000		

Section 4. (a) The Bonds which mature on or before December 1, 2000, shall not be subject to redemption prior to their maturities. The Bonds which mature on or after December 1, 2001, shall be subject to redemption at the option of the County, beginning December 1, 2000, 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>
December 1, 2000 to November 30, 2001	102%
December 1, 2001 to November 30, 2002	101%
December 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 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.

(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 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 December and June, beginning June 1, 1991, 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 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

USER 007 PAGE 247

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.

USER 007 PAGE 249

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:

LIBER 007 PAGE 250

(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 1990

Maturity Date	Interest Rate	Original Issue Date	CUSIP
		December 1, 1990	

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), 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 December 1 and June 1 in each year, beginning June 1, 1991, 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

-13-

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Record 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

LIBER 007 PAGE 252

Imprinted hereon in facsimile, attested by the facsimile signature of the County Administrator all as of the first day of December, 1990.

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 1990.

_____, Baltimore Maryland,
as Bond Registrar

By: _____
Authorized Officer

-15-

78370:11/21/90
7686-31

[REVERSE SIDE OF BOND]

This bond is one of a duly authorized issue or series of bonds of the County aggregating \$6,850,000 in principal amount, all dated December 1, 1990 (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 Chapter 417 of the Laws of Maryland of 1989 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 _____, 1990 (the "Resolution").

The Bonds mature and are payable on December 1 in the following years and amounts and bear interest at the following rates per annum:

<u>Maturity</u> <u>Date</u>	<u>Principal</u> <u>Amount</u>	<u>Interest</u> <u>Rate</u>	<u>Maturity</u> <u>Date</u>	<u>Principal</u> <u>Amount</u>	<u>Interest</u> <u>Rate</u>
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The Bonds which mature on or after December 1, _____ are subject to redemption at the option of the County, beginning December 1, _____, 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</u> <u>(both dates inclusive)</u>	<u>Redemption</u> <u>Price</u>
December 1, _____ to November 30, _____	102%
December 1, _____ to November 30, _____	101%
December 1, _____ 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

LIBER 007 PAGE 255

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 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.

LIBER 007 PAGE 256

(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.

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 13, 1990. 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 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.

(Form of Notice of Sale)

ST. MARY'S COUNTY, MARYLAND

NOTICE OF SALE OF

\$6,850,000

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

PUBLIC FACILITIES BONDS OF 1990

Dated December 1, 1990

Sealed proposals will be received until 11:00 A.M., local Baltimore, Maryland time on Thursday, December 13, 1990, by the Director of Finance of St. Mary's County, Maryland, at the offices of Signet Bank/Maryland, Signet Tower, South Conference Room, 18th Floor, 7 St. Paul Street, Baltimore, Maryland 21202, for the purchase of the above-described general obligation bonds of the County (the "Bonds"), aggregating \$6,850,000, all dated December 1, 1990, and maturing, subject to prior redemption, as herein stated, on the first day of December as follows:

Maturing (December 1)	Principal Amounts Maturing	Maturing (December 1)	Principal Amounts Maturing
1991	\$460,000	1999	\$455,000
1992	\$460,000	2000	\$455,000
1993	\$460,000	2001	\$455,000
1994	\$460,000	2002	\$455,000
1995	\$460,000	2003	\$455,000
1996	\$455,000	2004	\$455,000
1997	\$455,000	2005	\$455,000
1998	\$455,000		

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 December and June, commencing June 1, 1991, 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 December 1, 2000, are not subject to redemption prior to their maturities. The Bonds which mature on or after December 1, 2001, are subject to redemption at the option of the County beginning December 1, 2000, 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>
December 1, 2000 to November 30, 2001.....	102%
December 1, 2001 to November 30, 2002.....	101
December 1, 2002 and thereafter.....	100

The Bonds will be awarded to the bidder naming the lowest true interest cost for all the Bonds in any legally acceptable proposal and offering to pay not less than par and accrued interest. The lowest true interest cost will be determined with respect to each proposal by doubling the semi-annual interest rate, compounded semiannually, necessary to discount the debt service payments from the payment dates to December 1, 1990 and to the price bid, excluding interest accrued to the date of delivery of the Bonds. If two or more bidders offer to purchase the Bonds at the same lowest true interest cost, the Bonds may be apportioned between such bidders; provided, that if apportionment is not acceptable to such bidders, the County shall have the right to award the Bonds to one of such bidders. 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.

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 may not exceed the lowest rate by more than 2%. 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 may not be named for any maturity. As promptly as reasonably practicable after the bids are opened, the County will notify the bidder to whom the Bonds will be awarded, if and when such award is made, and such bidder, upon such notice, shall advise the County of the initial reoffering prices to the public of each maturity of the Bonds (the "Initial Reoffering Prices").

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

Rita M. Greeson, Corporate Trust Officer, Signet Bank/Maryland, Signet Tower, South Conference Room, 18th Floor, 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 \$137,000 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 SUCCESSFUL BIDDER SHALL MAKE A BONA FIDE PUBLIC OFFERING OF THE BONDS AT THE INITIAL OFFERING PRICES AND SHALL PROVIDE THE RELATED CERTIFICATION DESCRIBED BELOW.

The Bonds are authorized by Chapter 451 of the Laws of Maryland of 1987, Chapter 417 of the Laws of Maryland of 1989 and a resolution adopted by the Board of County Commissioners of St. Mary's County, on November 27, 1990.

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, 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 INITIAL REOFFERING PRICES, EXPRESSED AS A PERCENTAGE OF PAR, TO THE PUBLIC OF EACH MATURITY OF THE BONDS; (ii) THAT THE SUCCESSFUL BIDDER HAS MADE A BONA FIDE PUBLIC OFFERING OF THE BONDS OF EACH MATURITY AT (OR BELOW) THE INITIAL 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 Initial 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 27, 1990, 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 Federal funds.

LIBER 007 PAGE 264

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, which is in a form "deemed final" as of its date by the County for purposes of SEC Rule 15c2-12 but is subject to revision, amendment and completion in the 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, or Alex. Brown & Sons Incorporated, 135 E. Baltimore Street, Baltimore, Maryland 21202, (301) 783-3087.

By order of
COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

(Form of Proposal for Bonds)

PROPOSAL FOR BONDS

December 13, 1990

Director of Finance
St. Mary's County, Maryland
c/o Rita M. Greeson, Corporate
Trust Officer
Signet Bank/Maryland
Signet Tower
South Conference Room
18th Floor
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 \$6,850,000 aggregate principal amount of County Commissioners of St. Mary's County Public Facilities Bonds of 1990, such bonds to be dated December 1, 1990, 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 \$6,850,000, we will pay the par value of said obligations, namely \$6,850,000, plus a premium (not in excess of 2% of the principal amount of said bonds) of _____ Dollars (\$_____), plus interest on said bonds accrued from the date of said bonds (December 1, 1990) to the date of delivery for said bonds, which will bear interest at the following rates:

<u>Maturing</u> <u>December 1</u>	<u>Principal</u> <u>Amount</u>	<u>Interest</u> <u>Rate</u>	<u>Maturing</u> <u>December 1</u>	<u>Principal</u> <u>Amount</u>	<u>Interest</u> <u>Rate</u>
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LIBER 007 PAGE 260

We enclose herewith a certified check, bank cashier's, treasurer's or official check drawn upon or certified by a responsible banking institution, payable to the order of County Commissioners of St. Mary's County, Maryland in the amount of \$137,000 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 for Bonds, 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 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 _____.

For your information you will find attached a list of 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 aggregate amount of interest on the bonds from the date of the interest on the bonds to final maturity is \$_____. The true interest cost of the proposal as determined in accordance with the method set forth in the Notice of Sale is ____% per annum.

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

LBER 007 PAGE 263

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 "Tax and Section 148 Certificate") that complies with the requirements of Section 148 of the Internal 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 Tax and 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 Tax and 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

LIBER 007 PAGE 270

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 Tax and 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.

(e) 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.

(f) The President of the Board of County Commissioners 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

LBER 007 PAGE 272

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 and 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 shall deem advisable in order to assure the registered owners of such Bonds that the interest thereon shall be and 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 purpose for which, Bond Proceeds may be expended, or the use of specified procedures for accounting for and segregating Bond Proceeds. Such covenants and agreements may be set forth in the Tax and Section 148 Certificate.

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

ORDER 001 Page 273

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 passage.



ADOPTED this 27th day of November, 1990.

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

Carl M. Loffley, Jr.
Carl M. Loffley, Jr., President

Edward V. Cox
Edward V. Cox, County Administrator

John G. Lancaster
John G. Lancaster, Commissioner

Robert T. Jarboe
Robert T. Jarboe, Commissioner

W. Edward Bailey
W. Edward Bailey, Commissioner

Rodney Thompson, Commissioner

78370:11/21/90
7686-31

Del: Co. Adm. Office

DEC 07 1990

EVELYN W. ARNOLD, CLERK

Resolution No. W/S 90-06
 Subj.: Water and Sewer Plan
 Amendment
 Short Acres S/D
 (SPEC #88-1986)

RESOLUTION 3:42PM 12/05/908 CO.COM \$0.00

WHEREAS, Alva Watson has made application to amend the St. Mary's County Comprehensive Water and Sewer Plan for certain property located in the Eighth Election District of St. Mary's County, Maryland located in the Critical Area and designated RCA, containing 6.317 acres of land, more or less, zoned RL, located on Rue Purchase Road/Camp SAYSF Road, called and known as Short Acres Subdivision. The application requests that the sewer category be amended from S-6 to S-3D. The subject property is shown on Tax Map 43, Block 4 as Parcels 209 and 490.

WHEREAS, the St. Mary's County Planning Commission deliberated on the application at its public meeting on February 13, 1990, and voted to defer further action pending a resolution of certain right of way issues between the applicant and neighboring property owners.

WHEREAS, the Planning Commission conducted further deliberations on the application at its public meeting on July 9, 1990 and voted to defer a decision until additional information could be obtained.

WHEREAS, the Planning Commission conducted further deliberations on the application at its meeting on August 13, 1990 and a decision was made to decide upon a policy statement for shared sewage disposal facilities within the Critical Area before making a final decision on the application.

WHEREAS, the Planning Commission conducted further deliberations on the application at its meeting on September 10, 1990 and voted to approve the sewer category change for the subject property from S-6 to S-3D by a vote of four (4) to one (1), on the condition that the applicant comply with all Critical Area requirements.

WHEREAS, The Board of County Commissioners held a public hearing on the proposed amendment on October 16, 1990, after due publication of notice.

WHEREAS, the Board of County Commissioners deliberated on the proposed amendment at its public meeting on October 30, 1990, and approved the request by a vote of four (4) in favor and one (1) against, upon the condition that the applicant comply with all state environmental regulations.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to reclassify the subject property from S-6 to S-3D.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: November 27, 1990.

Effective Date: November 27, 1990.

ATTEST:

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

Edward V. Cox
EDWARD V. COX
County Administrator

Carl M. Loffler, Jr., President

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

Robert T. Jarboe
ROBERT T. JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Rodney Thompson, Commissioner

Del. Planning & zoning

DEC 07 1990

EVELYN W. ARNOLD, CLERK

NO: 90 - 22

SUBJ: BOARD OF EDUCATION CAPITAL
IMPROVEMENT PROGRAM
FISCAL YEAR 1992 - 1997

10:48AM 12/06/908 CCL.COM \$0.00

RESOLUTION

WHEREAS, The Board of Education of St. Mary's County has prepared a Six-Year Capital Improvement Program Request for FY 1992 through FY 1997 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 1992.

ADOPTION DATE: DECEMBER 4, 1990

EFFECTIVE DATE: DECEMBER 4, 1990

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
County Attorney

Des. Co. Admin. Off.

DEC 07 1990

EVELYN W. ARNOLD, CLERK

Resolution No. W/S 90-07
Subj.: Water and Sewer Plan
Amendment
Southgate Center
(SPEC #89-1293)

RESOLUTION

11:21AM 12/10/90A CO.COM \$0.00

WHEREAS, Ray Runco has made application to amend the St. Mary's County Comprehensive Water and Sewer Plan for certain property located in the Eighth Election District of St. Mary's County, Maryland, containing 8.735 acres of land, more or less, zoned C-Commercial General, located at the southwest corner of Route 235 and Hermanville Road, called and known as Southgate Center subdivision. The application requests that the sewer category be amended from W-6/S-6 to W-4D/S-4D. The subject property is shown on Tax Map 52, Block 8, as Parcel 114.

WHEREAS, the Planning Commission conducted deliberations on the application at its public meeting on August 27, 1990. The application was revised to amend the W-4D/S-4D designation request to a W-3D/S-3D designation to be more in line with the project's timing. The Planning Commission voted unanimously to approve the water and sewer category change for the subject property from W-6/S-6 to W-3D/S-3D.

WHEREAS, the Board of County Commissioners held a public hearing on the proposed amendment on October 30, 1990, after due publication of notice.

WHEREAS, the Board of County Commissioners deliberated on the proposed amendment at its public meeting on November 13, 1990, and unanimously approved the request.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to reclassify the subject property from W-6/S-6 to W-3D/S-3D.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: December 4, 1990.

Effective Date: December 4, 1990.

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND
Carl M. Loeffler, Jr.
CARL M. LOEFFLER, JR., President

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

W. EDWARD BAILEY, Commissioner

Robert T. Jarboe
ROBERT T. JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Barbara Thompson
BARBARA THOMPSON, Commissioner

*Del. Vicki Perry
(P & J)*

DEC 21 1990
EVELYN W. ARNOLD, CLERK

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY
RESOLUTION NO. R-90-___25

A RESOLUTION of County Commissioners of St. Mary's County providing for the award of Six Million Eight Hundred Fifty Thousand Dollars (\$6,850,000) aggregate principal amount of general obligation bonds designated Public Facilities Bonds of 1990, authorized to be issued pursuant to Resolution No. R-90-21 passed on November 27, 1990; 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."

RECITALS

3:25PM12/14/908 . CD.COM \$0.00

Resolution No. R-90-21 (the "Resolution") of County Commissioners of St. Mary's County (the "County") authorized the public sale of Six Million Eight Hundred Fifty Thousand Dollars (\$6,850,000) aggregate principal amount of the County's general obligation bonds, designated Public Facilities Bonds of 1990 (the "Bonds"). The public sale was held at Signet Bank/Maryland, Signet Tower, South Conference Room, 18th Floor, 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 Sovran Investment Corporation (the "successful bidder") for the Six Million Eight Hundred Fifty Thousand Dollars (\$6,850,000) aggregate principal amount of Public Facilities Bonds of 1990 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>
1991	\$460,000	6.0 %	2000	\$455,000	6.25 %
1992	460,000	6.0 %	2001	455,000	6.25 %
1993	460,000	6.0 %	2002	455,000	6.40 %
1994	460,000	6.25 %	2003	455,000	6.40 %
1995	460,000	6.25 %	2004	455,000	6.40 %
1996	455,000	6.25 %	2005	455,000	6.40 %
1997	455,000	6.25 %			
1998	455,000	6.25 %			
1999	455,000	6.25 %			

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. The proceeds of the bonds shall be applied to the payment of the cost of the projects described in Resolution No. 90-21, unless the County by resolution authorizes the application of the proceeds of the Bonds to other capital projects of the County, and any

unexpended proceeds of the bonds shall otherwise be applied as provided in Resolution No. 90-21.

Section 6. The distribution of the Preliminary Official Statement dated December 4, 1990 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.

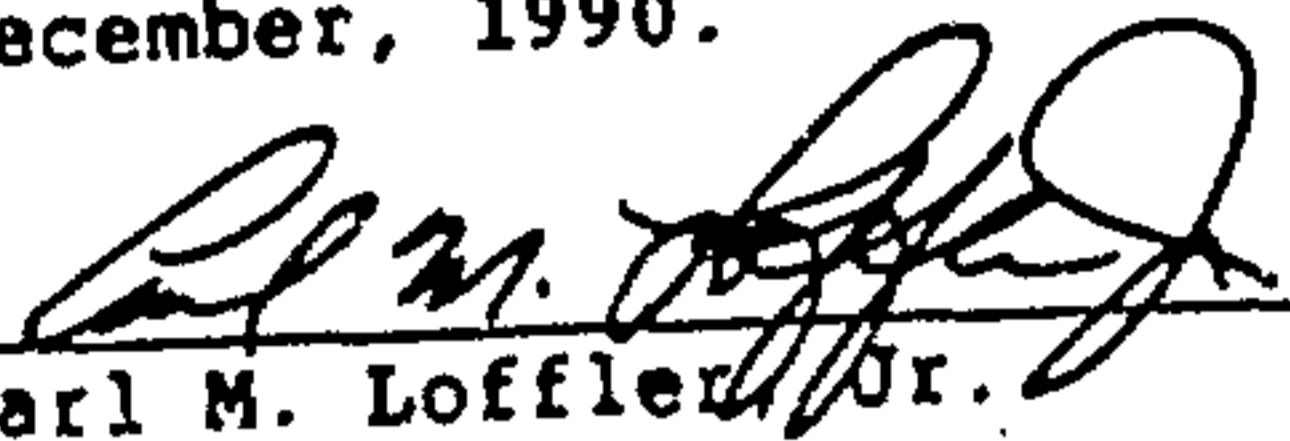
Section 8. The Bonds are hereby designated "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986 (the "Code").

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 1990 in an aggregate principal amount in excess of \$10,000,000, and (ii) the County will not during calendar year 1990 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.

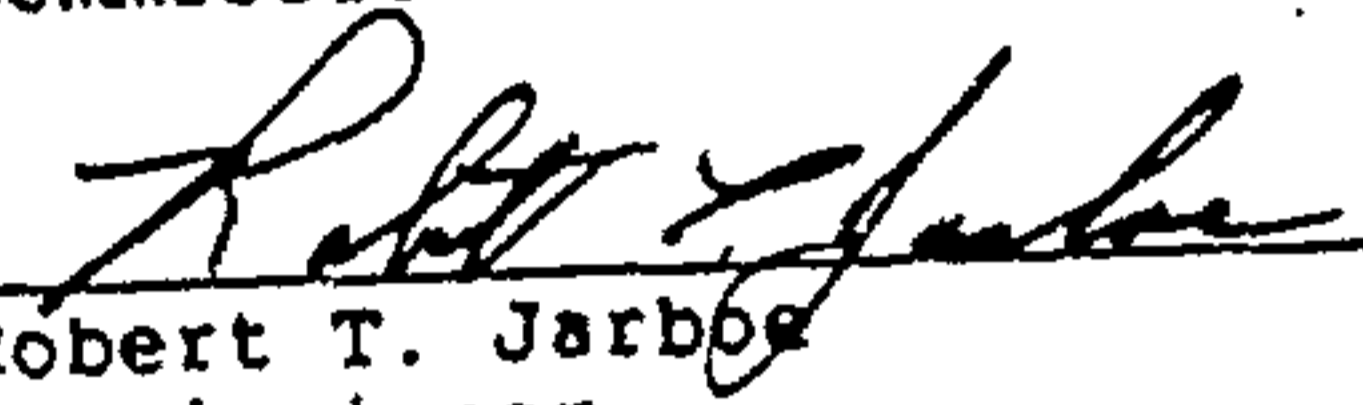
ADOPTED this 13th day of December, 1990.

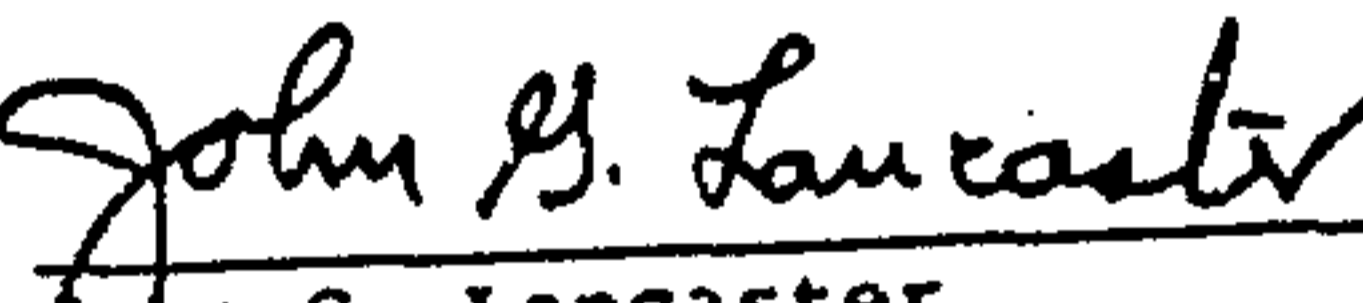

Carl M. Loffler, Jr.
President

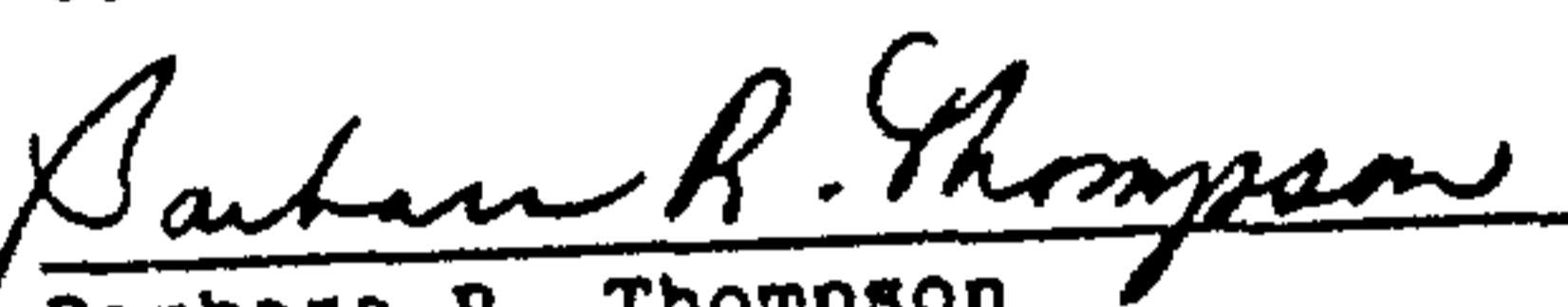
(SEAL)





W. Edward Bailey
Commissioner


Robert T. Jarboe
Commissioner


John G. Lancaster
Commissioner


Barbara R. Thompson
Commissioner

ATTEST:


Edward V. Cox
County Administrator

Del. Co. Comm.

DEC 21 1990

EVELYN W. ARNOLD, CLERK

NO: 90 - 23

SUBJ: POLYVINYL CHLORIDE (PVC)
PLASTIC PIPE

RESOLUTION

WHEREAS, the Board of County Commissioners on March 12, 1985 adopted Resolution No. 85-06 permitting the use of PVC pipe in St. Mary's County in accordance with the Plumbing Code of the State of Maryland; and

WHEREAS, the Plumbing Board has determined that a clarification is necessary in the kind of PVC pipe to be used and voted unanimously on March 28, 1990 to recommend that the Board of County Commissioners amend Resolution No. 85-06; and

WHEREAS, the Board of County Commissioners conducted a Public Hearing on November 13, 1990 after due advertisement and notice;

NOW, THEREFORE, the County Commissioners hereby rescind Resolution 85-06 and Resolution No. 90-18 and resolve to accept the recommendation of the Plumbing Board and to approve the use of Polyvinyl Chloride (PVC) Plastic Drain, Waste and Vent Pipe and Fitting, Schedule 40, as the Minimum Requirements and to approve same for the construction of sewer line connecting a building to either a septic tank or a Metropolitan Commission line or public sewer.

ADOPTED THIS DATE: December 11, 1990

11:42AM 12/19/908 CO.COM \$0.00

EFFECTIVE THIS DATE: July 1, 1991

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

Carl M. Loffley, Jr.
Carl M. Loffley, Jr., President

W. Edward Bailey
W. Edward Bailey, Commissioner

Robert T. Jarboe
Robert T. Jarboe, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Barbara R. Thompson
Barbara R. Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
County Attorney

Del. Co. Comm.

DEC 21 1990

LEVELYN W. ARNOLD, CLERK

**A RESOLUTION
ADOPTING
ARTICLES OF ORGANIZATION
FOR THE
HOUSING AUTHORITY OF ST. MARY'S COUNTY, MARYLAND**

TO ENACT ARTICLES OF ORGANIZATION FOR THE HOUSING AUTHORITY OF ST. MARY'S COUNTY; MAKE CERTAIN DECLARATIONS AND FINDINGS; PROVIDE FOR THE NUMBER, APPOINTMENT AND TERMS OF THE COMMISSIONERS; SPECIFY THE POWERS AND DUTIES OF THE HOUSING AUTHORITY; AND DESIGNATE A CUSTODIAN OF RECORDS.

11:42AM 12/19/90B CD.COM \$0.00

WHEREAS, Article 44A of the Annotated Code of Maryland as amended on May 2, 1990 allows political jurisdictions to bring existing Housing Authorities under Articles of Organization; and

WHEREAS, the present Board of Commissioners of the Housing Authority of St. Mary's County, Maryland, has unanimously approved Articles of Organization as set forth in Exhibit I, attached hereto and incorporated herein;

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland, having reviewed the provisions of the new Housing Authorities--Housing Cooperation Law, desire to establish a legal framework for the activities of the Housing Authority;

NOW, THEREFORE, the Board of County Commissioners of St. Mary's County, Maryland, adopt the subject Articles of Organization for the Housing Authority of St. Mary's County, Maryland.


ADOPTION DATE: 12/11/90

EFFECTIVE DATE: 12/11/90

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


Barbara R. Thompson, Commissioner

ATTEST:


Edward V. Cox, County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:


Joseph R. Densford, County Attorney

Del. Co. Comm.

DEC 21 1990

EVELYN W. ARNOLD, CLERK

**HOUSING AUTHORITY OF ST. MARY'S COUNTY, MARYLAND
ARTICLES OF ORGANIZATION**

1 These Articles of Organization are adopted pursuant to the Housing Authorities Law,
2 Article 44A of the Annotated Code of Maryland.

3 **ARTICLE 1. DECLARATIONS AND FINDINGS**

4 It is hereby declared that:

- 5 (a) It is the policy of St. Mary's County to ensure the availability of safe, sanitary and
6 decent housing for the citizens of the county;
- 7 (b) There exists within St. Mary's County unsanitary or unsafe dwelling accommodations,
8 and persons of low and moderate income are forced to reside in such unsanitary
9 accommodations;
- 10 (c) Within St. Mary's County there is a shortage of safe or sanitary dwelling
11 accommodations available at rents which persons of low and moderate income can afford.
12 Consequently many of these persons live in unsanitary, unsafe, or overcrowded housing;
- 13 (d) Unsanitary, unsafe, or overcrowded housing conditions lower the value of surrounding
14 property, constitute a menace to the health, safety, and welfare of the county's residents,
15 and require spending of considerably more than average amounts for public services such
16 as police, fire, health, courts, and prisons;
- 17 (e) The shortage of safe and sanitary dwelling for persons of low and moderate income
18 cannot be relieved through the operation of the private housing market, and the
19 construction of housing projects for persons of low and moderate income would therefore
20 not be competitive with private enterprise;
- 21 (f) The clearance, replanning and reconstruction of areas containing unsanitary or unsafe
22 housing and the providing of safe and sanitary housing at rents affordable to persons of
23 low and moderate income are public uses and purposes and essential government
24 functions for which public money may be spent and private property acquired;
- 25 (g) A need exists for mortgage credit to be available because many purchasers and owners
26 of housing are unable to afford mortgage credit at the market rate of interest or obtain
27 mortgage credit because the mortgage credit market is severely restricted;
- 28 (h) Therefore, there is a need for a Housing Authority to function in St. Mary's County.

1 **ARTICLE 2. ESTABLISHMENT OF HOUSING AUTHORITY**

2 There is a public body corporate and politic known as the Housing Authority of St.
3 Mary's County, Maryland, exercising public and essential governmental functions, and
4 having all the powers necessary or convenient to carry out the provisions and purposes
5 of these Articles of Organization, pursuant to Article 44A of the Annotated Code of
6 Maryland.

7 **ARTICLE 3. COMMISSIONERS**

8 The powers of the Housing Authority of St. Mary's County, Maryland, shall be vested
9 in five (5) commissioners who shall be residents of St. Mary's County and shall be
10 appointed by the Board of St. Mary's County Commissioners to serve for five (5) year
11 terms in accordance with applicable provisions of Article 44A of the Annotated Code of
12 Maryland.

13 **ARTICLE 4. CUSTODIAN OF THE RECORDS**

14 The custodian of the records for the purposes of Article 44A of the Annotated Code of
15 Maryland shall be the county administrator serving as clerk of the Board of St. Mary's
16 County Commissioners.

17 **ARTICLE 5. POWERS**

18 (a) **ENUMERATION:**

19 In addition to those powers granted to Housing Authorities in Section 1-301 and Section
20 1-305 of Subtitle 3 of Article 44A of the Annotated Code of Maryland, the Housing
21 Authority of St. Mary's County, Maryland, shall have the following powers:

- 22 (1) To make mortgage loans and mortgage subsidy payments to or for the benefit of
23 persons of eligible income;
- 24 (2) To make construction loans and long-term mortgage loans to any person, firm,
25 partnership, association, joint venture, or corporation, public or private, in order
26 to produce housing for persons of eligible income;
- 27 (3) To purchase mortgages secured by housing for persons of eligible income;
- 28 (4) Subject to any restrictions contained in any applicable agreement with the state
29 or federal government or any other party, to permit up to 80% of the residents
30 of any housing project or any portion thereof financed by the Authority to have
31 incomes above the levels established for persons of eligible income;

- 1 (5) To acquire, develop, construct, rehabilitate, own, operate, and lease (either as
- 2 lessor or lessee) commercial facilities on the site of a housing project which make
- 3 an economic or social contribution to the housing project, provided that the
- 4 commercial facilities are intended substantially for the use and benefit of the
- 5 tenants of the housing project and the intended use by other persons as incidental;

- 6 (6) Subject to the approval of the Board of St. Mary's County Commissioners to
- 7 acquire, develop, construct, rehabilitate, own, operate, and lease (either as lessor
- 8 or lessee) commercial facilities:

- 9 (i) Adjacent to the site of a housing project; or

- 10 (ii) Which are not intended substantially for the use and benefit of the tenants
- 11 of the housing project and are intended for use by persons other than the
- 12 tenants of the housing project on more than an incidental basis; and

- 13 (7) Subject to the approval of the Board of St. Mary's County Commissioners, to act
- 14 and invest as a general partner and as a limited partner in housing projects.

15 (b) CONSTRUCTION

16 The authorization of powers by subsection (a) of this article shall not be construed as
17 limiting the powers granted to the Housing Authority of St. Mary's County, Maryland,
18 by other titles in Article 44A of the Annotated Code of Maryland.

19 ARTICLE 6. NONDISCRIMINATION

20 The Housing Authority shall not discriminate on the basis of race, color, creed, religion,
21 national origin, sex, marital status, physical or mental handicap, occupation, political
22 opinion, sexual orientation, personal appearance or age (except with respect to a project
23 intended in whole or in part for elderly persons) in leasing or otherwise providing
24 dwelling accommodations or in any other aspect of the development, administration, or
25 operation of any housing project or undertaking of the Authority, or in any aspect of
26 employment by the Housing Authority or any sponsor, developer, or contractor involved
27 in the construction involved in the construction, repair or maintenance of any property
28 or program of the Authority.

29 ARTICLE 7. SEVERABILITY

30 If any part of these Articles of Organization are held invalid, the invalidity shall not
31 effect the other parts.

Del. Co. Comm. 12-21-1990 Evelyn W. Arnold

Resolution No. W/S 90-08
Subj.: Water and Sewer Plan
Amendment
Persimmon Hills Subdivision
(SPEC #88-0183)

RESOLUTION 10:06AM 12/21/908 CO.COM \$0.00

WHEREAS, Fox Lumber Company has made application to amend the St. Mary's County Comprehensive Water and Sewer Plan for certain property located in the Fifth Election District of St. Mary's County, Maryland, containing 208.6 acres of land, more or less, zoned RPD, located on the north side of Maryland Route 5, approximately one mile north of its junction with Maryland Route 235, called and known as Sections 1 and 2 of Persimmon Hills Subdivision. The application requests that the water category be amended from W-6 to W-3. The subject property is shown on Tax Map 9, Block 15, as Parcel 56.

WHEREAS, the Planning Commission conducted deliberations on the application at its public meeting on October 10, 1990 and voted unanimously to approve the water category change from W-6 to W-3 for Sections 1 and 2 of the subject property. The water category change will not apply to the residue.

WHEREAS, the Board of County Commissioners held a public hearing on the proposed amendment on November 13, 1990, after due publication of notice.

WHEREAS, the Board of County Commissioners deliberated on the proposed amendment at its public meeting on November 27, 1990, and approved the request by a vote of three (3) in favor and one (1) against.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to reclassify Sections 1 and 2 of the subject property from W-6 to W-3.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: December 18, 1990.

Effective Date: December 18, 1990.

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

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

Barbara Thompson
BARBARA THOMPSON, Commissioner

Del. Trust (P. Densford)

DEC 28 1990

EVELYN W. ARNOLD, CLERK

Resolution No.: 90- 26
Subj: Tall Timbers Shore
Erosion District I

RESOLUTION

2:57PM 01/02/91B CO.COM \$0.00

WHEREAS, the Board of County Commissioners of St. Mary's County, acting as District Council for the Tall Timbers Shore Erosion District No. I, under the authority of Article 25, Sections 161 through 167E of the Annotated Code of Maryland, has completed the requisite rehabilitation, maintenance and repair work within the limits of the District, and,

WHEREAS, the District Council for the said District is empowered to annually levy, against all of the assessable property in the District so improved, a tax which will be sufficient to pay the entire cost of such work, all in accordance with Article 25, Section 166 of the Annotated Code of Maryland as announced at the public meeting held on June 27, 1989 at St. Mary's County Governmental Center, Leonardtown, Maryland.,

WHEREAS, the project cost which was originally estimated at \$166,500 as stated at the public meeting held on June 27, 1989 at St. Mary's County Governmental Center, Leonardtown, Maryland, was completed with an actual cost of \$164,540 with a twenty-five year payback of \$115.33 for front lots and \$57.28 for back lots.

NOW, THEREFORE, BE IT RESOLVED that the County Commissioners of St. Mary's County, Maryland acting as a District Council, hereby levies the following taxes on the assessable property in the erosion district known as Tall Timbers Shore Erosion District I:

Group A - Front Lots @ \$115.33 per year

Tax Map 61, Parcel 246: Lot 1, 2, 3, 4, 5, 6, 7, 8,
P.O. 9, 10, 11, 12, 13, 14,
15, 16, 17, 18, 19, 20

Parcel 247: Lot 41, 42, 43, 44, 45, 46, 47, 48

Parcel 248: Lot 5, 6, 7, 9, 10, 11, 12, 13,
14, 16

Group B - Back Lots @ \$57.28 per year

Tax Map 61, Parcel 246: Lot 21, 22, 23, 24, 25, 26, 27,
28, 29, 30, 31, 32, 33, 34, 35,
36, 37, 38, 39, 40

Parcel 247: Lot 51, 52, 53, 54, 55, 56, 57

Parcel 248: Lot 21, 22, 23, 24, 25, 26, 27,
28, 29, 30, 31, 32

Resolution No.: 90-26
Subj: Tall Timbers Shore
Erosion District I
Page 2 of 2

This assessment shall be effective for the taxable year of 1991 plus twenty-four (24) years thereafter or until amended or changed by action of the Board of County Commissioners of St. Mary's County, Maryland, acting as the District Council.

This Date: DECEMBER 31, 1990

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

Barbara R. Thompson
Barbara R. Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

CERTIFIED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
County Attorney

Del. Col. Combs

JAN 4 - 1991

EVELYN W. ARNOLD, CLERK

NO: 90- 27

SUBJ: HOMESTEAD TAX CREDIT
PERCENTAGE FOR ST. MARY'S
COUNTY PROPERTY TAXES

ORDINANCE

WHEREAS, Section 9-105 of the Tax Property Volume of the Annotated Code of Maryland (1986 Volume or Amended) provides that starting with the fiscal year beginning with July 1, 1991, the County Commissioners shall establish and determine, for County tax purposes, the limit of the increases in taxable assessments of certain owner occupied dwellings, and

2:58PM01/02/91B CD.COM \$0.00

WHEREAS, following deliberation, the County Commissioners have concluded it is in the best interest of the citizens of St. Mary's County to establish the homestead tax credit percentage at one hundred and ten percent.

NOW, BE IT ORDAINED the County Commissioners of St. Mary's County hereby establishes a homestead credit percentage for property owners as described and provided for in the Maryland Code, as aforesaid, of one hundred and ten percent (110%). Such homestead tax credit shall be applicable for the tax year beginning July 1, 1991 and any subsequent taxable year, provided that on or before January 1, 1992 and any year thereafter, the County Commissioners of St. Mary's County may alter by law, the homestead tax credit percentage for the taxable year beginning the following July 1, and any subsequent year, provided that the homestead tax credit herein provided for may not exceed the maximum provided by State Law. Such homeowners tax credit shall be subject to all provisions, restrictions and conditions provided from time-to-time by State Law. The homestead property tax credit provided for in this Ordinance applies to County taxes and the municipal taxes

NO: 90-27

SUBJ: HOMESTEAD TAX CREDIT
PERCENTAGE FOR ST. MARY'S
COUNTY PROPERTY TAXES

Page 2 of 2

of municipalities in the Mary's County only if the municipal corporation has not established a homestead property tax credit of its own. The homestead tax credit shall apply only to such taxes as may become due after June 30, 1991.

Adoption Date:

December 31, 1990

Effective Date:

December 31, 1990

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 T. Jarboe
Robert T. Jarboe, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Barbara R. Thompson
Barbara R. 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
County Attorney

Dil. Co. Comm. JAN 4 - 1991 EVELYN W. ARNOLD, CLERK

No : 91-01

Subj: Adequate Public Facilities

R E S O L U T I O N

Whereas, the St. Mary's County Zoning Ordinance, effective August 1, 1990, in Section 40.10 Adequate Public Facilities requires before record plat and/or site plan approval compliance with adequate public facilities provision; and

Whereas, provision of adequate facilities for schools is governed by the Zoning Ordinance as follows:

"a. This section applies to all development except:

- (1) a proposed development to be developed exclusively for nonresidential uses; or
- (2) a proposed development to be developed according to federal regulations restricting occupancy in the dwelling units to elderly persons.

3:20PM01/25/91A CO.COM \$0.00

b. Elementary and secondary schools in the service area of the proposed development shall be adequate to accommodate the school population to be generated from the proposed development. The calculation of the school population to be generated shall be per the published board of education guidelines as approved by the county commissioners.

c. Elementary and secondary schools in the service area of the proposed development shall be considered adequate if:

- (1) the school population projected to be generated from the proposed development may be enrolled at schools located in the service area without the enrollment exceeding the board of education's school capacity policy guidelines as approved by county commissioners; or
- (2) the county has programmed for construction in the current six (6) year CIP, the construction of additional schools or school improvements necessary in combination with existing schools to comply with item (1) above; or
- (3) the applicant agrees to undertake school construction or improvements necessary to meet item (1) above, or
- (4) the applicant agrees to contribute to the financing of specific improvements in accordance with the CIP which will comply with item (1) above.

d. In determining whether the schools exceed the board of education school capacity policy guidelines, consideration shall be given to existing school population, school population projected to be generated from other developments for which record plats and site plans have been approved, and all other children reasonably expected by the board of education to enroll in the schools."

Whereas, the Board of Education by Resolution 1990-8 and Resolution 1990-9 submitted for approval of the Board of County Commissioners its recommendations for school capacity and for school population to be generated from proposed developments; and

Whereas, the Board of County Commissioners gave public notice and on December 11, 1990 conducted a public hearing on the recommendations and has deliberated on the evidence and testimony presented.

Now, Therefore, The County Commissioners hereby resolve to adopt the following in compliance with Section 40.10 Adequate Public Facilities of the St. Mary's County Zoning Ordinance:

Resolution No. 90-01
Page 2

1. The calculation of the whole population to be generated shall be an average student yield per household (dwelling unit) in accordance with attached Chart A. A household yields 0.215 students in elementary school grades (Prekindergarten through 5), 0.107 students in middle school grades (6 through 8), and 0.154 students in high school grades (9 through 12). Population generation will be reviewed periodically and adjustments made as appropriate.
2. School capacity guidelines shall include relocatable classrooms in the computation of capacity of a particular facility.
3. The capacity as indicated on attached Chart B is the local rated student capacity based on the current utilization of instructional classrooms for a particular facility.
4. Elementary, Middle, and High Schools
 - a. Elementary schools are rated by local guidelines for 20 students per prekindergarten classroom, 22 students per kindergarten and primary (grades 1-2) classrooms 25 students per intermediate (grades 3-5) classrooms and 10 students per special education classroom. Special instructional classrooms, such as art, music, special education, resource, etc., are not counted towards the capacity.
 - b. Middle schools and high schools are rated by local guidelines for 25 students per teaching station (general and special instructional classrooms) times a utilization factor of 90%. Also, special education classrooms are rated for 12 students and 10 students per resource room.
5. Capacity is calculated and updated every school year based on the September 30th official enrollment and space utilization.
6. The County Commissioners are committed to work toward the goal of reduced class size, and to lessen dependence on relocatable classrooms. As financial means allow new school construction will address both goals.

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


Barbara R. Thompson, Commissioner

ADOPTION DATE: JAN 22, 1991

EFFECTIVE DATE: JAN 22, 1991

ATTEST:


Edward V. Cox, County Administrator

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

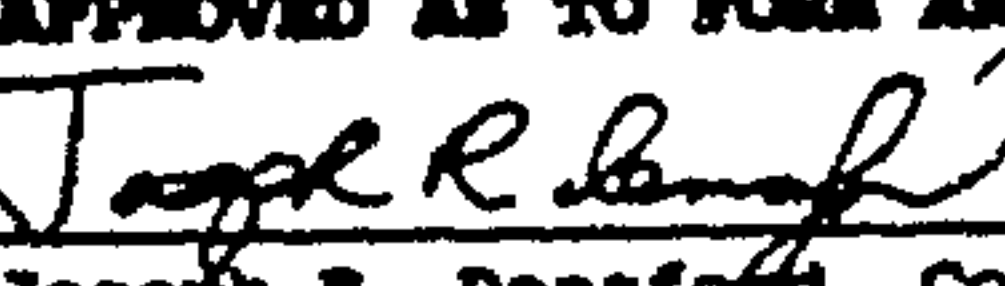

Joseph R. Densford, County Attorney

CHART A

BOARDS OF EDUCATION HISTORICAL ENROLLMENT MEMBERS

YEAR	(B) PRE-K	(C) ELEM	(D) MIDDLE	(E) HIGH	(F) TOTAL
1900		3,232	2,823	2,971	12,944
1901		4,037	2,713	3,002	11,432
1902		6,558	2,700	3,706	11,044
1903		6,569	2,578	3,642	10,789
1904		6,767	2,396	3,618	10,775
1905		6,000	2,111	3,627	10,926
1906	327	6,003	2,387	3,624	11,233
1907	330	5,223	2,403	3,599	11,544
1908	415	5,303	2,457	3,501	11,956
1909	306	5,892	2,510	3,448	12,204

(G) PRE-K (B/G)	(H) ELEM (C/H)	(I) MIDDLE (D/I)	(J) HIGH (E/J)	(K) TOTAL (F/K)
0	0.2148	0.2326	0.2326	0.5461
0	0.2220	0.1245	0.1762	0.5219
0	0.2038	0.1255	0.1634	0.4948
0	0.2023	0.1141	0.1614	0.4777
0	0.2035	0.1033	0.1551	0.4645
0	0.2023	0.0997	0.1501	0.4522
0.0120	0.1944	0.0934	0.1442	0.4471
0.0130	0.2017	0.0928	0.1398	0.4447
0.0154	0.2074	0.0912	0.1368	0.4441
0.0124	0.2121	0.0906	0.1211	0.4354

AVERAGE STATEMENTS PER MEMBERSHIP

AVERAGE STATEMENTS PER HOUSING UNIT

AVERAGE STATEMENTS PER HOUSING UNIT (PRE-K INCLUDED IN GRADE SCHOOLS)

0.005	0.210	0.187	0.154	0.425
0.213	0.187	0.154	0.126	0.476

(L) TOTAL HOUSING UNITS	(M) BUILDING PERMITS ISSUED
21,278	501
21,779	359
22,130	444
22,502	612
22,194	546
24,100	942
25,122	765
25,007	1,029
26,916	852
27,748	11

ST. MARY'S COUNTY PUBLIC SCHOOLS
LOCAL RATED CAPACITY

Elementary

Banneker	283
Bethune	86
Carver	240
Dynard	169
Green Holly	340
Greenview Knolls	347
Hollywood	141
Leonardtwn	411
Lettie Marshall Dent	292
Lexington Park	287
Mechanicsville	282
Oakville	359
Park Hall	275
Piney Point	337
Ridge	186
Town Creek	245
White Marsh	211

Special Education

Green Holly	162
Loveville	104

Middle School

Esperanza	787
Leonardtwn	944
Margaret Brent	844
Spring Ridge	944

High School

Chopticon	1,220
Great Mills	1,270
Leonardtwn	1,280

Dell Co. Comm.

FEB 8 - 1991

EVELYN W. ARNOLD, CLERK

RESOLUTION NO: 91-02

A RESOLUTION APPROVING DEVELOPMENT OF HOUSING AT CHANCELLOR'S VILLAGE UNDER THE MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT'S SINGLE FAMILY PROGRAMS

WHEREAS, the Board of Commissioners of St. Mary's County, Maryland, recognize that there is a significant need for quality housing units in St. Mary's County for families of limited income; and

3:20PM 1/25/91 CO.COM \$0.00

WHEREAS, the Tri-County Community Development Corporation proposes to construct and market a housing development to contain approximately thirty-five (35) units, known as "Chancellor's Village"; and

WHEREAS, the Department of Housing and Community Development of the State of Maryland has received a "request" from the Tri-County Community Development Corporation to provide the permanent financing for fifteen (15) units in the above described development pursuant to its authority specified in Article 83B, Section 2-201 through 2-208 and 2-601 through 2-617 of the Annotated Code of Maryland; and

WHEREAS, the Regulations of the Department of Housing and Community Development require that all developments financed by it be approved by the appropriate local governing body and, where appropriate, by the chief elected executive official of the locality;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of St. Mary's County, Maryland, hereby endorse the construction of the aforesaid development upon the site proposed; and

BE IT FURTHER RESOLVED that copies of this Resolution be sent to the Secretary of the Department of Housing and Community Development, State of Maryland.

ADOPTION DATE: 1/22/91

EFFECTIVE DATE: 1/22/91

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

Barbara R. Thompson
Barbara R. Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox, County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford, County Attorney

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ST. MARTIN'S COURT MATH BLANKENHORN	ST. MARTIN'S COURT MATH BLANKENHORN
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ST. MARTIN'S COURT MATH BLANKENHORN	ST. MARTIN'S COURT MATH BLANKENHORN

By the Court, the following is the description of the premises hereinafter described, to-wit: ...
Walter D. ...
James S. ...

AREA TABULATIONS
 - Lots ...
 - ...

CHANCELLORS VI
 SECTION 1
 RECORD PLAT
 LOMENIL, ODOOS AND GUNN
 REGISTERED SURVEYORS

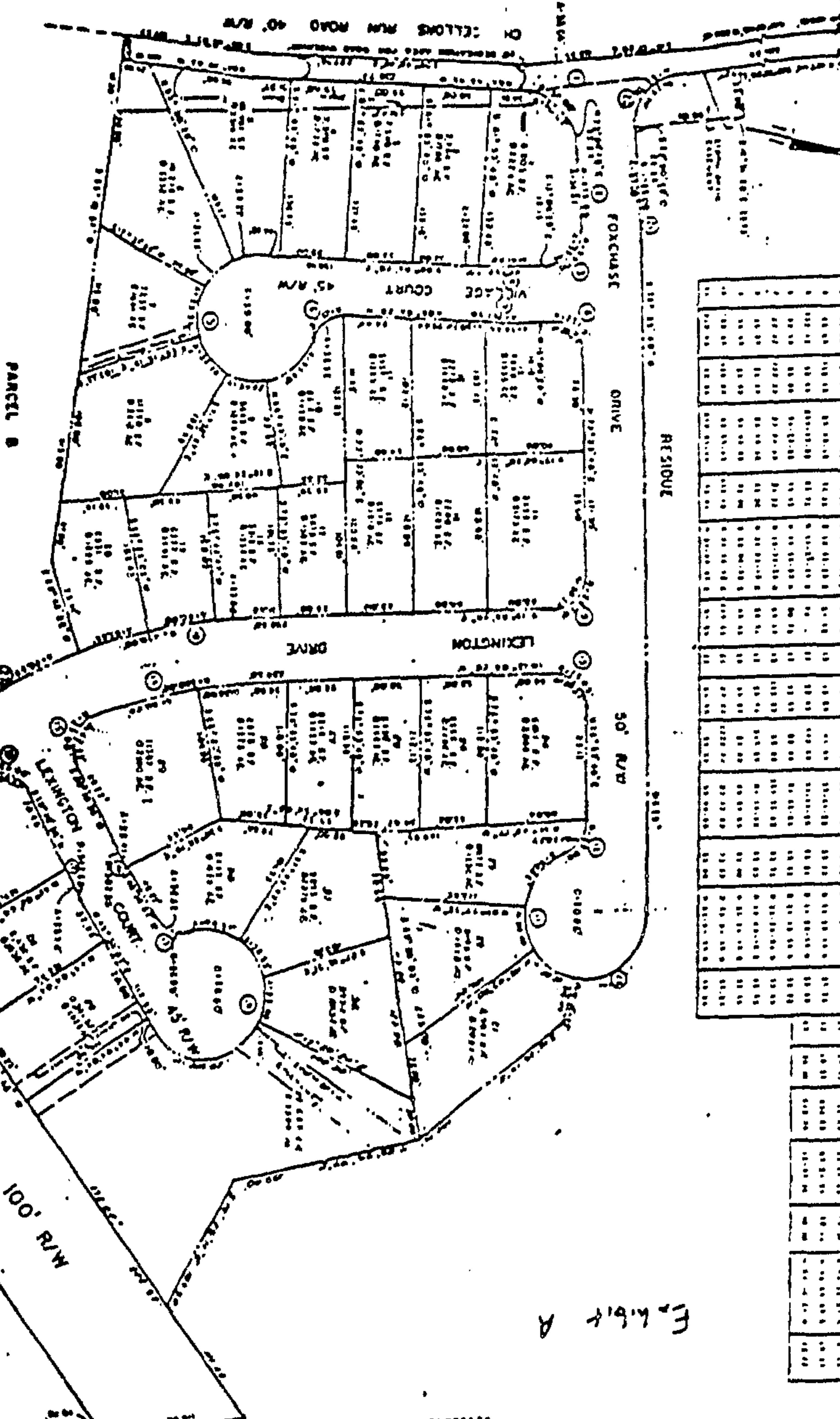
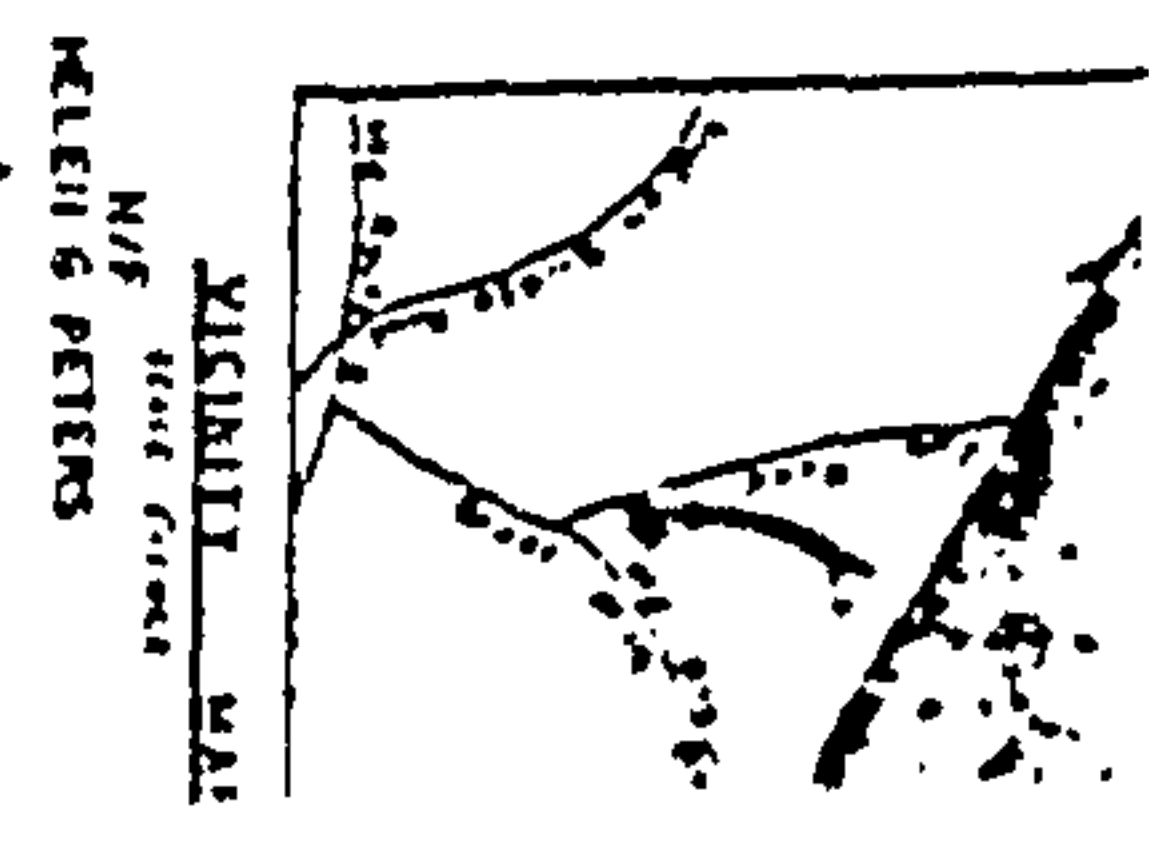


Exhibit A



Dill. Co. Comm.

FEB 8 - 1997

EVELYN W. ARNOLD, CLERK

Resolution No. W/S 91-01
Subj.: Water and Sewer Plan
Amendment
Summit Hill, Section 2
(SPEC #84-0663)

RESOLUTION

12:07PM02/04/91B CO.COM \$0.00

WHEREAS, Helen Thomas has made application to amend the St. Mary's County Comprehensive Water and Sewer Plan for certain property located in the Fifth Election District of St. Mary's County, Maryland, containing 168.3 acres of land, more or less, zoned RPD/RCA (Part), located on the south side of Oaks Cooksey Swamp Road, approximately 2.7 miles east of Maryland Route 5, called and known as Summit Hill, Section 2. The application requests that the water category be amended from W-6 to W-3. The subject property is shown on Tax Map 2, Block 15, as Parcel 32.

WHEREAS, the Planning Commission conducted deliberations on the application at its public meeting on August 13, 1990. The Planning Commission voted unanimously to approve the water category change for the subject property from W-6 to W-3.

WHEREAS, the Board of County Commissioners held a public hearing on the proposed amendment on September 18, 1990, after due publication of notice.

WHEREAS, the Board of County Commissioners discussed the proposed amendment at its public meeting on October 2, 1990, and it was decided that the Commissioners would delay making a decision until a meeting could be arranged with the Water Resources Administration.

WHEREAS, the Board of County Commissioners deliberated on the proposed amendment at its public meeting on December 11, 1990, and approved the request with a vote of four (4) in favor and one (1) against.


NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to reclassify the subject property from W-6 to W-3.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: January 27, 1991.

Effective Date: January 29, 1991.

ATTEST:


EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:


JOSEPH R. DENSFORD
County Attorney

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


CARL M. LOFFLER, JR., President


W. EDWARD BAILEY, Commissioner


ROBERT T. JARBOE, Commissioner


JOHN G. LANCASTER, Commissioner


BARBARA R. THOMPSON, Commissioner

Dill: Co. Comm.

FEB 8 - 1991

EVELYN W. ARNOLD, CLERK

Resolution No. W/S 91-02
Subj.: Water and Sewer Plan
Amendment
Charlotte Hall Business
Park
(SPEC #89-1911)

RESOLUTION

12:07PM02/04/91B CD.COM \$0.00

WHEREAS, SBC Development Company has made application to amend the St. Mary's County Comprehensive Water and Sewer Plan for certain property located in the Fifth Election District of St. Mary's County, Maryland, containing 36 acres of land, more or less, zoned C, Commercial, located on the south side of Golden Beach Road, approximately 150 feet east of Maryland Route 5, called and known as Charlotte Hall Business Park. The application requests that the water category be amended from W-6 to W-3. The subject property is shown on Tax Map 1, Block 22, as Parcel 42.

WHEREAS, the Planning Commission conducted deliberations on the application at its public meeting on August 13, 1990. The Planning Commission voted four (4) in favor and one (1) against to approve the water category change for the subject property from W-6 to W-3.

WHEREAS, the Board of County Commissioners held a public hearing on the proposed amendment on September 18, 1990, after due publication of notice.

WHEREAS, the Board of County Commissioners discussed the proposed amendment at its public meeting on October 2, 1990, and it was decided that the Commissioners would delay making a decision until a meeting could be arranged with the Water Resources Administration.

WHEREAS, the Board of County Commissioners deliberated on the proposed amendment at its public meeting on December 11, 1990, and approved the request with a vote of four (4) in favor and one (1) against.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to reclassify the subject property from W-6 to W-3.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: January 27, 1991.

Effective Date: January 27, 1991.

ATTEST:

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

Edward V. Cox
EDWARD V. COX
County Administrator

Carl M. Löffler, Jr.
CARL M. LOFFLER, JR. President

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

Robert T. Jarboe
ROBERT T. JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Barbara R. Thompson
BARBARA R. THOMPSON, Commissioner

Dist. Co. Comm.

FEB 8 - 1991

EVELYN W. ARNOLD, CLERK

NO: 91 -03

SUBJ: PERSIAN GULF WAR -
PUBLIC DISPLAY OF
U.S. FLAG

UBER 007 PAGE 301

3:54PM02/05/91D CO.COM 90.00

RESOLUTION

WHEREAS, the flag of the United States of America symbolizes the serenity of our nation while appreciating its diversity; and

WHEREAS, the outward display of the flag is a national tribute to patriotism and to the heroism of the thousands who have served and now serve in our Armed Forces; and

WHEREAS, the war in the Persian Gulf against Iraq has engaged the lives of hundreds of thousands of our young men and women, their families and loved ones; and

WHEREAS, it is fitting, just, and proper that we call attention to the heroism of those serving in the Armed Forces by public display of the flag;

NOW, THEREFORE, The County Commissioners of St. Mary's County hereby resolve that all citizens of this community are encouraged to display the flag on a daily basis to demonstrate our support for the young men and women in the Armed Forces and their families.

ADOPTION DATE:

JANUARY 29, 1991

EFFECTIVE DATE:

JANUARY 29, 1991

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

Carl M. Loffley, Jr.
Carl M. Loffley, Jr., President

W. Edward Bailey
W. Edward Bailey, Commissioner

Robert T. Jarboe
Robert T. Jarboe, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Barbara R. Thompson
Barbara R. Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox, County Administrator

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Joseph R. Densford
Joseph R. Densford, County Attorney

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, APPROVING THE DEVELOPMENT OF RENTAL HOUSING KNOWN AS "SPRING VALLEY APARTMENTS," IN LEXINGTON PARK, MARYLAND, TO BE FINANCED BY THE COMMUNITY DEVELOPMENT ADMINISTRATION OF THE STATE OF MARYLAND UNDER THE RENTAL HOUSING PRODUCTION PROGRAM.

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland, recognizes that there is a significant need for quality housing units in St. Mary's County for families of limited income; and

2:52PM 03/01/91 CD.COM \$0.00

WHEREAS, Harkins-Humphrey Associates, Inc. proposes to acquire, construct, rehabilitate and/or operate a rental housing project to contain approximately one hundred, twenty-eight (128) units, known as Spring Valley Apartments (the "project"), located on Spring Valley Drive in Lexington Park, Maryland; and

WHEREAS, the Community Development Administration ("CDA") of the State of Maryland has received an application package from Harkins-Humphrey Associates, Inc. to provide capital or operating assistance for families of lower income in the project, pursuant to its authority specified in Article 83B, Section 2-201 through 2-208 and 2-601 through 2-617 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 and, where appropriate, by the chief elected executive official of that locality;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of St. Mary's County, Maryland, hereby endorses the acquisition, construction, rehabilitation and/or operation of the project upon the proposed site, and HEREBY ENDORSES the provision of operating or capital assistance for the benefit of families of lower income in the proposed project; and,

BE IT FURTHER RESOLVED that copies of this Resolution be sent to the Secretary of the Department of Housing and Community Development, State of Maryland.

ADOPTION DATE: 2/26/91
EFFECTIVE DATE: 2/26/91

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

Barbara R. Thompson
Barbara R. Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox, County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford, County Attorney

ORDINANCE

2:52PM03/01/91D CD.COM \$0.00

WHEREAS, the Board of County Commissioners designated FY 90 funds for use in FY 1991 for the Departments of the Sheriff, Detention Center, State's Attorney, Planning and Zoning, Public Works, Recreation and Parks, Economic Development, Fire and Rescue Services, and the Board of Education.

WHEREAS, the Board of County Commissioners believe that it is in the best interest of the County to amend the FY 91 General Fund Budget to include these designated funds; and

WHEREAS, the Board of County Commissioners appropriated certain Capital Project Revenues from Bond Proceeds in the FY 1991 Capital Budget; and

WHEREAS, the Board of County Commissioners believe it is in the best interest of the County to amend the FY 1991 Capital Budget to fund these capital projects from Unreserved Designated Fund balances; and

WHEREAS, the Capital Budget for FY 1991 did not include funds for the Board of Education for certain capital projects; and

WHEREAS, the Board of County Commissioners believe it is in the best interest of the County to amend the FY 1991 Capital Budget to provide these funds from Unreserved Designated Fund Balances; and

WHEREAS, the St. Mary's County Director of Finance has certified in writing that such funds are available for this appropriation from the General Fund Unreserved Designated Fund Balance.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on February 5, 1991 to present and explain the requirements to increase the Fiscal Year 1991 Budget in the amount of \$ 2,975,820 (Two million nine hundred seventy five thousand, eight hundred twenty dollars) and such increase is hereby approved this 26th day of February 19 by the Board of County Commissioners of St. Mary's County, Maryland.

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

Carl M. Loffley, Jr.
Carl M. Loffley, Jr.,
President

William E. Bailey, Commissioner
John G. Lancaster
John G. Lancaster, Commissioner

Robert T. Jarboe, Commissioner
Barbara H. Thompson
Barbara Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

Charles H. Wade, Jr.
Charles H. Wade, Jr.
Director of Finance

CERTIFIED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
County Attorney

No. Z91-01
No. Z-90-1216
Subj.: AICUZ Amendments
Cedar Cove PUD and
Properties on Northwest
Corner of Maryland Route
235 and Route 712, and
Patuxent River NAS

RESOLUTION

11:37AM03/15/91D CD.COM \$0.00

WHEREAS, the St. Mary's County Office of Planning and Zoning made application to correct two perceived errors in the designation of the Aircraft Installation Compatible Use Zone (AICUZ) on certain properties located in the Eighth Election District of St. Mary's County, Maryland described as (1) a portion of Patuxent River NAS and those properties located at the corner of Maryland Route 235 and Route 712 (Parcels 9, 97, 112, 118 and 119 on Tax Map 52) zoned RPD or RC/APZ2, and (2) part of the Cedar Cove PUD (Parcel 87 on Tax Map 52) zoned PDR 3.5.

WHEREAS, following publication of notice and written notification of all property owners within two hundred (200) feet of the subject properties by certified mail, the St. Mary's County Planning Commission conducted a public hearing on the application on July 23, 1990.

WHEREAS, following deliberation, the Planning Commission on August 27, 1990, by a unanimous vote, recommended to the Board of County Commissioners of St. Mary's County that (1) the AOA3 designation on the properties described as a portion of Patuxent River NAS and those properties located at the corner of Maryland Route 235 and Route 712 be deleted, and (2) the AOA3 line on either side of the Cedar Cove PUD shown on the official zoning map be extended through the Cedar Cove PUD property.

WHEREAS, The Board of County Commissioners, after publication of notice and written notification of all property owners within two hundred (200) feet of the subject properties by certified mail, conducted a public hearing on the application on October 23, 1990.

WHEREAS, the Board of County Commissioners deliberated on the application at a public meeting on January 29, 1991, and approved the request by a unanimous vote, with the exception that the line extended through the Cedar Cove PUD property would be drawn in a different manner than the standard AOA3 line, and would bear a notation that the line was imposed pursuant to a Development Agreement between the Board of County Commissioners and the property owner dated May 8, 1984 and recorded among the Land Records of St. Mary's County, Maryland at Liber M.R.B. No. 185, Folio 17.

WHEREAS, the Board of 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, make the following findings of fact with respect to the application:

I. Change in the Character of the Neighborhood:

Change in the neighborhood was not raised as an issue in the public hearings on this application, and therefore no findings have been made.

II. Population Change:

From 1980 to 1990, the population in the Eighth Election District has increased from 21,137 to 30,247, representing a growth rate for the period of approximately thirty percent (30%).

III. Adequacy of Public Facilities:

Public Water and Sewer: This area is presently being serviced or anticipated to be served in the near future by central water and sewer.

Streets: The properties are served by Maryland Route 235, and by a County road system which can serve all current and projected development in this area.

Schools: The Board of Education's six-year capital improvement program provides for additions to Green Holly and Park Hall schools. Green Holly's capacity will increase by 180 students in 1992 and Park Hall by 125 students in 1994. Other area schools will have adequate capacity based on the capital improvement program.

Police: Currently, the St. Mary's County Sheriff's Department and Maryland State Police provide adequate security for the area.

Parks: A new state regional park is being designed for the Eighth Election District and will serve this area. Fire and Rescue Services: Rescue service and fire protection provided by the Bay District Volunteer Fire Department should be adequate for these properties.

IV. Present and Future Transportation Patterns:

There should be no substantial change to the existing or future transportation patterns along Maryland Route 235 created by the development of the subject properties. Existing and future levels of service should not be adversely impacted by site-generated traffic. Issues concerning ingress and egress to Maryland Route 235 and the County road system will be resolved at the site plan stage by the Planning Commission.

V. Relation to Comprehensive Plan:

According to the current Comprehensive Plan, the subject property is within the Lexington Park Development District. This area has been designated for future commercial and high-density residential growth, based on the existence of public water, sewer and other infrastructure necessary to support such growth. The requested rezoning would be compatible with the plan.

VI. Fiscal Impact on Government:

The development of the subject properties should not have a negative fiscal impact on County government, when property tax revenues are compared with the level of government services required to support the development.

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

The errors in properly defining the AICUZ boundaries on the subject properties would have restricted their legitimate development. The correction of the AICUZ boundaries on these properties will enable them to be properly developed under the Comprehensive Plan and the Zoning Ordinance.

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

The subject properties will be compatible for development with the existing and proposed developments in the area.

IX. Mistake in Original Zoning:

Evidence was submitted of what appeared to be drafting errors in delineating the AICUZ boundaries for the subject properties at the corner of Maryland Route 235 and Route 712,

and in failing to indicate on the official zoning maps that the AICUZ line on either side of the Cedar Cove PUD should be extended through that property subject to the terms and conditions of the Development Agreement between the County and the property owner.

NOW THEREFORE, BE IT RESOLVED AND ORDAINED by the Board of County Commissioners of St. Mary's County, Maryland this 26th day of FEBRUARY, 1991, that the aforementioned application is hereby GRANTED, and the official zoning maps are to be corrected to reflect the above-mentioned changes in the AICUZ boundaries for the subject properties.

Date of Adoption: 2/26, 1991

Effective Date: 2/26, 1991

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

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

Carl M. Loffler, Jr.
CARL M. LOFFLER, JR.
President

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Robert T. Jarboe
ROBERT T. JARBOE, Commissioner

John S. Lancaster
JOHN S. LANCASTER, Commissioner

Barbara R. Thompson
BARBARA R. THOMPSON, Commissioner

Del. Frank Guy
for zoning

SEP 3 - 1991

EVELYN W. ARNOLD, CLERK

RESOLUTION

WHEREAS, Maryland Bank and Trust Company has made application to amend the St. Mary's County Comprehensive Water and Sewer Plan for certain property located in the Second Election District of St. Mary's County, Maryland containing 15.93 acres of land, more or less, located north of Maryland Route 249 and west of Andover Road, called and known as Cedar Cove Marina. The application requests that the sewer category be amended from S-6 to S-3D. The subject property is shown on Tax Map 61, Block 10 as Parcel 100.

WHEREAS, the St. Mary's County Planning Commission deliberated on the application at its public meeting on November 26, 1990 and December 10, 1990, and voted unanimously to recommend the amendment of the sewer classification from S-6 to S-3D.

WHEREAS, The Board of County Commissioners held a public hearing on the proposed amendment on January 22, 1991, after due publication of notice.

WHEREAS, the Board of County Commissioners deliberated on the proposed amendment at its public meeting on February 12, 1991, and unanimously approved the request, subject to the condition that no Equivalent Dwelling Units (EDU's) shall be approved for the subject property which would violate the Consent Agreement dated November 18, 1986 between the Board of County Commissioners, the St. Mary's County Metropolitan Commission and the State of Maryland Water Management Administration.

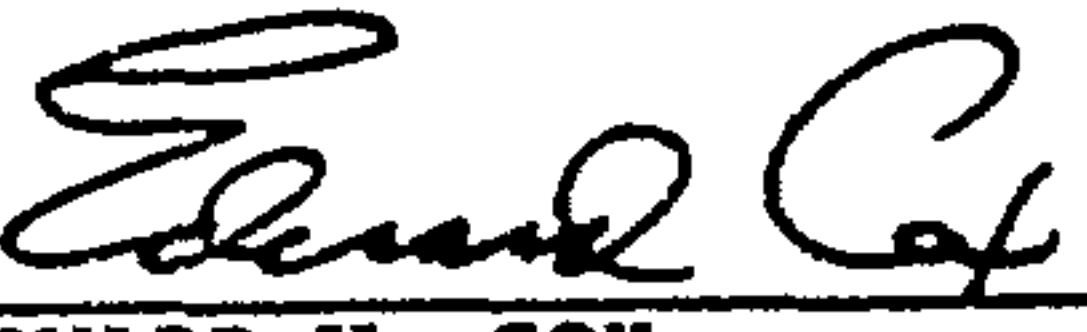
NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to reclassify the subject property from S-6 to S-3D, subject to the condition that no EDU's shall be approved for use by the subject property which would violate the aforementioned Consent Agreement.

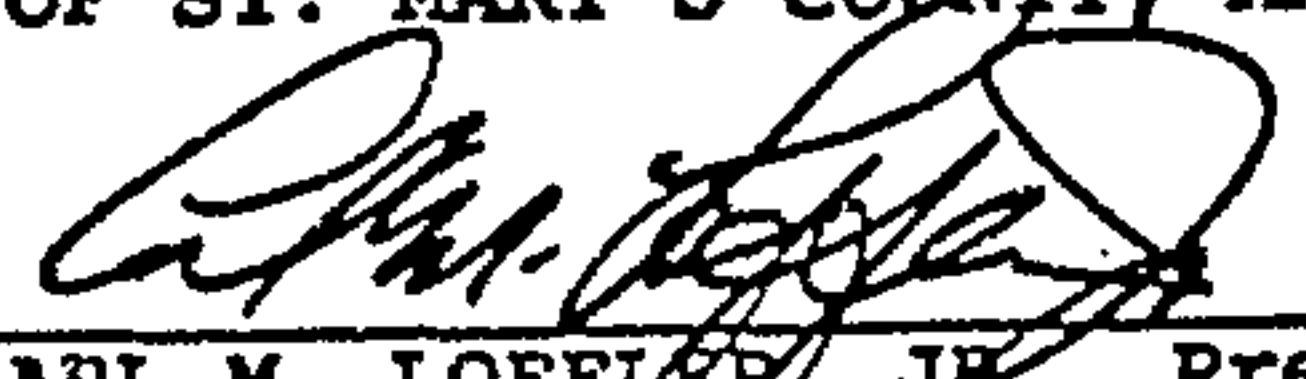
Date of Adoption: March 19, 1991.

3:08PM03/22/91D CO.COM \$0.00

Effective Date: March 19, 1991.

ATTEST:



EDWARD V. COX
County Administrator


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

CARL M. LOEFFLER, JR., President

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:


JOSEPH R. DENSFORD
County Attorney


W. EDWARD BAILEY, Commissioner


ROBERT T. JARBOE, Commissioner


JOHN G. LANCASTER, Commissioner


BARBARA THOMPSON, Commissioner

Del. Trip Guy
P. Zoning

SEP 3 - 1991

EVELYN W. ARNOLD, CLERK

SUBJECT: Admendment to
Wicomico Shores
Special Taxing
District Ordinance
(Amending Ordinance 88-35)

ORDINANCE

10:48AM03/25/910 CO.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.

WHEREAS, the Board of County Commissioners duly enacted Ordinance No. 88-35 on December 27, 1988, creating a special taxing district for the improvement of certain private roads within Sections 1 and 1A of the Wicomico Shores Subdivision in the Fourth Election District of St. Mary's County, Maryland.

WHEREAS, it was the clear intent of Ordinance No. 88-35 that each of the residential lots within Sections 1 and 1A of Wicomico Shores Subdivision be included within the special taxing district as properties to be benefited by the proposed road improvements.

WHEREAS, certain residential lots located in Section 1 were inadvertently omitted from the special taxing district created by Ordinance No. 88-35 specifically, lots 485 through 487, 493 through 499, 568 through 572, 574, and 579 through 583, inclusive, as set forth in Plat 5, Section 1 recorded among the Land Records of St. Mary's County, Maryland at Plat Liber M.R.F. No. 6, Folio 68.

NOW, THEREFORE, be it ordained by the Board of County Commissioners of St. Mary's County, Maryland that Ordinance No. 88-35 is hereby amended to provide that the aforesaid residential lots in Section 1 of Wicomico Shores Subdivision are to be included in the special taxing district for road improvements within said subdivision. In all other respects, Ordinance No. 88-35 shall remain in full force and effect.

Date of Adoption: MARCH 12, 1991.

Effective Date: MARCH 12, 1991.

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

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

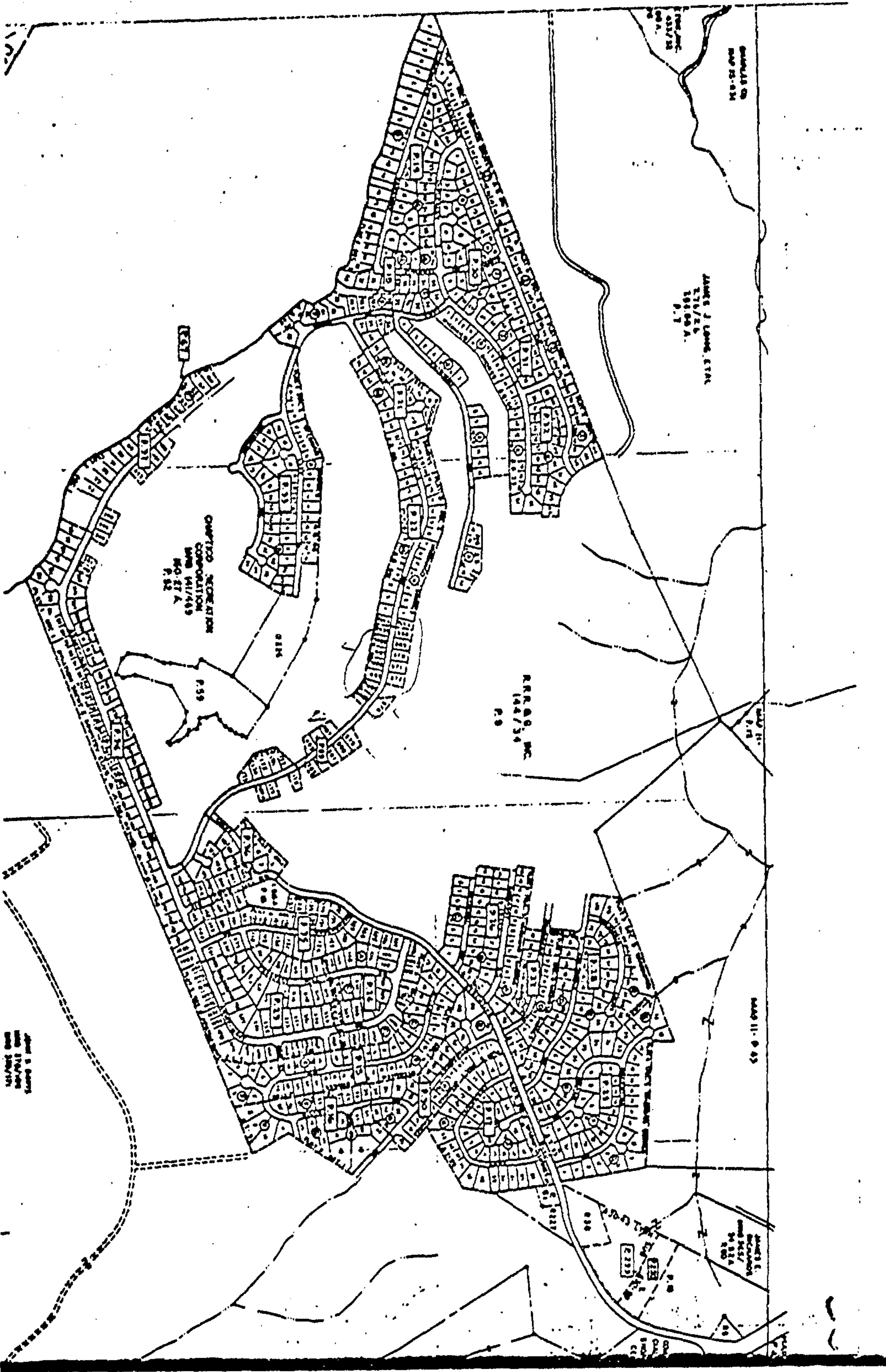
Carl M. Loffler, Jr.
CARL M. LOFFLER, JR., President

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Robert Jarboe
ROBERT JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Barbara R. Thompson
BARBARA R. THOMPSON, Commissioner



Del. Judge Curran (Co. Comm.)

APR 1 - 1991

EVELYN W. ARNOLD, CLERK

RESOLUTION NO: 91-07

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, APPROVING THE DEVELOPMENT OF RENTAL HOUSING AT LEXINGTON PARK TO BE FINANCED BY THE COMMUNITY DEVELOPMENT ADMINISTRATION OF THE STATE OF MARYLAND.

WHEREAS, the Board of Commissioners of St. Mary's County, Maryland, recognizes that there is a significant need for quality housing units in St. Mary's County for families of limited income; and

12:56PM03/28/91 CD.CDM \$0.00

WHEREAS, Henry Thomas Waring proposes to acquire, construct, rehabilitate and/or operate a rental housing project to contain approximately 120 units, known as "Forest Hall Apartments" (the "project") and located at Willows Road, Lexington Park, Maryland; and

WHEREAS, the Community Development Administration ("CDA") of the State of Maryland has received an application package from Henry Thomas Waring to provide capital or operating 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 and, where appropriate, by the chief elected executive official of that locality;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of St. Mary's County, Maryland, hereby endorses the acquisition, construction, rehabilitation and/or operation of the project upon the proposed site; and HEREBY ENDORSES the provision of operating or capital assistance for the benefit of families of lower income in the proposed project; and

BE IT FURTHER RESOLVED that copies of this Resolution be sent to the Secretary of the Department of Housing and Community Development, State of Maryland.

ADOPTION DATE: 3/26/91

EFFECTIVE DATE: 3/26/91

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

Carl M. Loffler, Jr., President

W. Edward Bailey
W. Edward Bailey, Commissioner

Robert T. Jarboe
Robert T. Jarboe, Commissioner

John O. Lancaster
John O. Lancaster, Commissioner

Barbara R. Thompson
Barbara R. Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox, County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford, County Attorney

Ed. Co. Comm.

APR 29 1991 EVELYN W. ARNOLD, CLERK

Resolution No. 91-09
Subj.: Admissions & Amusement
Tax

RESOLUTION

WHEREAS, the General Assembly of Maryland has recodified former Sections 402 to 411 of Article 81 of the Annotated Code of Maryland, the authority under which St. Mary's County's admissions and amusement tax has been levied, into the Tax-General Article of the Annotated Code of Maryland, effective January 1, 1989.

AND WHEREAS, St. Mary's County wishes to conform its resolution levying admissions and amusement tax with the recodified statute.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that Sections 267-6 through 267-9 of Article III, Admissions and Amusement Tax, (Adopted 11-1-72 as Res. No. 72-38) of the St. Mary's County Code (1987 volume) be and the same are hereby repealed and reenacted, with amendments, to read as follows:

Sec. 267-6. Tax imposed.

10:49AM04/11/91D CD.COM \$0.00

Pursuant to the authorization of Section 4-102(a)(1) of the Tax-General Article of the Annotated Code of Maryland, as amended or recodified from time to time, a tax is imposed on the gross receipts derived from any admissions and amusement charged as defined in Section 4-101(b) of the Tax-General Article of the Annotated Code of Maryland, as amended or recodified from time to time, at the rate of two percent (2%).

Sec. 267-7. Exemption.

In addition to the exemptions provided in Section 4-103 of the Tax-General Article of the Annotated Code of Maryland, as amended or recodified from time to time, agencies of St. Mary's County shall be exempt from the tax imposed under Section 267-6.

Sec. 267-8. Deleted.

Sec. 267-9. Deleted.

BE IT FURTHER RESOLVED, that the Comptroller of the Treasury of the State of Maryland be advised of this Resolution.

AND BE IT FURTHER RESOLVED that this Resolution shall take effect on the 9th day of April, 1991.

Date of Adoption: April 9, 1991.

ATTEST:

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

Edward V. Cox
EDWARD V. COX
County Administrator

Carl M. Loffler, Jr.
CARL M. LOFFLER, JR., President

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

Robert T. Jarboe
ROBERT T. JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Barbara R. Thompson
BARBARA R. THOMPSON, Commissioner

Del. Co. Comm.

APR 29 1991 EVELYN W. ARNOLD, CLERK

RESOLUTION

10:50AM04/11/91D CD.COM \$0.00

WHEREAS, Chapter 223, Article III, Section 223-5 of the St. Mary's County Code of Public Local Laws provides for user fees for Office of Planning and Zoning reviews and Department of Public Works reviews and inspections; 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 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 March 8, 1991 and March 13, 1991 issues of The Enterprise, the County Commissioners conducted a public hearing on the proposed fee schedule on March 19, 1991; 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, that the enclosed User Fee Schedule is established and ordered collected 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 are hereby repealed.

Del. Co. Comm.

APR 29 1991

EVELYN W. ARNOLD, CLERK

Enclosure: User Fee Schedule dated

ADOPTION DATE:

April 9, 1991

EFFECTIVE DATE:

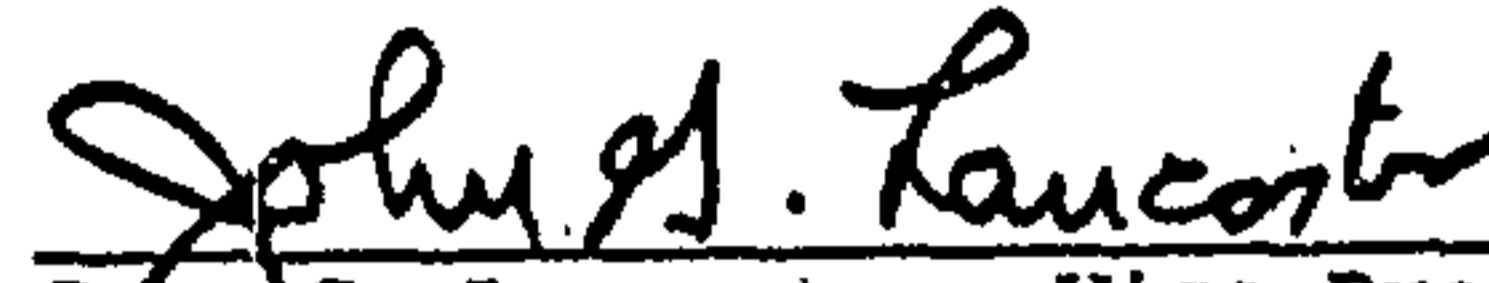
April 10, 1991

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


Carl M. Loffler, President



W. Edward Bailey, Commissioner

Robert T. Jarboe, Vice President


John G. Lancaster, Vice President


Barbara R. Thompson, Commissioner

ATTEST:


Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:


Joseph R. Densford
Assistant County Attorney

APR 29 1991 EVELYN W. ARNOLD, CLERK

SCHEDULE OF FEES FOR ST. MARY'S COUNTY

FEES

1. PLANNING AND ZONING REVIEW AND
PUBLIC WORKS REVIEW AND
INSPECTION FEES

LIBER 007 PAGE 315

A. Basic Subdivision

P&Z Review Fee \$ 110 per lot

B. Minor Subdivision

P&Z TEC Adm. Fee	\$ 380 + \$ 20 per lot
P&Z Review Fee	\$ 750 + \$ 50 per lot
DPW TEC Fee	\$ 140 + \$ 30 per lot
DPW Review Fee	\$ 140 + \$ 30 per lot
DPW Inspection Fee	9% of estimated road construction costs
Total	\$1,410 + \$130 per lot + 9% of estimated road construction costs

Fees are collectible upon application (with the exception of DPW inspection fee, which will be collected upon issuance of a public works agreement for a minor subdivision by DPW). Additional DPW inspection fees of \$60 per reinspection are charged for all reinspections. Minor subdivisions not entailing detailed review of road plans are subject to the Planning and Zoning TEC and review fees for minor subdivisions. Resubmitted plans that do not address all DPW comments are subject to an additional charge of 50% of the DPW review fee.

C. Major Subdivisions

P&Z TEC Adm. Fee	\$ 900 + \$40 per lot
P&Z Review Fee	\$ 460 + \$20 per lot
DPW TEC Fee	\$ 130 + \$10 per lot
DPW Review Fee	\$ 220 + \$20 per lot
DPW Inspection Fee	3% of estimated road construction costs
Total	\$1,710 + \$90 per lot + 3% of estimated road construction costs

Fees are collectible upon application (with the exception of DPW inspection fee, which will be collected upon issuance of a public works agreement by DPW). Additional DPW inspection fees of \$60 per reinspection are charged for all reinspections. Major subdivisions not entailing detailed review of road plans are subject to the Planning and Zoning TEC and review fees for major subdivisions. 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	\$3,410
P&Z Review Fee	\$5,290
Total	\$8,700

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 Adm. Fee	\$1,140
P&Z Review Fee	\$1,260
Total	\$2,400

F. Standard Site Plan

P&Z TEC Adm. Fee	\$ 660 per acre of disturbed area
P&Z Review Fee	\$ 340 per acre of disturbed area
DPW TEC Fee	\$ 150 per acre of disturbed area
DPW Review Fee	\$ 170 per acre of disturbed area
DPW Inspection Fee	\$ 310 per acre of disturbed area
Total	\$1,630 per acre of disturbed area

Fees are collectible upon application (with the exception of DPW inspection fee, which will be collected upon issuance of a grading permit by DPW). Additional DPW inspection fees of \$60 per reinspection 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 a Board of Appeals action, no fee is charged for site plan review.

H. Board of Appeals Actions

Conditional Use	\$ 610
Expansion of Non-conforming Use	\$ 670
Variance to Zoning Ordinance	\$ 340
Appeal	\$ 340

I. <u>Zoning Permit</u>	\$ 10
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2. SIGN ADVERTISEMENT

5 - 32 sq. ft. of sign area	\$ 10
Greater than 32 sq. ft. of sign area	\$20 plus \$10 for each additional increment of 32 sq. ft. thereafter.

For any fees for uses or processes not covered herein, the Planning Director or designee shall equate the fee to the nearest schedule.

3. BUILDING PERMIT FEE SCHEDULE

Structures and 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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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.
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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 large than 144 sq. ft.	No fee
Minimum Building Permit Fee	\$10.00

NOTE:

For any fees for use or structures not covered herein, the Planning Director or designee shall equate the fee to the nearest schedule.

4. CHANGE OF USE

Expansion of Use

The Fee shall be determined by the Planning Director or designee, per schedule of new use.

The fee shall be determined by the Planning Director or designee, 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, Md.

\$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 89-21, August 9, 1989
 Each Residential Dwelling Unit

Road Impact Fee	\$ 200.00 per dwelling unit
Recreation & Parks Facilities Impact Fee	\$ 300.00 per dwelling unit
School Facilities Impact Fee	\$1,500.00 per dwelling unit

8. SALES

Copies of Reference Maps, etc. Fees are computed annually by cost of printing as determined by the Planning Director or designee.

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

<u>Use/Structure</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 per unit
Swimming pools, Commercial	\$10.00
Commercial parking structure and other commercial uses not herein listed as determined by the Planning Director or designee.	\$10.00
Hotels, Motels (Inns)	\$10.00 per structure plus \$3.00 per 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
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April 9, 1991
Page 5 of 5

Del. Co. Comm. APR 29 1991 EVELYN W. ARNOLD, CLERK

Resolution No. W/S 91-04
Subj.: Water and Sewer Plan
Amendment
Laurel Ridge S/D
(SPEC #85-0694)

RESOLUTION

3:31PM04/11/91D CD.COM \$0.00

WHEREAS, Swarey Builders, Inc. has made application to amend the St. Mary's County Comprehensive Water and Sewer Plan for certain property located in the Fifth Election District of St. Mary's County, Maryland containing 333 acres of land, more or less, located on the south side of Golden Beach Road, called and known as Laurel Ridge Subdivision. The application requests that the water category for Sections One, Two and Three be amended from W-6 to W-1, and for Section Four that it be amended from W-6 to W-3D. The subject property is shown on Tax Map 5, Block 1 as Parcels 11 and 33.

WHEREAS, the St. Mary's County Planning Commission deliberated on the application at its public meeting on December 10, 1990, and voted unanimously to recommend the reclassification of the water classifications from W-6 to W-1 for Sections One, Two and Three, and from W-6 to W-3D for Section Four.

WHEREAS, The Board of County Commissioners held a public hearing on the proposed amendment on January 22, 1991, after due publication of notice.

WHEREAS, the Board of County Commissioners deliberated on the proposed amendment at its public meeting on February 12, 1991, and unanimously approved the request.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to reclassify Sections One, Two and Three of the subject property from W-6 to W-1, and Section Four from W-6 to W-3D.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: 3/26, 1991.

Effective Date: 3/26, 1991.

ATTEST:

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

Edward V. Cox
EDWARD V. COX
County Administrator

Carl M. Loffler, Jr., President

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

Robert T. Jarboe
ROBERT T. JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Barbara R. Thompson
BARBARA R. THOMPSON, Commissioner

Handwritten signature

APR 29 1991

EVELYN W. ARNOLD, CLERK

RESOLUTION

3:31PM04/11/91D CD.COM \$0.00

WHEREAS, Thomas Watts and Alva Watson have made application for a major amendment to a previously approved Planned Unit Development (PUD) plan for Phase One and Two of Hunting Quarter, which was designated PDR .92 in November 1983. The proposed amendment would designate Phase Two, containing 96.211 acres, as PDR 2.0, permitting 108 additional residential units to be constructed, as proposed by the applicant. The subject property is located in the Second Election District off of Maryland Route 5 in Callaway. The property is shown on Tax Map 50, Block 16 as Parcel 89.

WHEREAS, following the posting of notice on the subject property, publication of notice and written notification to all property owners within two hundred (200) feet of the subject property by certified mail, the St. Mary's County Planning Commission conducted a public hearing on the application on March 12, 1990.

WHEREAS, following deliberation, the Planning Commission on April 9, 1990, by a unanimous vote, recommended to the Board of County Commissioners of St. Mary's County that the major amendment to the approved PUD development plan be approved, subject to compliance with those conditions set forth in the Staff Report from the Office of Planning and Zoning dated April 9, 1990, and upon the condition that sprinklers be installed in all residential units.

WHEREAS, The Board of County Commissioners, after posting notice on the subject property, publication of notice and written notification to all property owners within two hundred (200) feet of the subject property by certified mail, conducted a public hearing on the application on August 7, 1990.

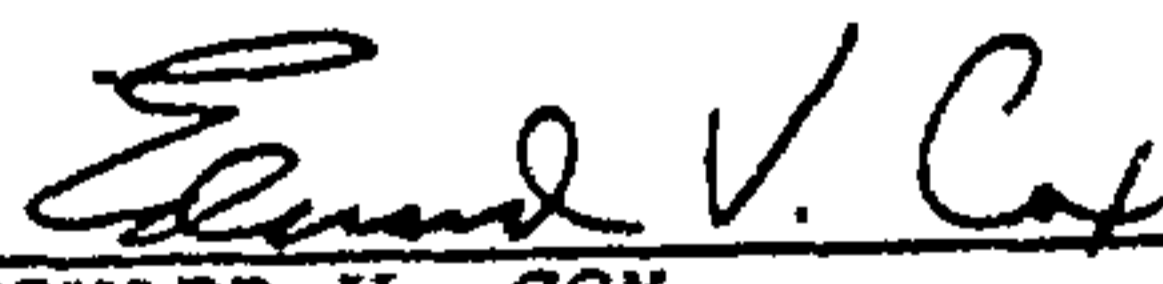
WHEREAS, The Board of County Commissioners held deliberations on the application at a public meeting on September 25, 1990 and approved the request by a unanimous vote.

NOW THEREFORE, BE IT RESOLVED AND ORDAINED this 2nd day of April, 1991 by the Board of County Commissioners of St. Mary's County, Maryland, that the aforementioned application for a major amendment to the approved PUD development plan for the subject property is hereby GRANTED.

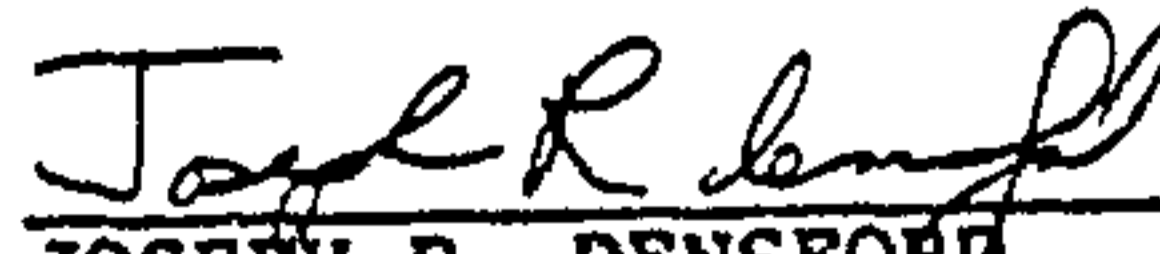
Date of Adoption: April 2, 1991.

Effective Date: April 2, 1991.

ATTEST:


EDWARD V. COX
County Administrator

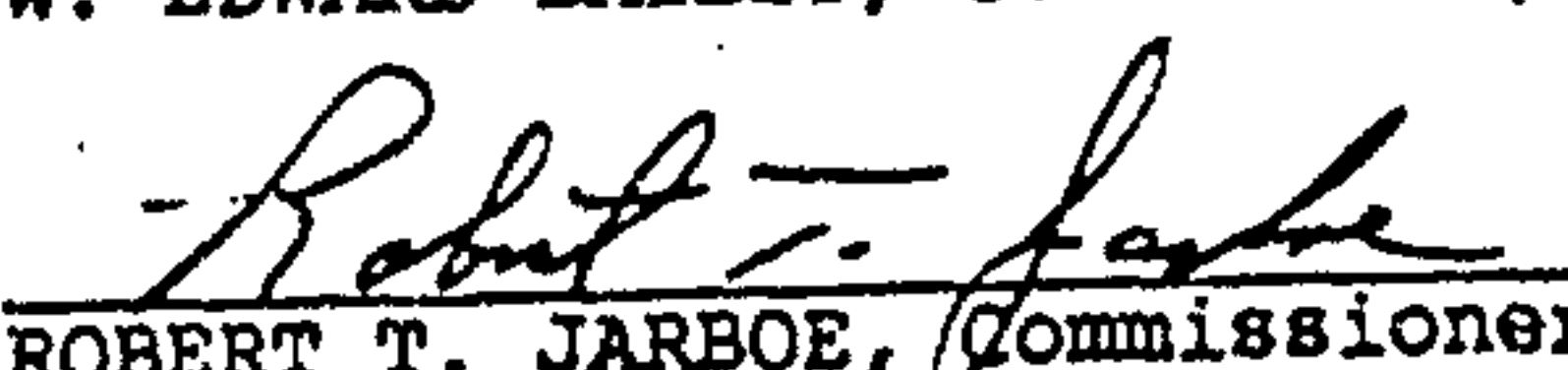
APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:


JOSEPH R. DENSFORD
County Attorney

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


CARL M. LOFLER, JR., President


W. EDWARD BAILEY, Commissioner


ROBERT T. JARBOE, Commissioner


JOHN G. LANCASTER, Commissioner


BARBARA R. THOMPSON, Commissioner

APR 29 1991 EVELYN W. ARNOLD, CLERK

RESOLUTION

12:10PM04/18/91 CC.COM \$0.00

WHEREAS, the Board of County Commissioners adopted Resolution No. 89-21 on August 8, 1989, adopting certain Impact Fees for new residential construction in St. Mary's County, Maryland; and

WHEREAS, under Resolution 89-21, the Impact Fees are payable upon issuance of a building permit; and

WHEREAS, on April 9, 1991, the Suburban Maryland Building Industry Association requested that payment of the Impact Fees be changed from the time of building permit issuance to time of a certificate of use and occupancy issuance due to the current economic climate; and

WHEREAS, after due consideration, the Board of County Commissioners accepted the Suburban Maryland Building Industry Association proposal; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland, that Resolution 89-21 is hereby amended to provide that the Impact Fees are payable upon the earlier of the issuance of any certificate of use or occupancy or one year from issuance of a building permit.

ADOPTION DATE: 4/16/91
EFFECTIVE DATE: 5/1/91

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 T. Jarboe
Robert T. Jarboe, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Barbara R. Thompson, Commissioner

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

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

NO: 91-11

SUBJECT: COMMISSION FOR THE DISABLED

R E S O L U T I O N

12:11PM04/18/91D CD.COM \$0.00

WHEREAS, of a total population of 246 million in the United States, there are more than 40 million people with physical and mental disabilities, one-sixth of our population; and

WHEREAS, the United States Congress on July 26, 1990 passed P.L. 101-336 Americans with Disabilities Act (ADA); and

WHEREAS, on average, people with disabilities have less education, less income, fewer job opportunities and less social contact than those without disabilities; and

WHEREAS, at the beginning of 1990, 8.2 million working-age adults with disabilities who wanted to work were unemployed; and

WHEREAS, a number of organizations in St. Mary's County provide a variety of services for the disabled; and

WHEREAS, there is a need to coordinate the services currently provided, identify gaps in services, and expand opportunities to increase the acceptance, dignity and participation of individuals living with some form of disability.

NOW, THEREFORE, the Board of Commissioners of St. Mary's County, Maryland hereby resolve to establish a Commission for the Disabled;

BE IT FURTHER RESOLVED that:

- (1) The Commission for the Disabled shall consist of at least nine members, who shall be appointed by the Board of County Commissioners. In addition to two citizens at large, the members of the Commission shall include one representative from each of the following organizations: St. Mary's Association for Retarded Citizens, St. Mary's County Developmental Center, St. Mary's Freedom Landing, St. Mary's County Health Department, Office on Aging, Department of Social Services, and Human Relations Commission.
- (2) The members of the Commission shall serve for four years, except as provided in this section, and are limited to two consecutive terms. Of those first appointed, the County Commissioners shall stagger the appointment of new members for periods of one, two, and three years. They shall serve without compensation.
- (3) The Commission shall select from its membership a Chairman, and Vice-Chairman to serve a term of one year and to be eligible for re-election.
- (4) Upon the death, disability, resignation or removal of any member of the Commission, the County Commissioners shall appoint a person to serve for the unexpired term.
- (5) 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.
- (6) The Commission shall meet at least quarterly.
- (7) 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.
- (8) A majority of officially appointed members constitute a quorum.
- (9) The Office of Community Services shall serve as staff to the Commission.

APR 29 1991

EVELYN W. ARNOLD, CLERK

BE IT FURTHER RESOLVED that:

1. The Purpose of the Commission is to increase acceptance and full participation of persons with disabilities in all aspects of county life.


2. The Responsibilities of the Commission include:

- Assuring compliance with the Americans with Disabilities Act and all other federal and state laws and regulations.
- Developing a program of public education to improve attitudes toward persons with disabilities.
- Serving as an official advocate for the disabled to expand educational and employment opportunities; to address transportation needs; to expand participation in recreational, social, religious and cultural activities; and to eliminate barriers at public buildings.

APPROVED THIS DATE: 4/16/91

EFFECTIVE THIS DATE: 4/16/91

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


Carl M. Loffler, President



W. Edward Bailey, Commissioner


Robert T. Jarboe, Commissioner

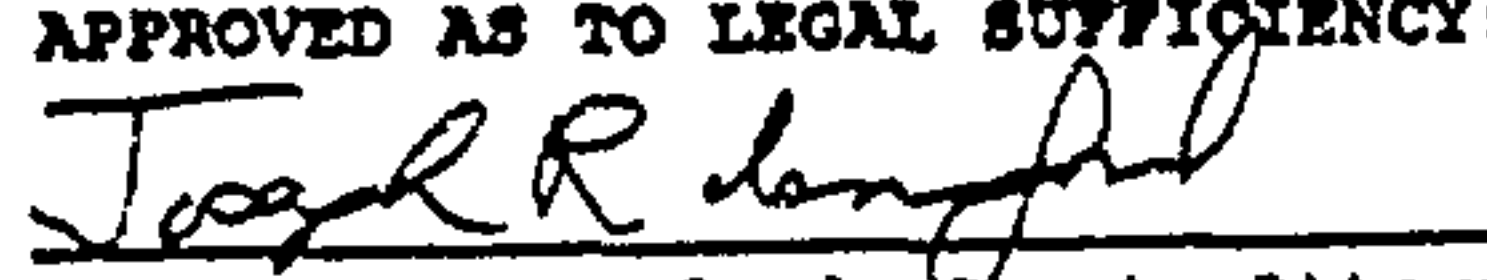

John G. Lancaster, Commissioner


Barbara R. Thompson, Commissioner

ATTEST:


Edward V. Cox, County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:


Joseph R. Bensford, County Attorney

RESOLUTION NO: 91-12

SUBJECT: Law Enforcement Activities
Surrounding Nonviolent Civil
Rights Demonstrations

RESOLUTION

12:12PM04/18/91D CO.COM \$0.00

WHEREAS, St. Mary's County law enforcement officers have exercised, and will continue to exercise, prudence and restraint in dealing with persons engaged in nonviolent civil rights demonstrations; and

WHEREAS, St. Mary's County law enforcement officers have conscientiously enforced, and will continue to conscientiously enforce, all appropriate state and local laws, including those prohibiting the barring of access to or from a facility or location which is the subject of a nonviolent civil rights demonstration; and

WHEREAS, Section 906 of the National Affordable Housing Act of 1990 (Cranston-Gonzalez), added subsection 104(1) to the federal Housing and Community Development Act, provides that no Community Development Block Grant (CDBG) funds may be obligated or expended to any unit of general local government that fails to adopt and enforce a policy:

1. prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individual engaged in nonviolent civil rights demonstrations, or
2. enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of a nonviolent civil rights demonstration within its jurisdiction; and

WHEREAS, the Board of County Commissioners, in furtherance of an application for a CDBG grant, desires to acknowledge its compliance with this requirement.

NOW THEREFORE, BE IT RESOLVED on this 16TH day of April, 1991, as follows:

1. It is the policy of the St. Mary's County Sheriff's Department and the Board of County Commissioners:

a: to use only reasonable, but not excessive, force if an individual engaged in a nonviolent civil rights demonstration is to be taken into custody; and

b: to enforce any and all state and local laws against physically barring entrance to or exit from a facility or location which is the subject of a nonviolent civil rights demonstration; and

SUBJ: LAW ENFORCEMENT ACTIVITIES
SURROUNDING NONVIOLENT
CIVIL RIGHTS DEMONSTRATIONS

2. That a copy of this policy shall be conspicuously posted at the facilities of the St. Mary's County Sheriff's Department and shall be distributed to each member of the agency.

This Resolution shall become effective immediately upon its adoption.

THIS DATE: 4/16/91

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

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

Carl M. Loffler, Jr.
CARL M. LOFFLER, JR., President

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

APPROVED AS TO
LEGAL SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

Robert T. Jarboe
ROBERT T. JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

BARBARA R. THOMPSON, Commissioner

Wayne E. Pettit
WAYNE E. PETTIT, Sheriff of
St. Mary's County, Maryland

APR 29 1991

EVELYN W. ARNOLD, CLERK

Resolution No. W/S 91-05
Subj.: Water and Sewer Plan
Amendment
Meadow Woods
(SPEC #89-1067)

RESOLUTION

2:20PM04/26/91D CD.COM \$0.00

WHEREAS, Harvest Homes, Inc. has made application to amend the St. Mary's County Comprehensive Water and Sewer Plan for certain property located in the Fourth Election District of St. Mary's County, Maryland, containing 165.45 acres of land, more or less, zoned RPD, located on the south side of Bethel Church Road, approximately 1.5 miles of Maryland Route 236, adjacent to Country Lakes, called and known as Meadow Woods subdivision containing 55 single-family lots. The application requests that the water category be amended from W-6 to W-3D. The subject property is shown on Tax Map 12, Block 19, as Parcel 23.

WHEREAS, the Planning Commission conducted deliberations on the application at its public meeting on August 14, 1989. The Planning Commission voted unanimously to approve the water and sewer category change for the subject property from W-6 to W-3D.

WHEREAS, the Board of County Commissioners held a public hearing on the proposed amendment on March 19, 1991, after due publication of notice.

WHEREAS, the Board of County Commissioners deliberated on the proposed amendment at its public meeting on April 2, 1991, and unanimously approved the request.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to reclassify the subject property from W-6 to W-3D.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: April 23, 1991.

Effective Date: April 23, 1991.

ATTEST:

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

Edward V. Cox
EDWARD V. COX
County Administrator

Carl M. Loffky, Jr.
CARL M. LOFFKY, JR., President

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

Robert T. Jarboe
ROBERT T. JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Barbara R. Thompson
BARBARA R. THOMPSON, Commissioner

Del: Co. Comm.

MAY 29 1991

EVELYN W. ARNOLD, CLERK

Subj: Abandonment of County Route 3356; (Fisher's Road)

RESOLUTION 3:56PM05/01/910 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 a portion of County Route 3356, also known as Fisher's Road, be officially abandoned as a public road from its intersection with Maryland Route 5 to its intersection with Mattapany Road, a distance of 2,270 feet.

WHEREAS, the Board of County Commissioners conducted a public hearing on the petition to abandon the aforesaid Fisher's Road on April 9, 1991 and April 23, 1991, following due public notice of such hearing.

WHEREAS, after the consideration of all public comments, information and documentation pertaining to the abandonment of the aforesaid Fisher's Road, the Board of County Commissioners has determined that the public interest will best be 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 Fisher's Road is hereby declared to be officially abandoned.

This Resolution shall take effect upon the transfer of the property to the State of Maryland.

Witness our signatures this 30th day of April, 1991.

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

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
Barbara R. Thompson, Commissioner

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

Subj: Maryland Small Cities
Community Development
Block Grant - Lexington
Park Housing Strategies

RESOLUTION

3:56PM05/01/91D CD.COM \$0.00

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland, recognizes that there is a significant need for quality housing units in St. Mary's County for families of limited income; and

WHEREAS, the St. Mary's County Department of Economic and Community Development has prepared for submission by the Board of County Commissioners an application for a SFY92 Maryland Small Cities Community Development Block Grant in the amount of \$500,000.00 to be used for Lexington Park Eighth Election District Housing Strategies; and,

WHEREAS, the regulations of the Maryland Small Cities Community Development Block Grant require that the legislative body of the jurisdiction pass a resolution authorizing the submission of such application.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of St. Mary's County, Maryland, hereby authorize the submission of the application for a Maryland Small Cities Community Development Block Grant in the amount of \$500,000.00; and,

BE IT FURTHER RESOLVED that Carl M. Loffler, Jr., President of the Board of County Commissioners of St. Mary's County, Maryland, is hereby authorized to execute the Maryland Small Cities Community Development Block Grant application and any other documentation necessary to obtain approval.

AND BE IT FURTHER RESOLVED that this Resolution shall take effect on the 30th day of April, 1991.

Date of Adoption: April 30, 1991.

ATTEST:

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

Edward V. Cox
EDWARD V. COX
County Administrator

Carl M. Loffler, Jr.
CARL M. LOFFLER, JR., President

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

Robert T. Jarboe
ROBERT T. JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Barbara R. Thompson
BARBARA R. THOMPSON, Commissioner

D.W. Co. Comm. MAY 29 1991 EVELYN W. ARNOLD, CLERK

SUBJ: Board of Electrical
Examiners - Rules
and Regulations

RESOLUTION

3:57PM05/01/91D CO.COM \$0.00

Whereas, the Code of St. Mary's County, Chapter 38, provides for a Board of Electrical Examiners to examine and license those who would install electrical wiring and apparatus in existing structures, buildings, outside displays or signs in new construction, alterations or repairs of electrical wiring in such uses; and

Whereas, the Board has the power to adopt rules and regulations for the transaction of business which shall have the full force of law; and

Whereas, the Board has developed, published for public view, and recommended to the Board of County Commissioners a document entitled Rules and Regulations, Board of Electrical Examiners; and

Whereas, The Board of County Commissioners has properly advertised and conducted a public hearing on January 8, 1991 for the purpose of obtaining public comment on the recommended document; and

Whereas, after considering public comments and after careful review the Board of County Commissioners considers the approval and adoption of the recommended document to be in the best public interest.

Now, Therefore, the County Commissioners of St. Mary's County hereby resolve to adopt the Rules and Regulations of the Board of Electrical Examiners (Revised March 1991) a copy of which is attached hereto and is made a part hereof.

ADOPTION DATE: 4/19/91

EFFECTIVE DATE: 4/23/91

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

Barbara R. Thompson
Barbara R. Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox, County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford, County Attorney

RULES AND REGULATIONS

Of the

BOARD
of
ELECTRICAL
EXAMINERS

FOR

ST. MARY'S COUNTY
MARYLAND

(Revised March 1991)

A. ESTABLISHMENT OF BOARD

1. The Code of the Public Laws of St. Mary's County entitled Electrical Examiners dated January 1939, Revised July 1972 and April 1990 established a Board to examine and license those who would install electrical wiring and apparatus in existing structures, buildings, outside displays or signs in new construction, alterations or repairs of electrical wiring in such uses. The "National Electrical Code" as published by the National Fire Protection Association has been adopted as the standard for such work.

B. PURPOSE OF THE BOARD

1. The purpose of this Board is to enforce the Public Laws of St. Mary's County entitled Electrical Examiners (Section 38 of Code of Public Local Law of St. Mary's County) and as may be amended and any additional rules and regulations so adopted by the Board.

2. The Board shall also review all applications for the Master and Restricted Electrician license, administer and grade the examinations and issue new or renewed licenses as required. The Board also prepares and grades homeowner's exams that are administered by the County government.

C. MEETINGS

1. The Board shall regularly meet the first Tuesday of each month in Leonardtown, Maryland. Special meetings will be held as frequently as the proper and efficient discharge of its business shall require. These special meetings will be held at a place and time so designated by the Board.

D. JURISDICTION OF THE BOARD

1. The jurisdiction of this Board shall be over the erection or repair of electric wires or conductors to be used for the transmission of electric current for electric light, heat, and power; or mouldings, ducts, raceways or conduits for the reception or protection of such wires or conductors, or to any electrical machinery, apparatus, devices or fixtures to be used for electric light, heat or power purposes within the boundaries of St. Mary's County, except for Federal

Government property and transmission lines and apparatus owned by SWECC.

B. COMPOSITION OF THE BOARD

1. The Board of Electrical Examiners appointed by the Board of County Commissioners of St. Mary's County shall consist of at least three (3) persons, at least two (2) of which are competent licensed Master electricians. The members of the Board so appointed shall serve for a term as designated by the County Commissioners.

F. DEFINITIONS

1. "Master Electrician" is a person engaged in the business of or holding him/herself out to the public as engaged in the business of installing, erecting and repairing or contracting to install, erect or repair electric wire or conductors to be used for the transmission of electric current for electric light, heat and power purposes; or moulding, ducts, raceways or conduits for the reception or protection of such wires or conductors or to electrical machinery, apparatus, devices or fixtures to be used for electric light, heat or power purposes, or planning, estimating, laying out and supervising such electrical work.
2. "Restricted Electrician" is a person who offers him/herself to the public in the business of installation, repair, or maintenance of low voltage and low energy wiring and circuits as defined in the National Electrical Code.

G. QUALIFICATION FOR EXAMINATION APPLICATION

1. Any person not meeting the requirements for obtaining a St. Mary's County Master or Restricted electrical license via reciprocal or statewide license shall make written request to the St. Mary's County Board of Electrical Examiners for an examination application. Upon receipt of the application the requester shall completely fill out the application and forward with present and past employer, validation of minimum experience requirements.

2. Application shall be mailed along with a \$25.00 examination fee to Board of Electrical Examiners, P. O. Box 653, Leonardtown, Maryland 20650. Check is to be made payable to ST. MARY'S COUNTY GOVERNMENT. This fee entitles the applicant to one (1) examination. The applicant can reapply to take the examination two or more times if failed initially. If the exam is failed three (3) consecutive times, the applicant must wait one (1) year to again be eligible to take the exam.

3. The passing grade for Master or Restricted exam is 70%.

4. Examinations are given at least (2) times a year- January & July.

5. Minimum evidence to satisfactorily support the application shall be as follows:

For Master Electrician:

1. An applicant for examination for a master license shall have been regularly and principally employed or engaged in electrical construction, maintenance, installation, and repair at all type of electrical equipment and apparatus for not less than seven years preceding the date of application, under the direction and supervision of a master electrician, 3 years during which the applicant supervised or was actively in charge of electrical installation work.

2. The Board may credit not more than three (3) years for formal course study or professional training in electrical installation, if, in the opinion of the Board, the study or training provided comparable experience and training otherwise attainable under the supervision of a master electrician or while employed by a government agency.

3. No license shall be granted to any person under the age of 21 years.

For Restricted Electrician:

4. Must have at least four (4) years experience in the general field of electrical equipment, installation and repair. Training in technical schools may be substituted for not more than one (1) year of this requirement. Training and experience must be acquired in seven years preceding this application.

Exams:

5. Any person to be examined for a Master or Restricted license shall have his/her application on file with the Board before the regular Board meeting in the month of the exam. The Board meets the first Tuesday of each month. If the Board has questions regarding validation of experience, additional time will be required to satisfy the experience validation. Along with the exam application the applicant is required to include copies of other licenses held, certificates of training, and notarized copy of experience validation by current and past employers.
6. All examinations will be held in English, will be open book, and will be based on the current edition of the National Electrical Code.
 - a. The Master Electrician exam will cover all major portions of the National Electrical Code applicable to electrical installation work in St. Mary's County. The exam will contain 50 one-point and 10 two-point questions plus 6 five-point problems.
 - b. The Restricted Electrician exam will cover portion of the National Electrical Code applicable to the field to which the license is restricted. The exam will consist of 25 four-point questions.
7. Any person found referring to notes or books other than those provided, or in any other way cheating during an examination will be debarred and will not be eligible for reexamination for at least one year.
8. The Board shall notify all examinees of their score within a reasonable time after the exam.
9. Any person taking the exam and achieving a score of at least 60% will be granted a review of his exam upon receipt of written request by the Board.

H. ISSUANCE OF LICENSES

1. License Renewal - Master and Restricted Electrician Licenses are renewable every two (2) years (in the odd numbered years) by July 1st. Master or Restricted Electricians who are delinquent in renewing their license past July 31st will be charged a \$20.00 penalty. Licenses not renewed by October 1st will be VOIDED.

I. FEES

1. MASTER AND RESTRICTED ELECTRICIAN

Original issuance fee -----\$50.00

Biannual renewal fee -----\$50.00

2. Initial License Issue - Master or Restricted Electrician Licenses will be issued after Board's receipt of application, insurance validation and payment of license fee. Applicants who pass the Master or Restricted exam and who do not request their license be issued within three (3) months after the exam will require re-examination prior to issuance of their license.

3. Cards - Licensed Master and Restricted electricians will be issued wallet size identification cards that shall be carried at all times when performing electrical work in St. Mary's County. Employees of Master and Restricted electricians will be issued identification cards (signed by the licensed electrician and the Board secretary) that shall be carried at all times when performing work under employment by the licensed electrician.

4. Employees - Licensed Master and Restricted Electricians are required to submit a list of employees and social security numbers at the time of license issuance and renewal. Name of new employees shall be submitted to the Electrical Board within two weeks after being employed. The licensed electrician will be given temporary wallet sized cards that will be issued to the new employee. These cards will be valid for one month from start date of employment. The Board will issue

permanent employee cards for those names of new employees submitted by the licensed electrician. Failure of the licensed electrician to submit and maintain current list of employees on file with the Board will be just cause for revocation of or temporary suspension of license.

5. Bond Requirements - No bond is required by electricians in St. Mary's County.

J. RECIPROCAL LICENSES

Maryland House Bill No. 501, titled, "Reciprocity for Electrical License," effective 1 July 1976, codified as Article 56, Section 321, Annotated Code of Maryland, entitles eligible persons holding active Electrical Licenses in Maryland, upon request, to receive a reciprocal license in another County or City of this State without an examination. To be eligible for a reciprocal electrical license, a person must be a resident of this State or have a principal place of business legally established in this State; have no current record of violations of regulations or have a suspended license; and who, immediately prior to applying, has held his license for more than one year, if received after an examination or two years if received by the grandfather clause. Each application for reciprocal license must include a letter from the Maryland Electrical Board with whom he is now holding a valid license, and a letter from the Inspection Authority having jurisdiction. Reciprocal license fees are same as for licenses obtained by examination.

A St. Mary's County Electrician license holder who meets the requirements of House Bill No. 501 can apply for reciprocal licenses in another County or City by the following:

- (1) Request letter from Middle Department Inspection Agency validating license is free of violations.
- (2) Request letter from St. Mary's County Board of Electrical Examiners validating license is free from violations and stating type license and how license was obtained
- (3) Request required application forms from County or City from which reciprocal license is being requested.

K. STATEWIDE LICENSE

Any person holding a valid Maryland Statewide Master Electrician License can obtain a St. Mary's County Master Electrician License by submitting a copy of his/her statewide license, insurance validation, photocopy of state driver's license, and payment of the \$50.00 license fee.

L. RULES AND REGULATIONS

1. All correspondence that requires Board action shall be made in writing to the Board.
2. No license shall be granted to any company, firm or corporation.
3. A company, firm or corporation may be represented by more than one duly licensed Master Electrician at any one time.
4. No duly licensed Electrician shall represent more than one firm, company, or corporation at any one time.
5. Should any person holding a Master Electrician License desire to SHELVE his or her license with the Board shall, upon written request and payment of license fee, be granted. Any Licensed Electrician whose License is SHELVED with the Board, and so notified the Board in writing, his or her license shall be returned provided no violations exist against the rules of the Board.
6. A Licensed Electrician holding a license, shelved with the Board, shall be granted a renewal of said license provided application and fee for renewal is made to the Board before 1 July of the said year.
7. All electrical inspections in St. Mary's County shall be done by the Middle Department Inspection Agency (MDIA) in accordance with the agreement of 5 November 1975, between the MDIA and the St. Mary's County Commissioners.
- 7a. An application must be filed to the Middle Department Inspection Agency for all electrical work performed in St. Mary's County.

8. All electrical work being performed in St. Mary's County must be supervised by either the Master or Restricted electrician.
9. The Middle Department Inspection Agency shall notify the Board in writing of any outstanding violations over 60 days. The Board upon receipt of notification from the MDIA of any violations outstanding for 60 days shall take appropriate action according to the Public Laws and/or Rules and Regulations governing the said Board.
10. The Board shall by written notice to the MDIA and SMECO give the names of all new, renewed, revoked or shelved licenses issued by said Board.
11. The Board shall give a written notice to the MDIA of any changes or additions to the Board's rules and regulations.
12. In the event of death of a Master Electrician holding the license for a firm, company or corporation, the survivors shall make written application to the Board for a temporary license. The Board may issue a 180-day temporary license to a qualified member so designated to represent the firm, company or corporation upon a successful oral exam given by at least two members of the Board. This 180-day temporary license shall only be used to complete the work already in progress within the boundaries of St. Mary's County. In order for the firm, company, or corporation to contract for new electrical work within St. Mary's County, its representative must complete an application for examination and obtain a grade of at least 70% or obtain license by reciprocity. The Board will have the authority to waive or amend this rule as individual circumstances may require.
13. No licensed contractor, licensed with this Board, shall file for an inspection permit on any electrical work not personally supervised or contracted by him. Penalty for violation of this rule may cause revocation or suspension of the current license of said Master or Restricted Electrician.

14. All persons holding a Master's or Restricted Electrician License shall display same in a conspicuous place in the office or place of business of the licensee. The licensee shall also display on his/her business vehicle the license number and the name under which they are trading.

15. A licensee with a Master or Restricted license shall not change his/her business name or "trading as" more than one (1) time during a twelve (12) month period.

16. A licensee may commence work on another licensee's work under one or more of the following conditions:

- a. The original licensee has withdrawn from the work and has sent written notice to the Board and the Electrical Inspector.
- b. The original licensee has been formally removed from the work by the Board.
- c. The original licensee has defaulted. The Board can authorize a new licensee to complete the electrical work.
- d. The property owner defaults and property is transferred to a new owner. The new owner must give written notice to the Board explaining the details of the transfer.
- e. The general contractor defaults and the owner wishes to have a different licensee complete the work. The owner must give written notice to the Board explaining the circumstances before electrical work can commence.

17. A licensed Master Electrician may not use his license of Master Electrician merely as a front to permit a person not licensed as a Master Electrician in St. Mary's County to engage in the business of Master Electrician in St. Mary's County or to perform any of the kinds of work which a Master Electrician may perform.

18. The licensee is responsible that all work done by him/her or under his/her license be done in a neat and workmanship manner and in accordance with the rules of the National Electrical Code and the St. Mary's County Board of Electrical Examiners.

19. Revocation or Suspension of License - The Board shall have the power to revoke, suspend, or refuse to renew the license of any licensee who shall be found guilty of any one or more the the following:

- a. Fraud or deceit in obtaining a license.
- b. Aiding, abetting or knowingly combining or conspiring with any person with the intent to evade the provisions of these rules.
- c. Willful and deliberate violation of the National Electrical Code and laws of the County or State of Maryland.
- d. Abandonment or willful failure to perform, without justification, any contract for electrical installation or willful deviation from or disregard of plans or specifications in any material respect without consent of the other party to the contract.
- e. Failure in any material respect to comply with the provisions of these rules and regulations or other appropriate laws and failure to correct promptly, upon notice, any failure to comply with the National Electrical Code or laws of the County and State.
- f. Diversion of funds or property received for a specified purpose in the prosecution or completion of any construction project, or operation and their application or use for any other project or operation, obligation or purpose with intent to defraud or deceive creditors or the parties to the contract.

20. Appeals - Any person who feels aggrieved by any action of the Board in denying, revoking, or failing to re-issue his/her license may appeal therefrom within thirty (30) days to the Circuit Court of St. Mary's County. The decision of the Board shall be prima facie correct and the burden of proof shall be on the appellant to show that the Board acted contrary to law, fraudulently, arbitrarily or capriciously. The appellant shall be heard on the records and proceedings of the Board, which shall be certified to the Court by the Board within fifteen (15) days after service on the Board of a notice to appeal. The Court shall, in its absolute discretion, permit the appellant or the Board to present any evidence that the Court shall deem relevant. The Court may affirm, reverse or modify the decision of the Board and the decision of the Court shall be final.

21. Smoke Detection System - In addition to the Master Electrician License required to install the outlet for Smoke Detectors, a special license is required for the Smoke Detector Installation, repair or sales.

This special License is obtained from the:

Office of the State Fire Marshal

State Office Building

301 W. Preston Street

Baltimore, Maryland 21201

After July 1, 1978 each dwelling unit within existing hotels, and multi-family building of ten units or more are required to have Smoke Detection Systems installed.

22. Mobile Home Additions - For additions to mobile homes without the State approved certificate the feeder branch circuit and wiring in the addition must be separate. For mobile homes with the approved Maryland certificate and prior approval granted by the Electrical Inspector the branch circuits can be an integral part of existing trailer wiring.

Del. Co. Com.

MAY 29 1991

EVELYN W. ARNOLD, CLERK

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 November 24, 1987 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

10:14AM05/24/91D CO.COM \$0.00

On November 24, 1987, the County Commissioners of St. Mary's County (the "County") adopted its Resolution (the "Authorizing Resolution") authorizing the issuance and sale of \$5,000,000 County Commissioners of St. Mary's County Public Facilities Bonds of 1987 dated December 1, 1987 (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 11 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 \$ 62,857 of the proceeds of the Bonds to finance all or a portion of the costs of certain projects listed on Schedule A attached hereto.

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 November 24, 1987 (the "Authorizing Resolution") authorizing the issuance and sale of \$5,000,000 aggregate principal amount of County Commissioners of St. Mary's County Public Facilities Bonds of 1987, dated December 1, 1987 (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 \$ 62,857 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 21ST day of MAY, 1991.

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 T. Jarboe
Robert T. Jarboe
Commissioner

John G. Lancaster
John G. Lancaster
Commissioner

Barbara R. Thompson
Barbara R. 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 FORM AND LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
County Attorney

Description of Additional Projects Authorized
to be Financed with the Proceeds of the County
Commissioners of St. Mary's County Public
Facilities Bonds of 1987.

Dynard Elementary Addition	\$ 62,857
Total	<u>\$ 62,857</u>

Ret. to Comm. (Judith Lanham)

RESOLUTION NO.: 91-17

SUBJECT: 1991-1992 Operating and Capital Budgets, Fire and Rescue Capital Revolving Fund, Special Assessments Fund, Recreation and Parks Enterprise Fund, Wicomico Shores 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 \$67,605,897; the Capital Budget in the amount of \$15,549,284; the Fire and Rescue Capital Revolving Fund in the amount of \$ -0- ; the Recreation and Parks Enterprise Fund in the amount of \$313,146; the Wicomico Shores Enterprise Fund in the amount of \$874,151; the Special Assessment Fund in the amount of \$95,702; and the County's Property Tax Rate is hereby assessed at \$2.32 per \$100.00 of assessed valuation.

12:23PM 06/05/91 CO.COM \$0.00

THIS DATE:

May 28, 1991

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

Carl M. Loffler, President

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

John G. Lancaster, Commissioner

Barbara 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
County Attorney

RESOLUTION NO: 91-18

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 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, 1991, as follows:

Election District 1	\$.09
Election District 2	\$.05
Election District 3	\$.06
Election District 4	\$.11
Election District 5	\$.11
Election District 6	\$.11
Election District 7	\$.11
Election District 8	\$.11
Election District 9	\$.05

12:23PM 06/05/91 DD.COM \$0.00

THIS DATE:

May 28, 1991

BOARD OF COUNTY COMMISSIONERS OF
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

Barbara B. Thompson
Barbara Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
County Attorney

NO: 91 - 19

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

ORDINANCE 10:59AM06/06/91D CO.COM \$0.00

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 (Chapter 513 of the Acts of 1979) which has become Article 40A of the Annotated Code of Maryland; 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, November 12, 1986, and October 13, 1987; 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 April 16, 1991.

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 June 4, 1991.

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 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.

ST. MARY'S COUNTY PUBLIC
ETHICS ORDINANCE

PAGE 2 OF 13

Whenever used, the word "shall" is mandatory and the word "may" permissive.

"Business entity" means 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 \$3,500 or more, of county or county-controlled funds; or
- B. Being registered as a lobbyist in accordance with Section 8 of this Ordinance; or
- 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.

"Honoraria" means an unsolicited payment of money or anything of value be collected to a person for services rendered for which fees cannot legally or are not traditionally paid.

"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 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.

ST. MARY'S COUNTY PUBLIC
ETHICS ORDINANCE

PAGE 4 OF 13

- B. This 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 accordance 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 accordance 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 is 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.

ST. MARY'S COUNTY PUBLIC
ETHICS ORDINANCE

PAGE 6 OF 13

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, and
 2. Significantly reduce the availability of qualified persons for public service, and further
 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 business 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;

ST. MARY'S COUNTY PUBLIC
ETHICS ORDINANCE

PAGE 7 OF 13

- 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 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 of 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;

ST. MARY'S COUNTY PUBLIC
ETHICS ORDINANCE

PAGE 8 OF 13

- 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 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 or speaking engagement at the meeting;

ST. MARY'S COUNTY PUBLIC
ETHICS ORDINANCE

PAGE 9 OF 13

- 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.

ST. MARY'S COUNTY PUBLIC
ETHICS ORDINANCE

PAGE 10 OF 13

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
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 of Finance
15. Personnel Officer
16. Procurement Officer
17. Director, Department of Public Works
18. Director, Economic and Community Development
19. Director, Office on Aging
20. Director, Emergency Management Agency
21. Director, Planning and Zoning
22. Director, Recreation and Parks
23. Chief, Inspection and Enforcement
24. Plumbing Inspector
25. Director, Office of Community Services
26. St. Mary's County Ethics Commission
27. Building Authority 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 is appointed to fill a vacancy in a position now or hereafter listed in subsection A. Hereof, and who has not already filed the required statement shall, within thirty (30) days following the date on which such appointment becomes official, file a financial disclosure statement containing the required information for the twelve-month period immediately preceding the official appointment date.

D. (1) Any official or employee who leaves an office identified in Subsection A. for any reason, except the official's death, shall within thirty (30) days after the departure date file a financial disclosure statement covering any period or periods for which the official or employee has not filed such a statement, including all required information up to the date of departure.

(2) An official or employee who leaves one office identified in subsection A. hereof for another such office shall not be required to file a financial disclosure statement in accordance with subparagraph (a) above if the official or employee has filed the currently required statement in the former position or 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 before a notary public by the person required to file and shall disclose the following information concerning the interests of said person:

1. INTERESTS IN REAL PROPERTY:

- (A) A listing of all real property, wherever located, in which the person has an interest, including the location of the property by either street address, mailing address or otherwise, and also including its size in acres, or square footage or its dimensions; and
- (B) The nature of the property (whether residential, commercial, industrial, etc.) And the extent of the interest held, including any conditions thereto and encumbrances thereon; i.e., Mortgages, liens, life estate, reversionary interest, etc; and
- (C) The identity of any other person with an interest in the property.

2. INTERESTS IN BUSINESS ENTITIES

The name and address of all business entities in which a financial interest was held at any time during the reporting period, whether or not the business entity does business with the county;

- 3. 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.

ST. MARY'S COUNTY PUBLIC
ETHICS ORDINANCE

PAGE 12 OF 13

4. 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.
 5. 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.
- 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 lobbies 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.

ADOPTED THIS DATE: June 4, 1991
 EFFECTIVE THIS DATE: June 4, 1991

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

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

BOARD OF COUNTY COMMISSIONERS
 ST. MARY'S COUNTY, MARYLAND
Carl M. Loeffler
 Carl M. Loeffler, Jr., President
W. Edward Bailey
 W. Edward Bailey, Commissibner
Robert T. Jarboe
 Robert T. Jarboe, Commissioner
John G. Lancaster
 John G. Lancaster, Commissioner
Barbara R. Thompson
 Barbara R. Thompson, Commissioner

AN ORDINANCE AMENDING COMPREHENSIVE ZONING REGULATIONS FOR ST. MARY'S COUNTY, MARYLAND, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 66B OF THE ANNOTATED CODE OF MARYLAND AS AMENDED,

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 deems it necessary for the purpose of promoting the health, safety, morals and general welfare of St. Mary's County to enact such an ordinance, and

WHEREAS, the Board of County Commissioners, pursuant to the provisions of Article 66B of the Annotated Code of Maryland, as amended, have appointed a Planning Commission to recommend the boundaries of the various zoning districts and appropriate regulations to be enforced therein, and

2:19PH06/21/91A CO.COM \$0.00

WHEREAS, on January 30, 1991, following due public notice, the Planning Commission held a public hearing on administrative amendments to the Comprehensive Zoning Ordinance and submitted its recommendations to the Board of County Commissioners, and

WHEREAS, the Board of County Commissioners gave due public notice of a hearing relating to the administrative amendments to the Zoning Ordinance and on April 30, 1991 held such public hearing thereon, and

WHEREAS, the Board of County Commissioners effected certain modifications to the Planning Commission report in response to testimony and evidence offered at the April 30, 1991 public hearing, and

WHEREAS, all requirements of Article 66B of the Annotated Code of Maryland, as amended, with regard to the preparation of the recommendation of the Planning Commission and subsequent action of the Board of County Commissioners have been met.

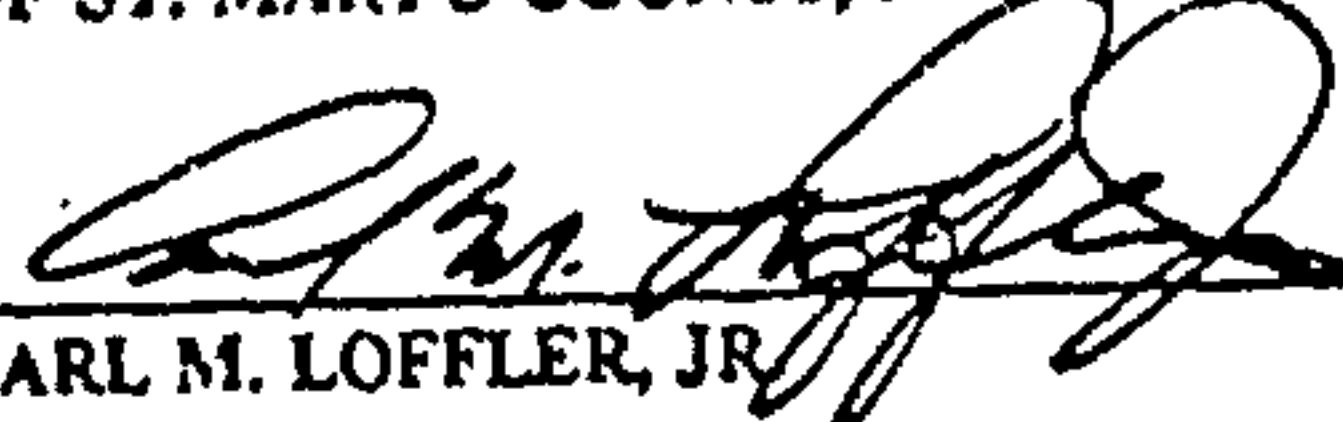
NOW, THEREFORE, BE IT RESOLVED AND ORDAINED, by the Board of County Commissioners of St. Mary's County, Maryland, as follows:

- 1) That said amended regulations, restrictions and zoning districts as reflected in the report dated April 2, 1991 prepared by the Office of Planning and Zoning and the Planning Commission, together with the modifications set forth in a Memorandum dated May 13, 1991 from the Director of the Office of Planning and Zoning to the Board of County Commissioners, are incorporated herein by reference and approved.

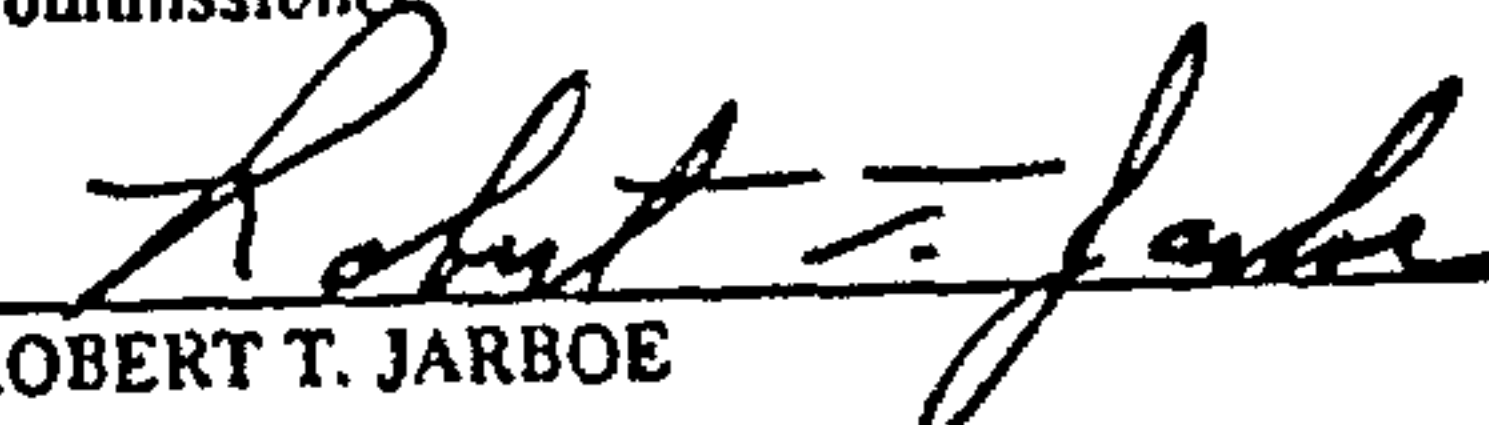
- 2) That this ordinance shall take effect on June 24, 1991.

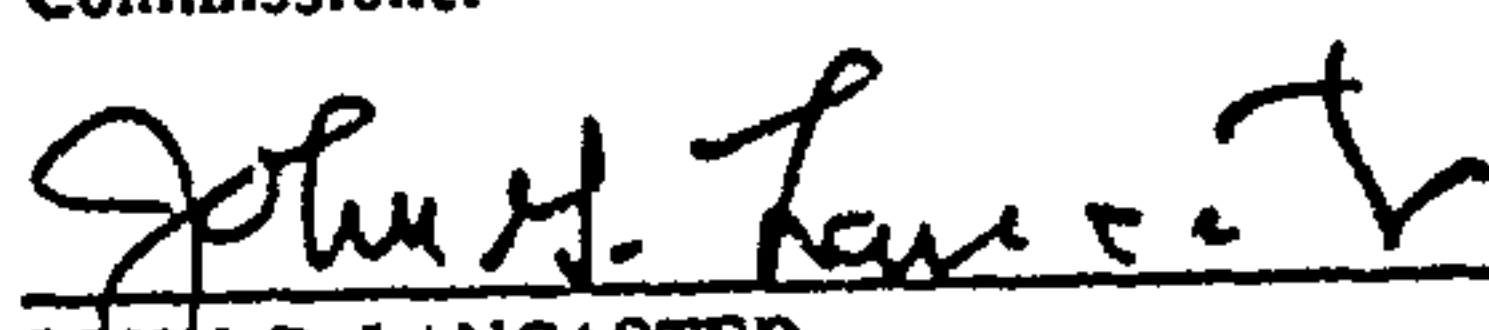
Adopted this 11th day of June, 1991.

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


CARL M. LOFFLER, JR.
President

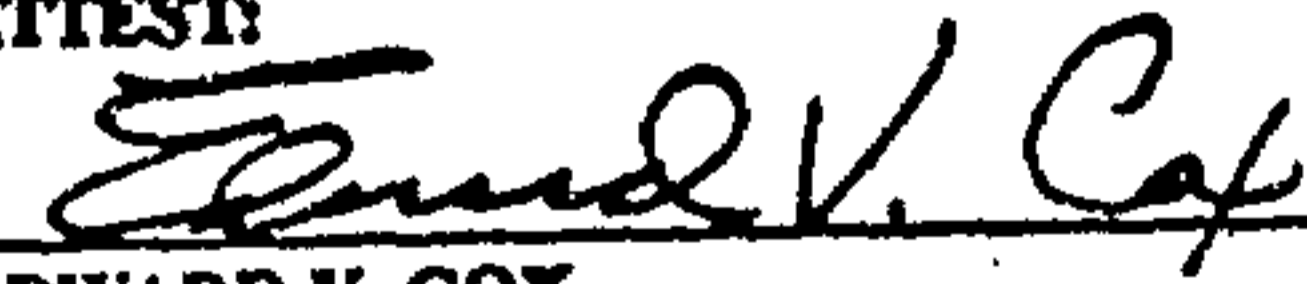

W. EDWARD BAILEY
Commissioner


ROBERT T. JARBOE
Commissioner



JOHN G. LANCASTER
Commissioner


BARBARA THOMPSON
Commissioner

ATTEST:


EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:


JOSEPH R. DENSFORD
County Attorney

Zoning Ordinance Amendments
Adopted June 4, 1991
Effective June 17, 1991

LSER 007 PAGE 363

ARTICLE I

10.00 GENERAL PROVISIONS

...

10.09 (RESERVED)

...

ARTICLE III

SCHEDULE OF DISTRICT REGULATIONS

...

32.01 RPD RURAL PRESERVATION DISTRICT

...

2. PERMITTED USES

...

- g. Single family dwellings and two-family dwellings not to exceed a density of one (1) dwelling unit per three (3) acres subject to performance standards contained in APPENDIX 1 and subject to the provisions for density in SUBSECTION 6. General Requirements. Mobile homes are subject to SECTION 41.02.

...

7. SPECIAL REQUIREMENTS

...

- c. One additional dwelling unit of density for parcels less than six acres but greater than or equal to two acres in size may be accorded to the owners of such parcels who would provide home sites for immediate family members.

...

33.00 RESIDENTIAL DISTRICTS

...

2. GENERAL REQUIREMENTS FOR RESIDENTIAL DISTRICTS

...

b. Signs

Signs in residential districts shall be classified and permitted in accordance with the regulations contained in ARTICLE 5, SECTION 58.00. but shall be limited to activity occurring on site.

Zoning Ordinance Amendments
 Adopted June 4, 1991
 Effective June 17, 1991

- ...
- d. Site plan approval shall be required for all principal uses except for single family detached dwellings.
- ...

Table 33.05 - AREA, BULK AND DENSITY REQUIREMENTS
 See also APPENDIX 1

Minimum Lot Area and Dimensions*

Area	2,000 sq. ft.
Width	35
Depth	60
Frontage	35

Minimum Yard Requirements*

Front	25
Side	15
Rear	20
Maximum Height	45

Maximum Density / Intensity*

Base	10 d.u./acre
With Community Sewer/Water and TDR	15 d.u./acre
F.A.R. For Nonresidential Uses	0.3

Minimum Tract*

None

Minimum Landscape Ratio*

.15

Minimum Open Space Ratio*

None

- For single-family, detached development only. For single-family, attached, townhouse and multi-family design standards see Article 5.
- ...

Zoning Ordinance Amendments
Adopted June 4, 1991
Effective June 17, 1991

34.01 CL LIMITED COMMERCIAL DISTRICT

...

3. USES PERMITTED SUBJECT TO ARTICLE 5

...

- a. Child care centers (day care centers).

...

34.02 CVC VILLAGE CENTER COMMERCIAL DISTRICT

...

3. USES PERMITTED SUBJECT TO ARTICLE 5

...

- a. Child care centers (day care centers).

...

TABLE 34.02 - AREA, BULK AND DENSITY LIMITS

...

34.03 C GENERAL COMMERCIAL DISTRICT

...

2. PERMITTED USES

...

c.

...

- (10) Fuel or heating oil sales provided that no more than 10,000 gallons are stored on premises.

Zoning Ordinance Amendments
Adopted June 4, 1991
Effective June 17, 1991

...

3. USES PERMITTED SUBJECT TO ARTICLE 5

- a. Child care centers (day care centers).

...

38.02 CRITICAL AREA (CA) OVERLAY DISTRICT

...

2. APPLICABILITY

All lands within 1,000 feet of the heads of tides and state or private wetlands comprise the "critical area" and are hereby subject to the restrictions and requirements of this critical area overlay zoning district in addition to the restrictions and requirements of the applicable underlying zoning districts. Particularly, all zoning districts which extend to the shoreline are overlaid by the regulations of said Ordinance No. 90-02. Residential densities within the critical area shall be at a rate of one unit per 20 acres within the Resource Conservation Area (RCA) and as permitted by the intensity of the underlying zoning district for Intensely Developed Areas (IDA) and Limited Development Areas (LDA).

...

38.05 PLANNED UNIT DEVELOPMENTS

...

2. CONDITIONS

Rezoning to PLANNED UNIT DEVELOPMENT will be permitted only in accordance with a development plan which is recommended by the planning commission and approved by the board of county commissioners in accordance with the procedures and standards contained within this SECTION and ARTICLE 5.

...

5. LOCATION WITHIN PARENT ZONING DISTRICTS

In order to further the purposes and intent of the comprehensive plan, the following regulations shall guide the location of planned developments within the respective parent zoning districts which are established in ARTICLE 3 of this ORDINANCE. No PLANNED UNIT DEVELOPMENT district shall be created in parent zoning districts unless in accordance with Table 38.05.05 below.

...

11. REGULATIONS FOR PUDR, PLANNED UNIT DEVELOPMENT RESIDENTIAL

a. PERMITTED USES

The permitted uses within PLANNED UNIT DEVELOPMENT Residential districts shall be in conformance with the uses permitted in the following zoning districts subject to the provisions of Sec. 38.05.5: all residential districts and the CL district. Community piers and other related non-commercial boat docking and storage facilities are permitted. Retail commercial uses designed to serve only the needs of the residents of the PLANNED UNIT DEVELOPMENT Residential district in which they are located may be permitted provided:

...

15. REGULATIONS FOR PUD-CM COMMERCIAL MARINE PLANNED UNIT DEVELOPMENT (PUD-CM)

The PLANNED UNIT DEVELOPMENT Commercial Marine district, hereinafter called PUD-CM, is defined for the purpose of these regulations as planned developments of commercial docking, and waterfront sales, storage and processing of finfish and shellfish products harvested from the Chesapeake Bay and its tributaries, and for the launching, docking, storage, fueling, sanitary servicing and repair of the boats which are incidental to fisheries. It is further the purpose of the PUD-CM district to provide for those locations where a full range of marina services can be readily provided with minimal impacts on the surrounding areas.

...

Zoning Ordinance Amendments
Adopted June 4, 1991
Effective June 17, 1991

ARTICLE IV
SUPPLEMENTARY DISTRICT REGULATIONS

40.04 YARD REQUIREMENTS

3. (RESERVED)

Table 40.05.5D

REQUIRED BUFFERYARD FROM MAJOR TRANSPORTATION ROUTES

6. BUFFERYARD REQUIREMENTS.

Illustrations graphically indicating the specification of each bufferyard are contained in APPENDIX 3.

40.09 SCHEDULE OF LOT DIMENSIONS, YARD REQUIREMENTS, COVERAGE AND DENSITY

40.10 ADEQUATE FACILITIES

1. Application

- a. This section does not apply to residential subdivisions for three or fewer single family residential dwelling units.
- b. Compliance with adequate facilities provisions herein is required prior to final subdivision plan approval and/or final site plan approval. The planning commission shall not approve a final subdivision plan or final site plan unless the planning commission first determines that the proposed development complies with this SECTION.

Zoning Ordinance Amendments
Adopted June 4, 1991
Effective June 17, 1991

- c. For subdivisions, adequacy determinations shall be administered at preliminary plan review except for stormwater management which will be determined at final approval. For the purposes of this SECTION, approval of a preliminary plan by the Planning Commission shall be based on a finding that adequate facilities will be available to serve the new development. Such finding shall vest said subdivision for final approval under this SECTION. Prior to subdivision recordation, all necessary legal arrangements and financial guarantees required under this SECTION shall be executed.
- d. For site plans, adequacy determinations shall be administered at final site plan review. Approval of a final site plan by the Planning Commission shall be based on a finding that adequate facilities will be available to serve the new development. Prior to signature approval of any site plan approved by the Planning Commission, all necessary legal arrangements and financial guarantees required under this SECTION shall be executed.
- e. For water dependent facilities, including marinas, where approval of a Concept Development Site Plan is required by the Zoning Ordinance, adequacy determinations may be made by the Planning Commission at the time of Concept Development Site Plan approval. Said determinations shall vest the site for final approval under this SECTION for a period not to exceed two (2) years from the date of Planning Commission approval of the Concept Development Site Plan.
- f. The applicant shall submit with any preliminary subdivision plan or Concept Development Site Plan per (e.) above or final site plan, information and data required by this SECTION, and any other information requested by affected agencies, which will assist the determination of the proposed development's expected impact[s] on adequate facilities.
- g. Notwithstanding adequate facility requirements prescribed for Planned Unit Developments per Section 38.05 and for other properties rezoned in accordance with Article 7, all properties involved in zoning amendments shall be subject to the provisions of this SECTION during the subdivision and/or site plan approval processes.

...

41.01 ACCESSORY BUILDINGS AND USES

...

6. Electrical distribution lines (carrying less than 69 kv) and associated facilities, including but not limited to accessory outbuildings of less than 5,000 sq. ft., public utility substations, water towers and other public utility facilities may be allowed in any zoning district.

...

7.

...

e. Accessory buildings which are not a part of the principal structure, although they may be connected by an open breezeway, may be constructed in a rear or side yard, provided such accessory building does not occupy more than 25 percent of the area of the required rear yard and provided it is not located closer than two (2) feet to the rear lot line or closer than two (2) feet to a side lot line, and provided, further, that farm residence shall conform to the minimum requirements for principal structures as provided in the SCHEDULE OF LOT DIMENSIONS, YARD REQUIREMENTS, COVERAGE AND DENSITY in APPENDIX 1.

...

41.02 (Relocate to 53.18 with no other change)

...

42.03 APPLICABILITY AND MINIMUM LAND AREAS REQUIRED FOR CLUSTER DEVELOPMENT

...

2. The proposed development shall contain a minimum number of contiguous acres located within a RPD, RVC, RTC, RL, or RH zone, and shall conform to the minimum lot and site size requirements, and density limitations found in Article 3.

...

42.13 BOND FOR IMPROVEMENTS

Prior to the issuance of a building permit, there shall be delivered by the owner or developer some form of surety acceptable to the county in an amount as specified by the county agencies, which shall be submitted with the site plan, as described in the subdivision regulations, which surety shall secure an agreement to construct such required physical improvements as identified in the proposed plan of development.

• • •
48.02 AUTHORITY TO CONTINUE NONCONFORMING USES / NONCOMPLYING BUILDINGS AND STRUCTURES

Any uses or building(s) or, structure(s), which existed lawfully at the time of the adoption of this ORDINANCE and which shall become nonconforming or noncomplying upon the adoption of this ORDINANCE, or of any subsequent amendments thereto, may be continued consistent with current restrictions, standards and limitations of the applicable use.

• • •
48.03 REGULATIONS OF NONCONFORMING USES AND OF NONCOMPLYING BUILDINGS AND STRUCTURES

A noncomplying building or structure is any building or structure which does not comply with all of the regulations of this ORDINANCE or with any amendment hereto governing dimensional requirements or bulk for the zoning district in which such building or structure is located.

• • •
48.05 NONCONFORMING LOTS OF RECORD

- • •
2. On a lot of record existing prior to the effective date of this ORDINANCE, the planning director may permit the erection of a permitted use provided the minimum yard requirements conform to the building restriction lines in existence when the lot was recorded. In cases where no building restriction lines were in existence, the yard requirements shall be determined upon examination of the prevailing setbacks of existing uses in the surrounding subdivision/or neighborhood, as determined by the planning director.
- • •

ARTICLE V

SITE DEVELOPMENT STANDARDS

...

51.02 REQUIRED INFORMATION

STANDARD SITE PLAN

Every site plan (except simplified site plans) that is submitted in accordance with this ARTICLE shall contain the following information:

...

- I. Provisions for the adequate disposition of natural and storm drainage in accordance with the duly adopted design criteria and standards of the county, indicating location, sizes, types and grades of ditches, catch basins and pipes and connections to existing drainage system. Copies of all pertinent calculations and assumptions relative to the storm drainage design (to include the delineation and consideration of the off-site contributing watershed and affected areas) and provisions for sediment control and/or stormwater management which are to be incorporated in all phases of construction, shall accompany the site plan submissions for review by the Department of Public Works and the Soil Conservation District.

...

52.02 SITE PLAN STANDARDS

...

7. Adequate drainage system for the disposition of storm and natural waters to include, when required, stormwater management devices.

...

53.06 CHILD CARE CENTERS (DAY CARE CENTERS)

1. SMALL GROUP (9-12 CHILDREN)

A simplified site plan must be submitted showing existing or proposed building, play area, fencing, parking, ingress and egress, screening and adequate off-street child pickup space.

Zoning Ordinance Amendments
Adopted June 4, 1991
Effective June 17, 1991

2. Centers serving more than 12 children must have direct access to a public road and must obtain site plan approval, demonstrating compliance with the requirements of 53.06.1 above.

53.13 EXTRACTION OF NATURAL RESOURCES

1.

- c. No mining, excavating, or quarrying operations shall be carried out or permitted within 200 feet of any boundary line of the land owned or leased as indicated by legal description, and no such operation shall be permitted within 75 feet of the right-of-way line of any existing or platted street, road, highway or railway.

- e. Materials may be brought from off the site for processing, mixing, or similar purposes PROVIDED that all structures for processing, mixing, or similar purposes shall comply with a., b., and c. above.

2.

- a. The total affected area to be mined on any tract or parcel shall not exceed five acres. Any mining beyond a total mined area of five (5) acres on a tract or parcel may be permitted only upon approval of a conditional use by the board of appeals per SECTION 53.13.1 above and SECTION 66.03.

53.18 MOBILE HOME AND MOBILE HOME PARKS

1.

- g. Foundation Tie-Downs and Skirting Regulations

Zoning Ordinance Amendments
Adopted June 4, 1991
Effective June 17, 1991

- (1) Mobile homes shall only be placed in the county in accordance with the manufacturer's installation instruction for hurricane sensitive areas. If the manufacturer's instructions are not available, the National Conference of States on Building Codes and Standards NCS BCS A 225.1 - Manufactured Home Installations 1987 - shall apply.
- (2) During emplacement of the mobile home, a representative of the county inspection agency shall inspect the installed electrical systems and a certificate shall be issued so stating which shall be displayed in the electrical service equipment area. A copy of the certification shall be provided to the planning director or authorized designee.

3. Mobile Homes on Individual Lots

Mobile homes may be permitted on individual lots provided that:

- a. The unit appears to have a permanent and continuous foundation of either block construction or meeting the requirements of SECTION 53.18.
- b. The unit is at least twenty (20) feet wide. For singlewide units, the width can be made up with a porch or carport addition at least two-thirds the length of the unit.
- c. The unit has a pitched roof.
- d. The unit is constructed under the latest HUD standards and Maryland Industrial Buildings and Mobile Home Code.

53.20 PIERS, AND BULKHEADS

5. The Planning Commission shall establish methods and regulations subject to Board of County Commissioners' approval for determining the extension of waterfront property lines into state waters. No site plan shall be approved until applicant has established that the extended property lines are in conformity with the regulations.

53.21 RESIDENTIAL STRUCTURES - SINGLE FAMILY ATTACHED AND
MULTIPLE UNITS

...

1.

...

h.

...

(2) Dwelling Units per Townhouse Structure and Length of Structure

No more than ten (10) dwelling units shall be contained in a townhouse structure. The maximum length of any townhouse structure shall not exceed two hundred-fifty (250) feet.

...

56.00 OFF STREET PARKING REQUIREMENTS

...

TABLE 56.02 - HANDICAPPED PARKING REQUIREMENTS

(Applies to all facilities in Table 56.01 except single-family, 2-family dwellings, mobile homes, and home occupations.)

Total Parking Spaces/Loading Zones in Lot	Required Minimum Number of Reserved Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
Over 1,000	20 plus 1 for each 1,000 over 1,000

Said spaces must be marked with signage as required by COMAR § 05.02.02.06(i).

...

Zoning Ordinance Amendments
Adopted June 4, 1991
Effective June 17, 1991

ARTICLE VI

ADMINISTRATION AND ENFORCEMENT

60.04 ENFORCEMENT OF MINIMUM REQUIREMENTS

In enforcing the minimum requirements and standards of this ORDINANCE and assuring compliance with board of appeals, planning commission or board of county commissioners decision and conditions imposed for planned unit developments, the planning director or his duly authorized representative, shall have the authority to issue civil citation and penalty as prescribed by resolution as adopted by the St. Mary's County Board of County Commissioners.

He shall have the authority on behalf of the county commissioners to post stop work orders on any lot, parcel, site, structure, or property which is in violation of any section of this ORDINANCE. All work and activity shall immediately cease on the designated premises, and the zoning permit issued for the project may be removed and suspended until the violation is rectified. Any person, firm or corporation who shall violate the stop work order shall be fined in accordance with the provisions of ARTICLE 7.

60.09 CERTIFICATE OF USE AND OCCUPANCY

No building or addition thereto, constructed after the effective date of this ORDINANCE, shall be used or occupied nor shall the use be changed or building be occupied for any purpose until a certificate of use and occupancy has been issued by the planning director or designee. No certificate of use and occupancy shall be issued until construction is completed and the premises inspected and certified to be in conformity with the plans and specifications upon which the zoning permit, building permit and building code as adopted by resolution of the Board of County Commissioners and other necessary permits were granted. Pending the issuance of a regular certificate of use and occupancy, a temporary certificate of occupancy or use and occupancy may be issued for a period not to exceed six (6) months from the date of issuance to allow completion of any building addition, correction of minor violations, or partial occupancy in such cases where incompleting work will not create a safety hazard. Within 14 calendar days after written notification that the building or premises are ready for inspection, a certificate of occupancy shall be issued or written notice given to the applicant stating in fact why a certificate of occupancy cannot be issued.

Zoning Ordinance Amendments
Adopted June 4, 1991
Effective June 17, 1991

No certificate of occupancy shall be issued until all stormwater management facilities are completed and functioning, or bonded for completion in accordance with this ORDINANCE. Any stormwater management structure which creates an embankment of four feet or greater, or any other structure of significant size or impact to downstream drainage shall be inspected during construction and upon completion by the Department of Public Works.

• • •
60.10 (RESERVED)
• • •

60.12 FORMS, INFORMATION, AND SPECIFICATIONS REQUIRED

- • •
5. A plot plan drawn to scale signed by the applicant or authorized agent showing the intended use, dimensions of the lot and structures thereon with respect to property lines, public highways, and other buildings or structures, tax map lot and block number, off-street parking and other facilities, signs, size of lot and height of proposed building.
• • •

61.06 CERTIFICATE OF OCCUPANCY
• • •

1. The other on-site construction and improvements included in the approved site plan for the section have been inspected and accepted by the Department of Public Works and other appropriate agencies and a certified "as built" site plan has been submitted to the planning director two (2) weeks prior to the proposed date of occupancy.
• • •

66.03 CONDITIONAL USES
• • •

11. STANDARDS FOR SPECIFIC CONDITIONAL USES

- b. Performance standards as follows are required for uses which are permissible under SECTIONS 31.00.5.r, 32.01.5.w, 33.02.5.n, 34.01.5.c, 34.02.5.g, 34.03.5.c, 35.01.4.e, or 36.01.5.g.

ARTICLE VIII
DEFINITIONS

80.02 DEFINITIONS

ACCESSORY APARTMENT is a dwelling unit as an accessory use that meets the standards of Section 53.01.

CHILD CARE CENTER (or DAY CARE CENTER) is any place, home or institution which receives nine (9) or more children under the age of 14 years, and not of common parentage, for care apart from their natural parents, legal guardians, or custodians, when received for regular periods of time for compensation, provided that this definition shall not include public or private schools organized, operated, or approved under Maryland laws, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree to the custodial person, or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending service, activities, or meetings.

FAMILY DAY CARE HOME is a private residence where eight (8) or fewer children receive care and supervision for periods of less than 24 hours per day. Such homes may be permitted in any zoning district in which residential uses are permitted.

IMMEDIATE FAMILY MEMBER is a blood relative of any applicant/property owner and shall include mother, father, sister, brother, son, daughter, grandmother and grandfather, grandson and granddaughter.

...

LOT, CORNER is a lot situated at the intersection of two (2) or more streets. On a corner lot, the front lot line is defined as that lot line which contains the narrower of all street frontages abutting a public street or public/private right-of-way. However, for lots abutting any street designated as minor collector or higher in classification, all lot lines abutting streets or public/private right-of-ways shall be deemed front lot lines.

...

LOT LINE, FRONT shall be that boundary of a lot which is along an existing or dedicated public street, or, where no public street exists, is along a public way.

...

TOWNHOUSE CLUSTER is a grouping of townhouse structures sharing common parking, recreational and other service facilities within immediate walking distance of such structures which is physically separated from other townhouse clusters or other development by a public street, open space corridor or other design element.

...

APPENDIX 1
 SCHEDULE OF LOT DIMENSIONS, YARD REQUIREMENTS,
 COVERAGE AND DENSITY

DISTRICTS	MIN. TRACT LIMIT	(Single Family Detached) MINIMUM LOT AREA AND DIMENSIONS ^{***}				(Single Family Detached) MINIMUM YARD REQUIREMENTS ^{***}			MAXIMUM DENSITY / INTENSITY	MIN OSR	MIN LSR
		AREA	WIDTH	DEPTH	FRONTAGE ^{*4}	FRONT	SIDE	REAR			
A Agricultural	20 ac.	--	150	200	100 *4	75	30	50	0.05 DU/AC	--	--
RPD Rural Preservation	--	--	100	160	75 *4	75	30	50	0.33 DU/AC	--	--
RNC Neighborhood Conservation	--	Varies per Section 33.01	80	100	50 *4	25	10	20	Varies per Sec. 33.01	--	--
RVC Village Center Residential	--	One Acre	80	100	50 *4	25	15	25	1.0 DU/AC FAR .1*	--	--
RVC w/TDR and/or Sewer	--	20,000 sq. ft.	80	100	50 *4	25	15	25	2.0 DU/AC FAR .1*	--	--
RTC Town Center Residential	--	One Acre	80	100	50 *4	25	15	25	1.0 DU/AC FAR .2*	--	--
RTC w/TDR or Sewer	--	20,000 sq. ft.	80	100	50 *4	25	15	25	2.0 DU/AC FAR .2*	--	--
RTC w/TDR and Sewer	--	10,000 sq. ft.	80	100	50 *4	25	15	25	4.0 DU/AC FAR .2*	--	--
RL Low Density Residential	--	One Acre	80	120	50 *4	25	15	25	1.0 DU/AC FAR .1*	--	--
RL w/TDR or Sewer	--	20,000 sq. ft.	80	120	50 *4	25	15	25	2.0 DU/AC FAR .1*	--	--
RL w/TDR and Sewer	--	15,000 sq. ft.	80	120	50 *4	25	15	25	3.0 DU/AC FAR .1*	--	--
RH High Density Residential	--	2,000 sq. ft.	35	60	35 *4	25	15	20	10 DU/AC FAR .3*	--	0.15
RH High Density Residential w/TDR	--	2,000 sq. ft.	35	60	35 *4	25	15	20	15 DU/AC FAR .3*	--	0.15
CL Limited Commercial	1 ac.	--	--	--	--	30	15	25	FAR 0.25	--	0.15
C General Commercial	2 ac.	--	175	300	175 *4	40	20	30	FAR 0.50	--	0.2
CVC Village Commercial	--	--	150	300	100 *4	30	15	25	FAR 0.35	--	0.1
CM Commercial Marine	--	--	--	--	--	50	25	25	.15 Imper.	--	0.1
I-1 General Industrial	2 ac.	--	200	200	250 *4	75	35	50	FAR 0.40	--	0.20

* Floor Area Ratios stipulated for R zoning districts are for nonresidential uses only.
 ** Additional density may be available for affordable housing per SECTION 43.00
 *** For Single Family attached, townhouse, and multifamily design standards, see Article 5.
 *4 Frontage requirements on a 50' radius cul-de-sac may be 35' minimum or 30' minimum on a 45' radius cul-de-sac in all zones. "Flag lots" may have 20' minimum but access shall be restricted in accordance with § 56.12 and the subdivision regulations.

No. Z91-
Subj:

Text change to Critical Area (90-02) portion of the zoning ordinance to include the changes relating to impervious surfaces required under HB1060.

ZONING ORDINANCE AMENDMENT

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland, passed Resolution No. Z-90-02 adopting The St. Mary's County, Maryland, Ordinance for the Chesapeake Bay Critical Area Program by reference into the St. Mary's County Zoning Ordinance on March 27, 1990, as required by the Natural Resources Article, Sec. 8-1801, et seq. of the Annotated Code of Maryland; and

WHEREAS, the Maryland General Assembly passed H.B. 1060 amending Natural Resources Article, Sec. 8-1808, et seq. of the Annotated Code of Maryland, was signed by Governor Schaeffer in May of 1990, and officially took effect on July 1, 1990; and

WHEREAS, H.B. 1060 requires that local jurisdictions amend their local programs to conform with the new changes within six (6) months of the effective date of the regulation.

WHEREAS, H.B. 1060 changes the impervious surface limit for lots in the Limited Development Area (LDA) and Resource Conservation Area (RCA) from 15% to 25% in three (3) specific instances.

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland, has drafted certain text changes to The St. Mary's County, Maryland, Ordinance for the Chesapeake Bay Critical Area Program to clarify limitations on impervious surfaces as required by House Bill 1060 which amended Natural Resources Article, Sec. 8-1808, et seq. of the Annotated Code of Maryland; and

WHEREAS, Section 38.02, Part 8: Enforcement, Environmental Review Process, Development Area Review, Limited Development Areas, number 11, page 20, is hereby rescinded in its entirety, and in substitution thereof the following added:

11. Impervious surfaces shall be limited to 15% in all situations not specifically noted below. Under the following conditions, the impervious surface shall be limited to 25%:
 - A. For a parcel or lot of 1/2 acre or less in size, that was in residential use on or before 12/1/85;

- B. For a parcel or lot of 1/4 acre or less in size, that was in nonresidential use (i.e., commercial, industrial, institutional) on or before 12/1/85; and
- C. For a lot of 1 acre or less in size, as a part of a subdivision or planned unit development which received final county approval after 12/1/85: impervious surfaces of the lot may not exceed 25% and the total impervious surface of the entire subdivision or planned unit development may not exceed 15%.

No. Z91- 04-

Subj: Text Change to Critical Area (90-02) Portion of the Zoning Ordinance to Include the Changes Relating to Impervious Surfaces Required Under HB1060.

ZONING ORDINANCE AMENDMENT

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland, passed Resolution No. Z-90-02 adopting The St. Mary's County, Maryland, Ordinance for the Chesapeake Bay Critical Area Program by reference into the St. Mary's County Zoning Ordinance on March 27, 1990, as required by the Natural Resources Article, Sec. 8-1801, et seq. of the Annotated Code of Maryland; and

WHEREAS, the Maryland General Assembly passed H.B. 1060 amending Natural Resources Article, Sec. 8-1808, et seq. of the Annotated Code of Maryland, was signed by Governor Schaeffer in May of 1990, and officially took effect on July 1, 1990; and

WHEREAS, H.B. 1060 requires that local jurisdictions amend their local programs to conform with the new changes within six (6) months of the effective date of the regulation.

2:19PM06/21/91A CO.COM

\$0.00

WHEREAS, H.B. 1060 changes the impervious surface limit for lots in the Limited Development Area (LDA) and Resource Conservation Area (RCA) from 15% to 25% in three (3) specific instances.

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland, has drafted certain text changes to The St. Mary's County, Maryland, Ordinance for the Chesapeake Bay Critical Area Program to clarify limitations on impervious surfaces as required by House Bill 1060 which amended Natural Resources Article, Sec. 8-1808, et seq. of the Annotated Code of Maryland;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED THAT Section 38.02, Part 8: Enforcement, Environmental Review Process, Development Area Review, Limited Development Areas, number 11, page 20, is hereby rescinded in its entirety, and in substitution thereof the following added:

- 1. Impervious surfaces shall be limited to 15% in all situations not specifically noted below. Under the following conditions, the impervious surface shall be limited to 25%:
A. For a parcel or lot of 1/2 acre or less in size, that was in residential use on or before 12/1/85;
B. For a parcel or lot of 1/4 acre or less in size, that was in nonresidential use (i.e., commercial, industrial, institutional) on or before 12/1/85; and
C. For a lot of 1 acre or less in size, as a part of a subdivision or planned unit development which received final county approval after 12/1/85: impervious surfaces of the lot may not exceed 25% and the total impervious surface of the entire subdivision or planned unit development may not exceed 15%.
2. This ordinance shall take effect on June 24 1991.
Adopted this 11th day of June 1991.

BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY
CARL M. LOFFLER, JR., President
W. EDWARD BAILEY, Commissioner
ROBERT T. JARBOE, Commissioner
JOHN G. LANCASTER, Commissioner
BARBARA R. THOMPSON, Commissioner

ATTEST: Edward V. Cox EDWARD V. COX County Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY: Joseph R. Densford JOSEPH R. DENSFORD County Attorney

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 November 24, 1987 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

9:07AM 07/09/910 CO.COM \$0.00

On November 24, 1987, the County Commissioners of St. Mary's County (the "County") adopted its Resolution (the "Authorizing Resolution") authorizing the issuance and sale of \$5,000,000 County Commissioners of St. Mary's County Public Facilities Bonds of 1987 dated December 1, 1987 (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 11 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 \$ 168,985 of the proceeds of the Bonds to finance all or a portion of the costs of certain projects listed on Schedule A attached hereto.

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 November 24, 1987 (the "Authorizing Resolution") authorizing the issuance and sale of \$5,000,000 aggregate principal amount of County Commissioners of St. Mary's County Public Facilities Bonds of 1987, dated December 1, 1987 (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 \$ 168,985 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 25TH day of JUNE, 1991.

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 T. Jarboe
Robert T. Jarboe
Commissioner

John G. Lancaster
John G. Lancaster
Commissioner

Barbara R. Thompson
Barbara R. 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 FORM AND LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
County Attorney

Description of Additional Projects Authorized
to be Financed with the Proceeds of the County
Commissioners of St. Mary's County Public
Facilities Bonds of 1987.

Pegg's Road	\$ 168,985
Total	\$ 168,985

Return: County Commissioners

JUL 16 1991

EVELYN W. ARNOLD, CLERK

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 December 13, 1990 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

9:07AM07/09/91D CC.COM \$0.00

On December 13, 1990, the County Commissioners of St. Mary's County (the "County") adopted its Resolution (the "Authorizing Resolution") authorizing the issuance and sale of \$6,850,000 County Commissioners of St. Mary's County Public Facilities Bonds of 1990 dated December 1, 1990 (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 5 of the Authorizing Resolution provides that the proceeds of the Bonds shall be applied to the payment of the cost of the projects described in Resolution No. 90-21, unless the County by resolution authorizes the application of the proceeds of the Bonds to other capital projects of the County, and any unexpended proceeds of the Bonds shall otherwise be applied as provided in Resolution No. 90-21.

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 \$168,985 of the proceeds of the Bonds to finance all or a portion of the costs of certain projects listed on Schedule A attached hereto.

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 December 13, 1990 (the "Authorizing Resolution") authorizing the issuance and sale of \$6,850,000 aggregate principal amount of County Commissioners of St. Mary's County Public Facilities Bonds of 1990, dated December 1, 1990 (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 \$ 168,985 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 25TH day of JUNE, 1991.

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 T. Jarboe
Robert T. Jarboe
Commissioner

John G. Lancaster
John G. Lancaster
Commissioner

Barbara R. Thompson
Barbara R. 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 FORM AND LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
County Attorney

Description of Additional Projects Authorized
to be Financed with the Proceeds of the County
Commissioners of St. Mary's County Public
Facilities Bonds of 1990.

Transportation Plan	\$ 137,440
Adult Day Care	31,545
	<hr/>
Total	\$ 168,985

Return: County Commissioners

JUL 1 6 1991

EVELYN W. ARNOLD, CLERK

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 October 11, 1988 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

9:07AM 07/09/910 CCI.COM \$0.00

On October 11, 1988, the County Commissioners of St. Mary's County (the "County") adopted its Resolution (the "Authorizing Resolution") authorizing the issuance and sale of \$1,375,000 County Commissioners of St. Mary's County Public Facilities Bonds of 1988 dated November 8, 1988 (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 11 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 \$ 25,161 of the proceeds of the Bonds to finance all or a portion of the costs of certain projects listed on Schedule A attached hereto.

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 October 11, 1988 (the "Authorizing Resolution") authorizing the issuance and sale of \$1,375,000 aggregate principal amount of County Commissioners of St. Mary's County Public Facilities Bonds of 1988, dated November 1, 1988 (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 \$ 25,161 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 25TH day of JUNE, 1991.

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

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

W. Edward Bailey
W. Edward Bailey
Commissioner

John G. Lancaster
John G. Lancaster
Commissioner

Robert Jarboe
Robert Jarboe
Commissioner

Barbara Thompson
Barbara 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 FORM AND LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
County Attorney

Schedule A
to Resolution No. 91-23

Description of Additional Projects Authorized
to be Financed with the Proceeds of the County
Commissioners of St. Mary's County Public
Facilities Bonds of 1988.

Office / Building Renovations \$ 25,161

Return: County Commissioners

JUL 16 1991

EVELYN W. ARNOLD, CLERK

Resolution No. W/S 91-06
Subj.: Water and Sewer Plan
Amendment
Wildewood PUD
(SPEC #89-1819)

RESOLUTION

9:09AM07/09/910 CO.COM \$0.00

WHEREAS, Paragon Builders, Inc. has made application to amend the St. Mary's County Comprehensive Water and Sewer Plan for certain property located in the Third Election District of St. Mary's County, Maryland, containing 347.88 acres of land, more or less, zoned RL and Industrial, located on Lawrence Hayden Road, adjacent to the existing Wildewood Planned Unit Development. The application requests that the water and sewer category be amended from W-6 and S-6 to to W-3D and S-3D. The subject property is shown on Tax Map 33, Parcel 166 and Tax Map 34, Parcel 642.

WHEREAS, the Planning Commission conducted deliberations on the application at its public meeting on March 11, 1991. The Planning Commission voted unanimously to approve the water and sewer category change for the subject property from W-6 and S-6 to W-3D and S-3D.

WHEREAS, the Board of County Commissioners held a public hearing on the proposed amendment on April 16, 1991, after due publication of notice.

WHEREAS, the Board of County Commissioners deliberated on the proposed amendment at its public meeting on April 30, 1991, and unanimously approved the request.

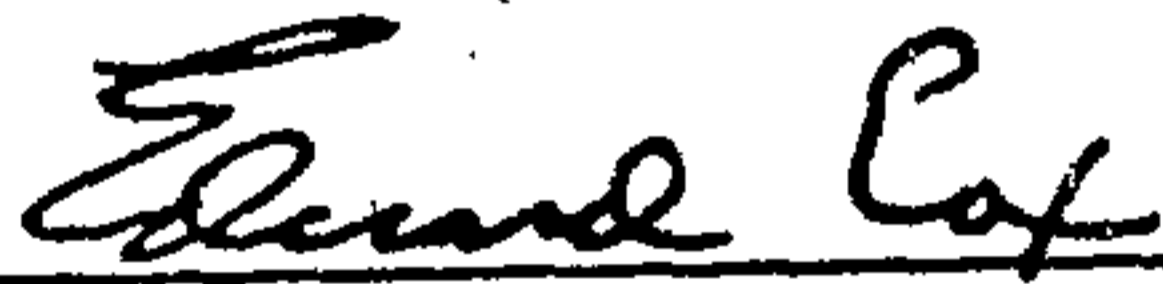
NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to reclassify the subject property from W-6 and S-6 to W-3D and S-3D.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.


Date of Adoption: June 25, 1991.

Effective Date: June 25, 1991.

ATTEST:


EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:


JOSEPH R. DENSFORD
County Attorney

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


CARL M. LOFFLER, JR., President


W. EDWARD BAILEY, Commissioner


ROBERT T. JARBOE, Commissioner


JOHN G. LANCASTER, Commissioner


BARBARA R. THOMPSON, Commissioner

Return: County Commissioners

JUL 1 6 1991

EVELYN W. ARNOLD, CLERK

PLANNED UNIT DEVELOPMENT AMENDMENT

WHEREAS, the applicant, Paragon Builders, Inc., has made application on the 15th day of November, 1989, to designate a parcel of land containing approximately 347.88 acres of land currently zoned RL, Low Density Residential, to PUDR, Planned Unit Development Residential. The property is located on Lawrence Hayden Road adjacent to the existing Wildewood PUD, in the Third Election District of St. Mary's County, Maryland. The subject property is shown on Tax Map 33, Parcel 166, and Tax Map 34, Parcel 642.

9:09AM07/09/910 CD.COM \$0.00

WHEREAS, the submission complies with the legal requirements of the Zoning Ordinance, as amended in 1978, and has been processed in accordance therewith based on the date of submission, the submission being "grandfathered" by Ordinance No. 90-11.

WHEREAS, the PUD zoning classification is a "floating zone", and therefore is not subject to the "change or mistake" rule set forth in Article 66B of the Annotated Code of Maryland, but for reasons set forth below complies with Section 38.06 of the St. Mary's County Zoning Ordinance (1978) and other applicable law.

WHEREAS, following publication of notice and notification of all property owners within 200 feet of the subject property, the St. Mary's County Planning Commission held a public hearing on the application on January 30, 1991.

WHEREAS, the Planning Commission conducted a work session on the application on March 4, 1991.

WHEREAS, after deliberation, the Planning Commission, by a unanimous vote, recommended on March 11, 1991, that the application be approved, with the following conditions and recommendations:

1. That a potential school site be reserved, and that sites for both fire department and rescue service stations be provided by the developer, in accordance with the Emergency Services Plan.
2. That the Department of Public Works requirements for the provision of traffic analysis be incorporated into the Development Plan and adopting Resolution.
3. That all residential units for the retirement community and any other units for "special population"; i.e., elderly, handicapped and children, be provided with residential sprinkler systems as a prerequisite to site or subdivision plan approval, regardless of type of unit (e.g., single family detached vs. condominiums).
4. That the Development Plan and Standards; i.e., the "Green Book", shall be the approving document for the PUD Amendment of 347 acres; any amendments not specified in the process spelled out in the Development Plan must be approved by the County Commissioners.
5. That should a development standard be required by the land development regulations of the County for the protection of the public interest, health, safety or welfare, at the future time of application for site development plan or subdivision plat approval under the PUD Development Plan that is not contained in the Development Plan, the then current County development standard shall apply to the proposed development.

Subj: ZPUD #89-1819
 WILDEWOOD P.U.D. AMENDMENT

6. The allowance for commercial retail space shall be at the ratio of 150 square feet per dwelling unit within the 347 acres.

WHEREAS, following publication of notice and notification of all property owners within 200 feet of the subject property, the Board of County Commissioners of St. Mary's County, Maryland, held a public hearing on the application on March 12, 1991.

WHEREAS, following publication of notice and notification of all property owners within 200 feet of the subject property, the Board of County Commissioners continued the public hearing on the application on April 16, 1991.

WHEREAS, the Board of County Commissioners has made the following findings of fact with respect to the application:

1. The submission is in compliance with the St. Mary's County Comprehensive Plan adopted October 25, 1988, in that the development is located within the Lexington Park Development District, a primary growth area, which has in place or has planned for the roads, sewer, water, schools and other facilities and services required to support development, thereby minimizing additional public expenditures for infrastructure. As reflected in the Comprehensive Plan, the County's population is expected to increase by approximately 17,000 people (24%) by the year 2000. About fifty percent (50%) of the projected growth is expected to occur in the Eighth Election District, which is part of the Lexington Park Development District in which this project is located. This area will continue to function as a population center and employment center. The property itself is zoned RL, which is a parent zoning district for Planned Unit Developments in the Development Districts. The location of the project within the primary growth area of the County and the long term staging of the project assure that essential facilities and services for the type of development under consideration such as schools, recreation areas, and police and fire protection shall be reasonably accessible to the development or provisions made to assure such facilities and services will be provided. In addition to the payment of impact fees and transfer taxes related to capital improvements, the project will provide a site for a school, fire and rescue facilities, and other named governmental facilities to serve both Wildewood and the neighborhood. Because of both the generation of revenues and the concentration of public facilities, this type of concentrated development in a designated development district minimizes the fiscal impact upon County Government. The applicant's obligations are adequately assured by the requirement of public works agreements and bonding. Thus, the Development Plan and the designation of the property as Planned Unit Development Residential is in harmony with the Comprehensive Plan and the Zoning Ordinance.

The proposed vehicular and pedestrian transportation systems are adequate and efficient and will remain so over the life of the project by updated transportation studies to be initiated by the Developer prior to January 1, 1992 and provided to the Department of Public Works upon completion. Whereas, the current study supports 2,817 units without additional interior road improvements, the Development Plan limits development in the 884.8 acre parcel to 2,055 dwelling units and not more than five percent (5%) of the 347 acre area until the new traffic study is approved. The road construction standards, including those for private parking lots and driveways, as set forth in the Development Plan, are adequate for the protection of the public interest and the health, safety (including fire and rescue service) and welfare of the present and future residents of the development. In some instances the Development Plan exceeds or provides adequate standards not otherwise provided for or required by applicable County regulations, such as private driveway standards.

Subj: ZPUD #89-1819
WILDEWOOD P.U.D. AMENDMENT

2. The application has, since its submission in November, 1989, been reviewed by all agencies which comprise the Technical Evaluation Committee (TEC) and all technical requirements of the reviewing agencies have been addressed. In addition, all recommendations of the Planning Commission have been addressed and incorporated within the Development Plan as approved, except the blanket requirement for sprinklers. On that issue, this Board has determined that compliance with the applicable law, including the fire and safety code, is sufficient for the health and safety of the user.

3. For the most part, the property which comprises the overall Wildewood development, including Neighborhood One, the Technology Park and the Wildewood Center, is somewhat isolated, being bounded generally by Maryland Routes 235 and 4, Airport Road and Lawrence Hayden Road, and the development, by the roads, screening, setbacks and berms, effectively creates its own neighborhood. The new property, approximately 347 acres, when added to the Wildewood Planned Unit Development, as approved in 1978 and amended in 1986, comprising a total of approximately 884.8 acres of Planned Unit Development Residential property, is of a size sufficient to create its own environment. Being developed under common ownership or agreement, it can be developed as a single entity. Thus, the property is suited for this type of development.

4. The environment to be created by conformance with the Development Plan, and the uses and standards set forth therein and other applicable law, is such as to be compatible with adjacent parcels and existing uses in the general neighborhood, and is also compatible with the zoning district in which it is located, the district permitting planned unit developments with residential density up to five (5) dwelling units per acre. Conformance with the Development Standards and applicable law is assured by the site planning process.

5. The proposal is compatible with the St. Mary's County Airport and any overflight activities related to the Patuxent River Naval Air Station.

6. The Development Plan demonstrates a unique sensitivity to the natural features of the site, particularly environmentally sensitive lands, including but not limited to slopes, wetlands and forest. As demonstrated in the existing Wildewood development, the innovative and creative development techniques set forth in the Development Plan effectively protect the environment, minimize site development activities, and thereby conserve and more efficiently utilize open space.

7. The Development Plan and the existing Wildewood project demonstrate innovative and creative design utilizing advantageous construction techniques to facilitate a broad range of housing and economic opportunities for present and future residents of the County including, but not limited to single family detached dwellings, low rise condominiums, townhouses, the proposed retirement community, and other related non-residential uses to support the community.

8. The provisions of the Development Plan related to the ownership and maintenance of open space and recreational areas for common or quasi-public purposes, including but not limited to the generic Declarations of Covenants, Conditions and Restrictions and the concept of smaller Cluster Associations and an overall master association are deemed adequate and sufficient to provide, protect and maintain such facilities.

9. That for the reasons stated above, the application for the proposed development complies with and furthers the purposes of the planned unit development district and provides for the safety, convenience and amenity of the residents of the Wildewood Planned Community and the neighboring area.

Subj: 2PUD #89-1819
WILDEWOOD P.U.D. AMENDMENT

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Board of County Commissioners of St. Mary's County, Maryland this 25th day of June, 1991:

1. That the subject property is designated as Planned Unit Development Residential in accordance with the Development Plan and the standards and conditions of the 1974 Zoning Ordinance, as amended in 1978, which is made a part of the Development Plan by reference.

2. That the Development Plan, as marked for identification by the Department of Planning and Zoning, is adopted and approved as the Development Plan for the development of the 347 acres which have hereby been incorporated into the Wildewood Development, and it is intended that development of the subject property will be performed in accordance with the Development Plan as approved, including the development standards and processing requirements set forth therein. Should any development standard or procedure that is not set forth or otherwise addressed in the Development Plan be required for the protection of the public interest, health, safety or welfare at some future time, the then applicable County development standard or procedure shall apply.

3. That the original Development Plan for approximately 665 acres, as approved in 1978 and amended in 1986, and the development which has taken place, are hereby confirmed and ratified. Future development of the overall project is expressly modified by the approved Development Plan which eliminates prior designation of interior density districts. As an extension of the overall PUD which approved initially a potential of 2,055 units, the additional land area would permit 3,792 units in the total project; thereby creating a new overall density district of PDR 4.28 units per acre for the 884.8 acres of the Wildewood Planned Unit Development but subject to the density protected by paragraph 4A below. Future development within the original development plan area will meet the development standards and processing requirements of the Development Plan as approved hereby.

4. That the area designated on Exhibit A hereto, containing approximately 29 1/2 acres, shall be made available for a school site (conditional approval for the school site having been given on April 4, 1991, by the Board of Education). In addition, if the site is utilized for a school, the site or part of it, may be used as a fire and rescue facility, library, and/or a non-profit day care facility related to the school, subject to the following conditions:

A. Density and open space requirements for the Planned Unit Development as approved are not negatively impacted; i.e. the density may be utilized in other parts of the Planned Unit Development and the open space shall accrue to the Planned Unit Development.

B. The utilization of the site for the purposes expressed herein shall be deemed to be permitted uses within the Planned Unit Development subject to the conditions hereof and site plan review by the Planning Commission. Any site plan is also to be approved by Paragon Builders, Incorporated, and the site, including the improvements, will be developed in accordance with the Wildewood Development Plan Standards including, but not limited to architectural control, berms and screening.

C. A separate Public Works Agreement, or Agreements, for water and sewer will be executed by the Board of Education or the County, as applicable, to avoid any impact on the Wildewood allocation. The applicant shall be responsible to bring water and sewer to the property line of the site which shall be adequately sized for the intended uses.

Subj: ZPUD #89-1819
 WILDEWOOD P.U.D. AMENDMENT

D. The Wildewood Planned Unit Development will be permitted access over the roadway to serve the school site from Maryland Route 4 (St. Andrews Church Road) as shown on Exhibit A, it being understood that the exact location may vary. It shall be the obligation of the applicant:

1. To pay any additional cost beyond those that would be spent normally for construction of the access to the school and fire and rescue site, it being understood that such access would not be less than Zoning Ordinance standards of 22 feet of paved surface or other Zoning Ordinance standards.


2. To obtain and satisfy all necessary federal, state and local wetland and other environmental permits necessary to provide road access from Wildewood Parkway to the site.

E. The applicant agrees to reserve the site for a period of not less than six (6) months from the date hereof for applicable government feasibility reviews, preliminary site plan approvals by applicant and a good faith commitment by government including scheduling in a capital improvement budget to utilize the site for intended purposes. If this determination cannot be made within the stated time period, this requirement for a school site will terminate and the property may then be used for other purposes permitted by the Development Plan. Upon agreement of all applicable parties of intended utilization within the initial reservation period, the site shall then be reserved for a period of ten (10) years from the date of this Planned Unit Development Amendment. During that period, but not earlier than July 1, 1992, and not later than ten (10) years from the date hereof, the applicant shall convey the aforesaid site to the County and/or the Board of Education by special warranty deed, free and clear of liens and encumbrances, but subject to the aforesaid conditions and reciprocal easements for stormwater management within three (3) months of the satisfaction of all the subject conditions, including the acquisition by the County or Board of Education of the right-of-way necessary to serve the subject site and the Wildewood Planned Unit Development from Maryland Route 4. Said right-of-way shall not be less than that necessary to accommodate a boulevard or parkway standard under the Development Plan. If the property has been conveyed pursuant to the terms hereof, but is not utilized as a school site within the ten (10) year period, i.e. a permit has been issued, if required, and the construction authorized thereunder commenced, the property shall be returned to applicant for uses permitted by the Development Plan. In the event the site is not utilized as a school site, the applicant shall provide another site acceptable to the County, not to exceed two (2) acres, to accommodate a fire and rescue service facility, and which may also be used as a public library.

Subj: SPUD #89-1819
WILDEWOOD P.U.D. AMENDMENT

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.

ATTEST:

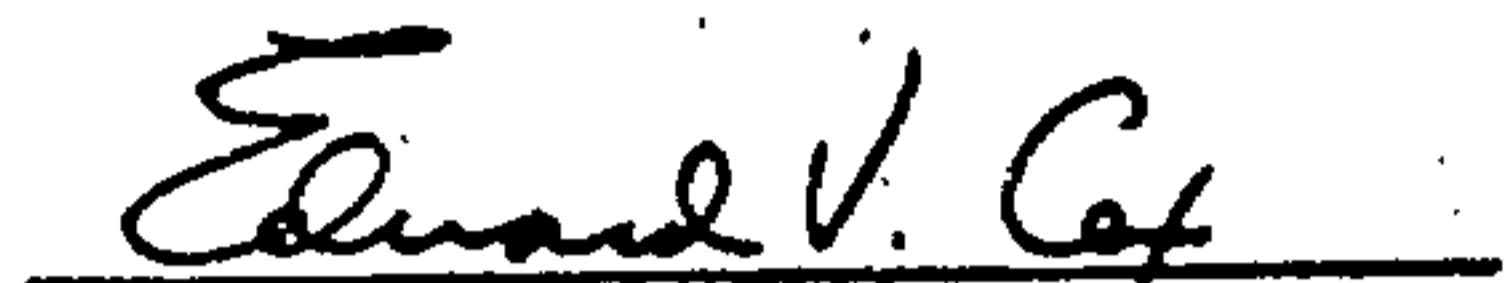

Corporate Secretary

PARAGON BUILDERS, INC.

By:

 (SEAL)
EDMUND W. WETTENGEL
President

ATTEST:


EDWARD V. COX
County Administrator

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


CARL M. LOFFLER, JR. President

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:


JOSEPH R. DENSFORD
County Attorney

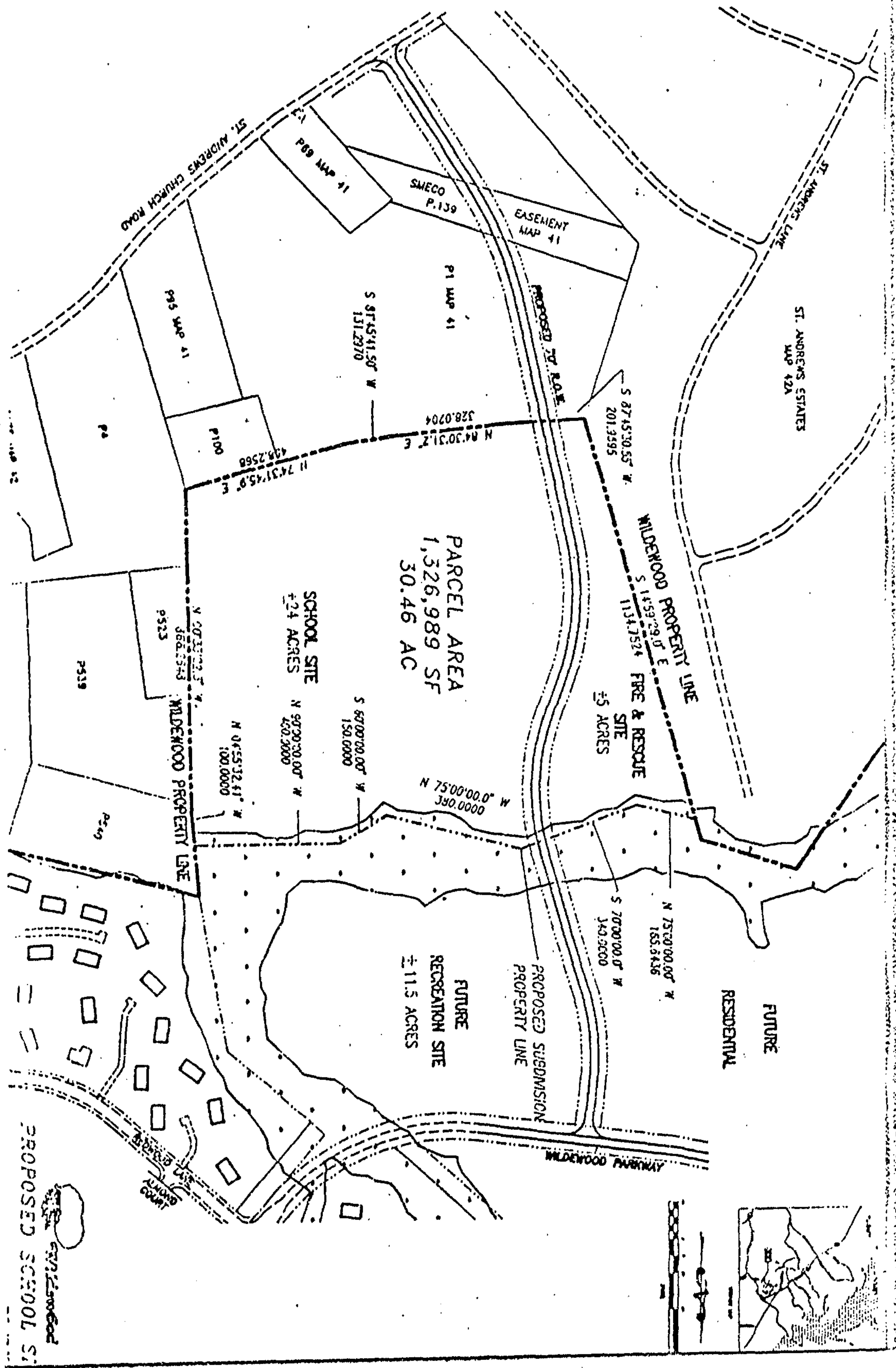

W. EDWARD BAILEY, Commissioner


ROBERT T. JARBOE, Commissioner


JOHN G. LANCASTER, Commissioner


BARBARA R. THOMPSON, Commissioner

EXHIBIT A



Return: Planning & Zoning
 JUL 16 1991

EVELYN W. ARNOLD, CLERK

Resolution No. W/S 91-07
Subj.: Water and Sewer Plan Amendment
Johnson Farm Estates (Lots 1-65)
(SPEC #90-1828)

RESOLUTION

9:09AM07/09/91D CO.COM \$0.00

WHEREAS, Maryland Bank & Trust has made application to amend the St. Mary's County Comprehensive Water and Sewer Plan for certain property located in the Fourth Election District of St. Mary's County, Maryland, containing 195 acres of land, more or less, zoned RPD, located at the southwest corner of Dr. Johnson Road and Maryland Route 242, called and known as Johnson Farm Estates containing 65 single-family lots. The application requests that the water category be amended from W-6 to W-3. The subject property is shown on Tax Map 18, Blocks 20 and 21, Part of Parcel 128.

WHEREAS, the Planning Commission conducted deliberations on the application at its public meeting on March 26, 1991. The Planning Commission voted unanimously to approve the water category change for the subject property from W-6 to W-3.

WHEREAS, the Board of County Commissioners held a public hearing on the proposed amendment on May 7, 1991, after due publication of notice.

WHEREAS, the Board of County Commissioners deliberated on the proposed amendment at its public meeting on June 11, 1991, and unanimously approved the request.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to reclassify the subject property from W-6 to W-3.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: July 2, 1991.

Effective Date: July 2, 1991.

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

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

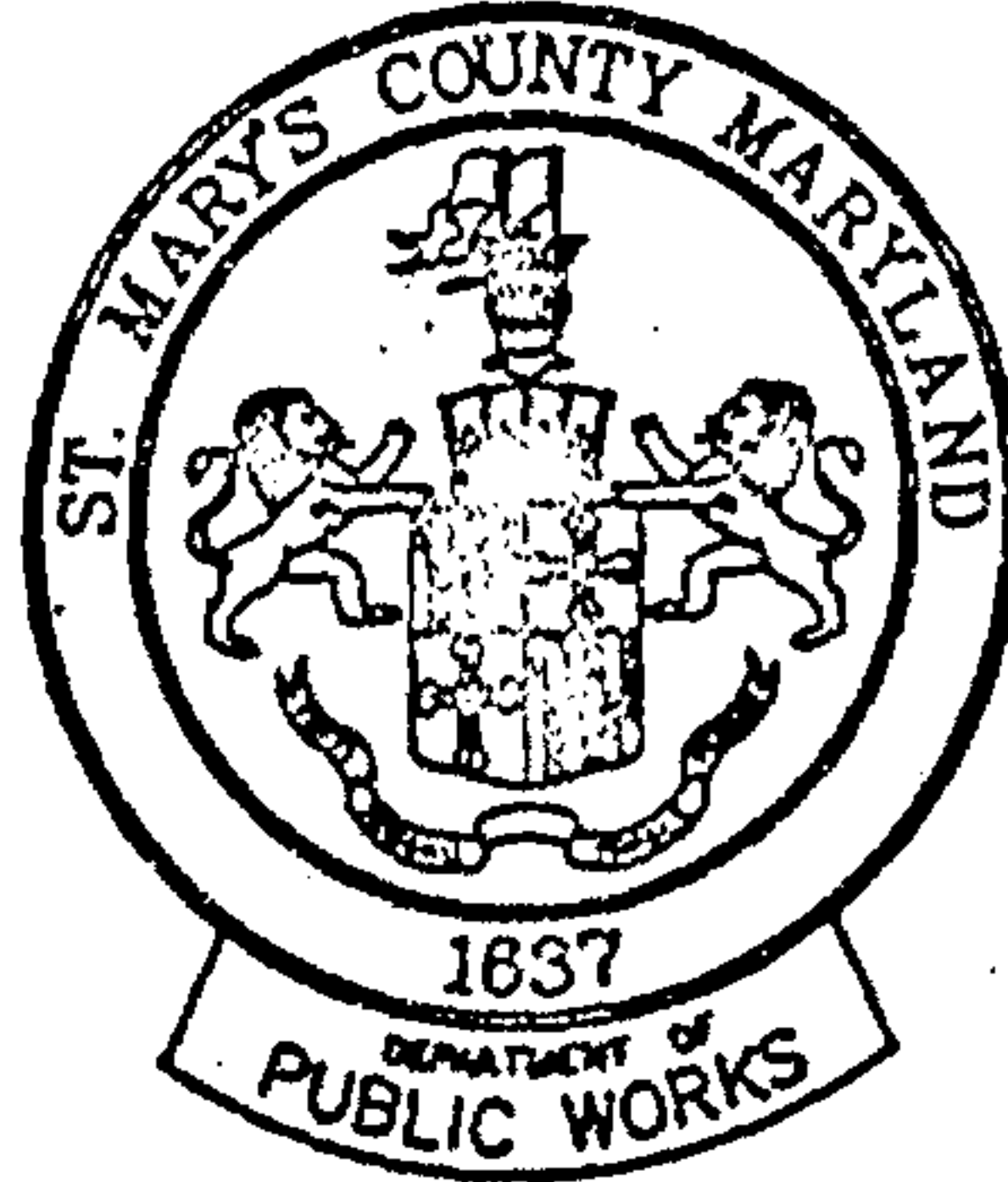
Robert T. Jarboe
ROBERT T. JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Barbara R. Thompson
BARBARA R. THOMPSON, Commissioner

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

9:25AM07/09/91D CO.COM \$0.00



RULES AND REGULATIONS
FOR
USE OF SOLID WASTE DISPOSAL FACILITIES
IN
ST. MARY'S COUNTY, MARYLAND

DEPARTMENT OF PUBLIC WORKS
P.O. BOX 508
CALIFORNIA, MARYLAND

RESOLUTION 91-20

ADOPTION DATE: 6/25/91
EFFECTIVE DATE: 8/1/91

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 St. Mary's County 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, commercial businesses and institutional customers within St. Mary's County.
- C. Solid Waste generated from outside the territorial limits of St. Mary's County shall not be disposed of in any Solid Waste Acceptance Facility in 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, and they shall obtain an annual permit to use such facilities. Residents using the Solid Waste Acceptance Facilities for recycling purposes only shall not be required to obtain an annual permit.

Residents of St. Mary's County shall be assessed a user's fee in accordance with the Fee Schedule 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 solid waste in connection with their individual commercial or industrial endeavors shall be subject to the Regulations contained herein and shall be required to obtain an annual license.
- F. Commercial Waste Haulers and persons in commercial or industrial businesses hauling solid waste in connection with their individual industry or commercial endeavors shall be required to use only 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. Failure to dispose of solid waste as directed by said attendant shall constitute a violation under these Regulations, and violators shall be subject to the penalties of the Solid Waste Ordinance.
- 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 of another without permission. Solid waste shall be stored in a suitable watertight can, vessel or container equipped with a closely fitted cover, which cover shall not be

removed except when necessary to deposit garbage and rubbish therein or to empty such can, vessel or container.

- 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 for compensation within the County without first obtaining a license. Licenses shall be issued upon application and payment of fees 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 these Rules and Regulations. The Department of Public Works shall adopt or amend 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 the Solid Waste Ordinance. Prior revocation of a license shall be sufficient grounds for the refusal by the County to approve any future application for such license.
- K. No commercial licenses, under these Regulations, shall be issued unless the applicant first gives satisfactory proof of having met all necessary requirements for the handling of solid waste as required by these Regulations, the Solid Waste Ordinance and by State Law.

No individual disposal permits shall be issued to individuals unless proof of residency is shown.
- 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. Violators shall be subject to the penalties of the Solid Waste Ordinance.
- 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.
- O. The following Rules and Regulations must be strictly adhered to by all users of the Transfer Stations:
 - 1) Disposal of solid waste is permitted only by those vehicles displaying the appropriate disposal permit on their vehicles. The permit shall be displayed in the lower right-hand corner of the windshield. Vehicles using the Transfer Stations for recycling purposes only will not be required to display a disposal permit.
 - 2) Dumping is permitted only when the Transfer Stations are manned by a County

authorized attendant. Dumping of materials outside of the gates of the Transfer Stations constitutes a violation of these Rules and Regulations. Violators shall be subject to the penalties of the Solid Waste Ordinance.

- 3) Dump only in the Refuse Container provided.
- 4) No one is allowed in the Container or Pit Area.
- 5) No loitering or scavenging is permitted.
- 6) Disposal of solid waste is only permitted during stated hours posted at the facilities.
- 7) Dumping is to be performed under the direction of the attendant in charge.
- 8) All Transfer Stations are CLOSED TO COMMERCIAL HAULERS.
- 9) Unacceptable Materials:

Rubber Tires (in excess of six per vehicle load)
Brush or Stumps
Liquid Wastes
Dead Animals
Human and Animal Wastes
Rubble
Oversized Bulky Waste
Hazardous Wastes
Any other items or materials prohibited from disposal in the Sanitary Landfill as defined by permit and the Solid Waste Ordinance.

- 10) POSITIVELY NO DUMPING OF BURNED MATERIAL (ASHES).

P. The County reserves the right to prohibit persons from disposing of solid waste at the Transfer Stations if persons using the County facilities appear to be engaged in commercial waste hauling as evidenced by frequency of use of the disposal facility and volume of solid waste disposal.

SECTION 3: SOLID WASTE DISPOSAL SYSTEM

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
- 5) St. Andrews Transfer Station
- 6) Charlotte Hall Transfer Station (To be opened 12/91)

SECTION 4: ACCEPTABLE SOLID 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 or by the Sanitary Landfill Disposal Permit.
- B. Other acceptable items which may be deposited in specially designated areas of the Sanitary Landfill include old rubber tires and wood.
- C. Recyclable items such as stoves, refrigerators, appliances, etc., known as "white goods" shall be deposited in specially designated areas. There shall be no charge for the disposal of such white goods by individuals.
- D. Rubble from household activities will be acceptable when disposed of by private residents of St. Mary's County and those residents shall be assessed the appropriate user fees.

Materials acceptable at the Transfer Stations are limited solely to household solid wastes and identified as follows:

- A. Solid waste from households of St. Mary's County.
- B. Other acceptable items which will be received at Transfer Stations include tires, limited to six per vehicle load.
- C. Recyclable material as defined in COMAR, Section 26.13.02.02.

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 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 by the Department of Health and Mental Hygiene, in COMAR, 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 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 six per vehicle 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.

SECTION 6: FEES

The user fee charged for the sanitary landfill will be based upon the quantity of solid waste received and the 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 solid waste material at the County's Solid Waste Acceptance Facilities and will be as established by the Board of St. Mary's County Commissioners.

The Board of County Commissioners reserves 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 the Solid Waste Acceptance Facilities.

The Director of Public Works reserves the right to waive the imposition of fees for various classes of clean fills, rubble or other materials when 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 shall include those provided 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 these Rules and Regulations or the Solid Waste Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the County Commissioners of St. Mary's County, Maryland, that the aforementioned Rules and Regulations and attached Fee Schedule are hereby approved and enacted in their entirety this 25TH day of JUNE, 1991. Furthermore, by the adoption of this Resolution and Fee Schedule, Resolution No. 88-32 and attached Fee Schedule, dated November 29, 1988, are hereby rescinded.

ADOPTION DATE: 6/25/91
EFFECTIVE DATE: 8/1/91

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

Barbara R. Thompson
Barbara R. Thompson, Commissioner

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

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

FEE SCHEDULE
ST. MARY'S COUNTY SOLID WASTE ACCEPTANCE FACILITIES

CLASSIFICATION	FEE	REMARKS
Residential	No Fee; Sticker Required	Transfer Station Use Only
Residential	\$ 5.00 Per Pick-up Load	Landfill Disposal Only
All Other Users	\$40.00/Ton	Landfill Disposal Only Effective August 1, 1991

HOURS OF OPERATION

FACILITY	MONDAY-FRIDAY	SATURDAY	SUNDAY
St. Andrews Landfill	8:00 a.m. - 4:30 p.m.	8:00 a.m. - 4:30 p.m.	Closed
Transfer Stations	9:30 a.m. - 5:00 p.m.	8:00 a.m. - 4:30 p.m.	8:00 a.m. - 4:30 p.m.

8

Return to County Commissioners

JUL 16 1991

EVELYN W. ARNOLD, CLERK

RESOLUTION NO: 91-24

A RESOLUTION APPROVING DEVELOPMENT OF HOUSING AT WESTBURY SUBDIVISION UNDER THE MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT'S MARYLAND HOUSING FUND - HOMEOWNERSHIP PROGRAMS.

10:46AM 07/11/91 CO.COM \$0.00

WHEREAS, the Board of Commissioners of St. Mary's County, Maryland, recognize that there is a significant need for quality housing units in St. Mary's County for families of limited income; and

WHEREAS, Interstate General Company, L.P., proposes to construct and market a housing development to contain approximately twenty-eight (28) units, known as the "Waterford Townhomes" project in its Westbury subdivision in Lexington Park, Maryland; and

WHEREAS, the Maryland Housing Fund (MHF), of the State of Maryland has received a "request" from Interstate General Company, L.P., to provide the Private Mortgage Insurance for twenty-eight (28) First Mortgages in the above described development pursuant to its authority specified in Article 83B, Section 3-201 et seq. of the Annotated Code of Maryland; and

WHEREAS, the Regulations of the Department of Housing and Community Development require that all developments financed by it be approved by the appropriate local governing body and, where appropriate, by the chief elected executive official of the locality;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of St. Mary's County, Maryland, hereby endorse the construction of the aforesaid development upon the site proposed; and

BE IT FURTHER RESOLVED that copies of this Resolution be sent to the Secretary of the Department of Housing and Community Development, State of Maryland.

ADOPTION DATE: 7/9/91

EFFECTIVE DATE: 7/9/91

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

Barbara R. Thompson
Barbara R. Thompson, Commissioner

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

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

ZONING AMENDMENT

WHEREAS, the St. Mary's County Office of Planning and Zoning has made application to rezone one (1) acre of land, more or less, from Commercial General (C) with RCA Overlay to Residential (RL). The subject property is located in the Third Election District of St. Mary's County, Maryland and is located on the south side of Maryland Route 5, approximately 700 feet east of Maryland Route 4, behind the former Willows Restaurant. During the August 1, 1990 comprehensive rezoning, the property was erroneously zoned Commercial General (C) with RCA Overlay. The amendment requests that the zoning classification be corrected to Residential (RL). The subject property is shown on Tax Map 41, Block 7, as Parcel 288.

4:06PM07/22/91A CI.COM \$0.00

WHEREAS, the Planning Commission conducted deliberations on the amendment at its public meeting on June 10, 1991. The Planning Commission voted unanimously to correct the zoning for the subject property from Commercial General (C) to Residential (RL).

WHEREAS, the Board of County Commissioners held a public hearing on the proposed amendment on June 25, 1991, after due publication of notice.

WHEREAS, the Board of County Commissioners deliberated on the proposed amendment at its public meeting on July 9, 1991, and unanimously approved the request.


NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Mary's County, Maryland that the zoning map is hereby amended to reclassify the subject property from Commercial General (C) to Residential (RL).

BE IT FURTHER ORDAINED that this Zoning Amendment shall become effective immediately upon its adoption.


Date of Adoption: July 16, 1991.

Effective Date: July 16, 1991.

ATTEST:


EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:



JOSEPH R. DENSFORD
County Attorney

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


CARL M. LOFFLEY, JR., President


W. EDWARD BAILEY, Commissioner


ROBERT T. JARBOE, Commissioner


JOHN G. LANCASTER, Commissioner


BARBARA R. THOMPSON, Commissioner

RESOLUTION

WHEREAS, 347 Realty Group Company has made application to amend the St. Mary's County Comprehensive Water and Sewer Plan for certain property located in the Eighth Election District of St. Mary's County, Maryland, containing 292.74 acres of land, more or less, zoned RL (RCA & partial LDA Overlay), located on the north side of Maryland Route 4, east of Myrtle Point Road, called and known as Hanover Run, Section Three. The application requests that the water category be amended from W-5D and S-5D to W-4 and S-4. The subject property is shown on Tax Map 34, Parcels 484, 494, 497, 585, 586 & 587.

4:06PM07/22/91A CD.COM \$0.00

WHEREAS, the Planning Commission conducted deliberations on the application at its public meeting on March 26, 1991. The Planning Commission voted unanimously to approve the water and sewer category change for the subject property from W-5D and S-5D to W-4 and S-4.

WHEREAS, the Board of County Commissioners held a public hearing on the proposed amendment on June 11, 1991, after due publication of notice.

WHEREAS, the Board of County Commissioners deliberated on the proposed amendment at its public meeting on July 2, 1991, and unanimously approved the request.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to reclassify the subject property from W-5D and S-5D to W-4 and S-4.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: July 16, 1991.

Effective Date: July 16, 1991.

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

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

Barbara R. Thompson
BARBARA R. THOMPSON, Commissioner

Ret: County Commissioners JUL 30 1991

EVELYN W. ARNOLD, CLERK

Resolution No. W/S 91-09
Subj.: Water and Sewer Plan
Amendment
Calvert Estates/Chesapeake
Industrial Park
(SPEC #89-1551)

RESOLUTION

WHEREAS, Philip H. Dorsey, III and Maryland Capital Corporation have made application to amend the St. Mary's County Comprehensive Water and Sewer Plan for certain property located in the Third Election District of St. Mary's County, Maryland, containing 4.34 acres of land, more or less, zoned I-1 (LDA Overlay), RL (LDA Overlay) and RL, located south of Maryland Route 5 between Cedar Lane and Gregory Road, called and known as Calvert Estates/Chesapeake Industrial Park. The application requests that the water category be amended from W-6 and S-6 to W-3D and S-3D. The subject property is shown on Tax Map 40, Parcels 52, 57 & 113.

4:06PM07/22/91A CO.COM \$0.00

WHEREAS, the Planning Commission conducted deliberations on the application at its public meeting on May 28, 1991. The Planning Commission voted unanimously to approve the water and sewer category change for the subject property from W-6 and S-6 to W-3D and S-3D.

WHEREAS, the Board of County Commissioners held a public hearing on the proposed amendment on June 25, 1991, after due publication of notice.

WHEREAS, the Board of County Commissioners deliberated on the proposed amendment at its public meeting on July 9, 1991, and unanimously approved the request.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to reclassify the subject property from W-6 and S-6 to W-3D and S-3D.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: July 16, 1991.

Effective Date: July 16, 1991.

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

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

Barbara R. Thompson
BARBARA R. THOMPSON, Commissioner

Ret: County Commissioners

JUL 30 1991

EVELYN W. ARNOLD, CLERK

USER 007 PAGE 300

RESOLUTION NO. 91-22
Page 1 of 3

USER 007 PAGE 419

RE-RECORDED 7
RESOLUTION

1145AM07/25/91D CO.COM \$0.00

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY for the purpose of supplementing the Resolution of the County adopted on December 13, 1990 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

9:07AM07/09/91D CO.COM \$0.00

On December 13, 1990, the County Commissioners of St. Mary's County (the "County") adopted its Resolution (the "Authorizing Resolution") authorizing the issuance and sale of \$6,850,000 County Commissioners of St. Mary's County Public Facilities Bonds of 1990 dated December 1, 1990 (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 5 of the Authorizing Resolution provides that the proceeds of the Bonds shall be applied to the payment of the cost of the projects described in Resolution No. 90-21, unless the County by resolution authorizes the application of the proceeds of the Bonds to other capital projects of the County, and any unexpended proceeds of the Bonds shall otherwise be applied as provided in Resolution No. 90-21.

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 \$168,985 of the proceeds of the Bonds to finance all or a portion of the costs of certain projects listed on Schedule A attached hereto.

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 December 13, 1990 (the "Authorizing Resolution") authorizing the issuance and sale of \$6,850,000 aggregate principal amount of County Commissioners of St. Mary's County Public Facilities Bonds of 1990, dated December 1, 1990 (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 \$ 168,985 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 25TH day of JUNE, 1991.

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 T. Jarboe
Robert T. Jarboe
Commissioner

John G. Lancaster
John G. Lancaster
Commissioner

Barbara R. Thompson
Barbara R. 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 FORM AND LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
County Attorney

USER 007 PAGE 393

USER 007 PAGE 422

SCHEDULE A
to RESOLUTION NO. 91-22

Description of Additional Projects Authorized
to be Financed with the Proceeds of the County
Commissioners of St. Mary's County Public
Facilities Bonds of 1990.

Transportation Plan	\$ 137,440
Adult Day Care	31,545
	<hr/>
Total	\$ 168,985

Ret. County Commissioners

JUL 30 1991

EVELYN W. ARNOLD, CLERK

RESOLUTION

9:51AM08/05/91D CO.COM \$0.00

WHEREAS, Morgan Associates, Inc. has made application to amend the St. Mary's County Comprehensive Water and Sewer Plan for certain property located in the Third Election District of St. Mary's County, Maryland, containing 54.744 acres of land, more or less, zoned RPD, located on the north side of St. John's Road, approximately 0.2 miles east of Norris Road, called and known as Abell's Run Subdivision containing 55 single-family lots. The application requests that the water category be amended from W-3 to W-6. The subject property is shown on Tax Map 33, Block 4, Part of Parcel 84.

WHEREAS, the Planning Commission conducted deliberations on the application at its public meeting on May 28, 1991. The Planning Commission voted unanimously to approve the water category change for the subject property from W-3 to W-6.

WHEREAS, the Board of County Commissioners held a public hearing on the proposed amendment on June 25, 1991, after due publication of notice.

WHEREAS, the Board of County Commissioners deliberated on the proposed amendment at its public meeting on June 25, 1991, and unanimously approved the request subject to acceptance by Paragon Properties.

WHEREAS, Paragon Properties, purchaser of a portion of the subject property, has indicated its acceptance of this change by letter dated June 25, 1991.

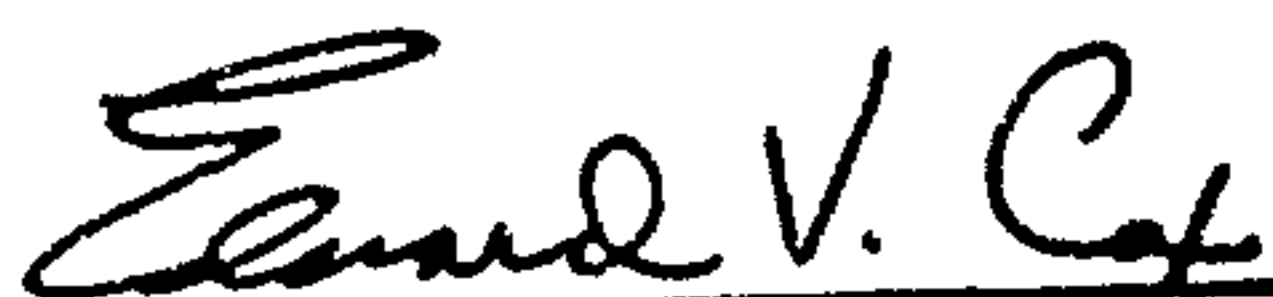
NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to reclassify the subject property from W-3 to W-6.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.


Date of Adoption: July 30, 1991.

Effective Date: July 30, 1991.

ATTEST:


EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:


JOSEPH R. DENSFORD
County Attorney

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


CARL M. LOFFLER, JR. President


W. EDWARD BAILEY, Commissioner


ROBERT T. JARBOE, Commissioner


JOHN G. LANCASTER, Commissioner


BARBARA R. THOMPSON, Commissioner

Del. Co. Comm. EVELYN W. ARNOLD, CLERK

SEP 3 - 1991

RESOLUTION

WHEREAS, on April 9, 1991 the Board of County Commissioners of St. Mary's County, Maryland adopted Resolution No. 91-08, which established a schedule of various user fees to be imposed for various development and construction projects.

WHEREAS, Resolution No. 91-08, Section 3 establishes a schedule of fees for the issuance of building permits for various structures.

WHEREAS, It is the determination of the Board of County Commissioners that such building permit fees should be waived in those cases where an existing structure is damaged or destroyed by accident or disaster, and is being repaired or replaced without constructing additional area to the original structure. 11:22AM 08/07/91 CC.COM \$0.00

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland, that Section 9 of Resolution No. 91-08 is hereby repealed and readopted as follows:

9. ABATEMENT OF BUILDING PERMIT FEES

a. 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 Service tax-exempt status, provided that such abatement of any building permit fee shall be only for buildings to be used exclusively for religious education, charitable or other non-profit purpose.
- (3) Replacement of structures damaged or destroyed by accident or disaster, to the extent that such construction is not in excess of the area of the original structure.

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

Date of Adoption: JULY 30, 1991

Effective Date: JULY 30, 1991

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

Barbara R. Thompson
BARBARA R. THOMPSON, Commissioner

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

Juli Co. Comm.

EVELYN W. ARNOLD, CLERK

SEP 3 1991

ZONING ORDINANCE AMENDMENT

WHEREAS, the St. Mary's County Office of Planning and Zoning has requested that Zoning Ordinance No. 90-11 and the Subdivision Regulations be amended to revise the parcel of record definition and date. The parcel of record date would be changed from March 15, 1978 to August 1, 1990, the date of the adoption of Zoning Ordinance No. 90-11, to recognize otherwise legal parcels transferred by deed after March 15, 1978 but not legally subdivided. The parcel of record date for all land located within the Chesapeake Bay Critical Area will be December 1, 1985 in accordance with the grandfathering provision of the St. Mary's County Critical Area Ordinance and state law. The Zoning Ordinance and Subdivision Regulations would be amended to add the following Lot of Record definition: "A parcel of land legally subdivided and recorded in the Land Records of St. Mary's County, Maryland."

11:25AM08/19/91D. CO.COM \$0.00

WHEREAS, the Planning Commission conducted discussions on the proposed amendments at its public meeting on April 22, 1991. The Planning Commission voted unanimously to authorize staff to proceed.

WHEREAS, the Planning Commission held a public hearing on the proposed amendments on May 28, 1991, after due publication of notice.

WHEREAS, the Planning Commission conducted deliberations on the proposed amendments at its public meeting on June 10, 1991. The Planning Commission voted unanimously to recommend to the County Commissioners that the parcel of record date be changed to August 1, 1990.

WHEREAS, the Board of County Commissioners held a public hearing on the proposed amendments on July 23, 1991, after due publication of notice.

WHEREAS, the Board of County Commissioners deliberated on the proposed amendments at its public meeting on August 6, 1991, and approved the amendment by a vote of 3 to 1.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Zoning Ordinance and Subdivision Regulations are hereby amended as follows:

- (a) Lot of Record definition is hereby amended to read as follows: "A parcel of land which has been legally subdivided and recorded in the Land Records of St. Mary's County, Maryland.
- (b) The parcel of record date is hereby changed from March 15, 1978 to August 1, 1990 for all lands outside the Chesapeake Bay Critical Area..
- (c) The parcel of record date for all lands within the Chesapeake Bay Critical Area remains December 1, 1985.

LIBER 007 PAGE 426

NO: 91-07

SUBJ: PARCEL OF RECORD
DEFINITION (PAGE 2 of 2)

BE IT FURTHER ORDAINED that this Amendment shall become effective immediately upon its adoption.

Date of Adoption: August 13, 1991.

Effective Date: August 13, 1991.

ATTEST:

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

Edward V. Cox

EDWARD V. COX
County Administrator

Carl M. Loffler, Jr.
CARL M. LOFFLER, JR, President

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

Robert T. Jarboe
ROBERT T. JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

BARBARA R. THOMPSON, Commissioner

St. Mary's Co. Comm.

EVELYN W. ARNOLD, CLERK

SEP 3 - 1991

Resolution No. W/S 91-11
 Subj.: Water and Sewer Plan
 Amendment
 Flower of the Forest
 Sect 3 (SPEC #82-1471)

RESOLUTION

11:25AM08/19/91D CO.COM \$0.00

WHEREAS, J. T. Daugherty has made application to amend the St. Mary's County Comprehensive Water and Sewer Plan for certain property located in the Eighth Election District of St. Mary's County, Maryland, containing 354.3 acres of land, more or less, zoned RH and RL, located on the east side of Willows Road, approximately 600 feet east of Bradley Boulevard, called and known as Flower of the Forest, Section 3. The application requests that the water and sewer category be amended from W-5D and S-5D to W-3D and S-3D. The subject property is shown on Tax Map 51, Block 17, as Parcel 54.

WHEREAS, the Planning Commission conducted deliberations on the application at its public meeting on June 10, 1991. The Planning Commission voted unanimously to approve the water and sewer category change for the subject property from W-5D and S-5D to W-3D and S-3D.

WHEREAS, the Board of County Commissioners held a public hearing on the proposed amendment on July 16, 1991, after due publication of notice.

WHEREAS, the Board of County Commissioners deliberated on the proposed amendment at its public meeting on July 30, 1991, and unanimously approved the request.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to reclassify the subject property from W-5D and S-5D to W-3D and S-3D.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: August 13, 1991.

Effective Date: August 13, 1991.

ATTEST:

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

Edward V. Cox
 EDWARD V. COX
 County Administrator

Carl M. Löffler, Jr.
 CARL M. LOFFLER, JR., President

APPROVED AS TO LEGAL
 FORM AND SUFFICIENCY:

W. Edward Bailey
 W. EDWARD BAILEY, Commissioner

Joseph R. Densford
 JOSEPH R. DENSFORD
 County Attorney

Robert T. Jarboe
 ROBERT T. JARBOE, Commissioner

John G. Lancaster
 JOHN G. LANCASTER, Commissioner

Barbara R. Thompson
 BARBARA R. THOMPSON, Commissioner

Del. Co. Comm. EVELYN W. ARNOLD, CLERK SEP 3 - 1991

Resolution No. W/S 91-12
Subj.: Water and Sewer Plan
Amendment
Forest Hall Apartments
(SPEC #90-0360)

RESOLUTION

11:25AM08/19/91D CD.COM \$0.00

WHEREAS, Irene B. Graves has made application to amend the St. Mary's County Comprehensive Water and Sewer Plan for certain property located in the Eighth Election District of St. Mary's County, Maryland, containing 28 acres of land, more or less, zoned PD-IP (partial APZ-2 Overlay), and located on the east side of Willows Road, approximately 0.75 miles east of Maryland Route 246, called and known as Forest Hall Apartments. The application requests that the water and sewer category be amended from W-5D and S-5D to W-3D and S-3D. The subject property is shown on Tax Map 51, Block 11, as Parcel 177.

WHEREAS, the Planning Commission conducted deliberations on the application at its public meeting on June 10, 1991. The Planning Commission voted unanimously to approve the water and sewer category change for the subject property from W-5D and S-5D to W-3D and S-3D.

WHEREAS, the Board of County Commissioners held a public hearing on the proposed amendment on July 16, 1991, after due publication of notice.

WHEREAS, the Board of County Commissioners deliberated on the proposed amendment at its public meeting on July 30, 1991, and unanimously approved the request.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to reclassify the subject property from W-5D and S-5D to W-3D and S-3D.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: August 13, 1991.

Effective Date: August 13, 1991.

ATTEST:

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

Edward V. Cox
EDWARD V. COX
County Administrator

CARL M. LOFFLER, JR., President

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

Robert T. Jarboe
ROBERT T. JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Barbara R. Thompson
BARBARA R. THOMPSON, Commissioner

Dill Co. Comm.

EVELYN W. ARNOLD, CLERK SEP 3 - 1991

Resolution No. W/S 91-13
Subj.: Water and Sewer Plan
Amendment
McKay's Plaza at Great
Mills (SPEC #90-0794)

RESOLUTION

11:25AM08/19/91D CO.COM \$0.00

WHEREAS, James M. McKay has made application to amend the St. Mary's County Comprehensive Water and Sewer Plan for certain property located in the Eighth Election District of St. Mary's County, Maryland, containing 11.05 acres of land, more or less, zoned C, Commercial, and located at the southeast corner of MD Route 246 and Lexwoods Drive, called and known as McKay's Plaza at Great Mills. The application requests that the water category be amended from W-4D to W-3D. The subject property is shown on Tax Map 51, Block 2, as Parcels 400 and 401.

WHEREAS, the Planning Commission conducted deliberations on the application at its public meeting on June 10, 1991. The Planning Commission voted unanimously to approve the water category change for the subject property from W-4D to W-3D.

WHEREAS, the Board of County Commissioners held a public hearing on the proposed amendment on July 16, 1991, after due publication of notice.

WHEREAS, the Board of County Commissioners deliberated on the proposed amendment at its public meeting on July 30, 1991, and unanimously approved the request.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to reclassify the subject property from W-4D to W-3D.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: August 13, 1991.

Effective Date: August 13, 1991.

ATTEST:

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

Edward V. Cox
EDWARD V. COX
County Administrator

Carl M. Loffler, Jr.
CARL M. LOFFLER, JR, President

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

Robert T. Jarboe
ROBERT T. JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Barbara R. Thompson
BARBARA R. THOMPSON, Commissioner

Del. Co. Comm.

Resolution No. W/S 91-14
Subj.: Water and Sewer Plan
Amendment
Mattaponi Village
(SPEC #88-0814)

RESOLUTION

11:25AM08/19/91D CD.COM \$0.00

WHEREAS, Mattaponi Joint Venture has made application to amend the St. Mary's County Comprehensive Water and Sewer Plan for certain property located in the Eighth Election District of St. Mary's County, Maryland, containing 16.068 acres of land, more or less, zoned RH, located on the west side of Mattaponi Boulevard, approximately 1,000 feet south of Maryland Route 246, called and known as Mattaponi Village containing 206 garden apartments and recreation complex. The application requests that the water category be amended from W-4D to W-3D. The subject property is shown on Tax Map 51, Block 8, as Parcel 76.

WHEREAS, the Planning Commission conducted deliberations on the application at its public meeting on June 10, 1991. The Planning Commission voted unanimously to approve the water category change for the subject property from W-4D to W-3D.

WHEREAS, the Board of County Commissioners held a public hearing on the proposed amendment on July 16, 1991, after due publication of notice.

WHEREAS, the Board of County Commissioners deliberated on the proposed amendment at its public meeting on July 30, 1991, and unanimously approved the request.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to reclassify the subject property from W-4D to W-3D.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: August 13, 1991.

Effective Date: August 13, 1991.

ATTEST:

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

Edward V. Cox
EDWARD V. COX
County Administrator

Carl M. Loffler, Jr.
CARL M. LOFFLER, JR, President

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

Robert T. Jarboe
ROBERT T. JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Barbara R. Thompson
BARBARA R. THOMPSON, Commissioner

Del. Co. Comm.

SEP 3 - 1991

EVELYN W. ARNOLD, CLERK

ORDINANCE

12:08PM09/04/91E 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 residents in a portion of the Golden Beach Subdivision requesting the County to reconstruct and improve a road in that portion of the Golden Beach Subdivision, which is located in the Fifth (5th) Election District of St. Mary's County, Maryland, as shown on Plat II, Section 1 of said subdivision, which is recorded among the Plat Records of St. Mary's County, Maryland, in Plat Book 5, Folio 54B. The following street, as shown on the aforementioned plat of said subdivision, shall be improved to the approximate limits indicated herein:

Scott Circle - from the intersection with County Oak Road to the intersection of Sky View Drive, a distance of approximately 1,530 feet.

WHEREAS, the County Commissioners of St. Mary's County, Maryland, held a public hearing on August 13, 1991 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 27TH day of AUGUST, 1991, that the petition of the residents of that portion of Scott Circle in Golden Beach for the reconstruction and improvement of said street in said subdivision be approved; and

IT IS FURTHER ORDAINED that the County Commissioners of St. Mary's County shall construct and improve said street in accordance with specifications approved by the Director 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 Highway Maintenance System; 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 approximately \$70,840.00 of the construction costs. This sum represents the property owners' share of the estimated cost required to bring the said street to the condition required by the approved set of plans, said share being equivalent to the cost of improving the street to a condition that would have been acceptable for inclusion within the County Highway Maintenance System at the time the subdivision was recorded.

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 road to a standard 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 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 reconstruction and improvements to be borne by the lot owners, or a greater number if a subdivision of any lot occurs on any of said lots in the future, and is the total of the aforementioned items.

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 "contiguous lot" owners in existence in the subdivision on the first of May of each assessment year to determine the annual cost to each lot.

4. A "contiguous lot" shall be defined as a single lot of record, or two or more contiguous lots of record under common ownership and improved by no more than one residential dwelling.

IT IS FURTHER ORDAINED that the "annual benefit assessment" to be levied against all of the lots in the subdivision shall be approximately One Hundred Forty-Eight Dollars per year; and

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 against which they are 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 no deed or conveyance of real property subject to said lien shall be transferred by the Assessor of St. Mary's County, Maryland, until proof of payment of all benefit assessments then due has been exhibited; and

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

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

Lot Nos. 773-788

Lot Nos. 799-811, as shown on the aforesaid plat of the subdivision; and

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

ATTEST

Edward V. Cot

BOARD OF ST. MARY'S COUNTY COMMISSIONERS

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

W. Edward Bailey
W. Edward Bailey, Commissioner

DATE OF ADOPTION: 8/27/91
EFFECTIVE DATE: 8/27/91

Robert T. Jarboe
Robert T. Jarboe, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Barbara R. Thompson
Barbara R. Thompson, Commissioner

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
County Attorney

RESOLUTION

3:16PM09/06/91D CO.COM \$0.00

WHEREAS, Harbor View Partnership has made application to amend the St. Mary's County Comprehensive Water and Sewer Plan for certain property located in the Third Election District of St. Mary's County, Maryland, containing 1.0 acre of land, more or less, zoned CL (LDA Overlay), and located on the east side of Joe Hazel Road, approximately 1,200 feet south of Tippet Road in Compton, called and known as Harbor View Marina. The application requests that the sewer category be amended from S-6 to S-3D. The subject property is shown on Tax Map 39, as Parcel 16.

WHEREAS, continued safe operation of these marinas can only be ensured if public sewerage service is provided.

WHEREAS, the Planning Commission conducted deliberations on the application at its public meeting on June 10, 1991. The Planning Commission voted 5 to 1 to approve the sewer category change for the subject property from S-6 to S-3D.

WHEREAS, the St. Mary's County Planning Commission, pursuant to the St. Clements Shores Wastewater Treatment Plant Allocation Policy (County Commissioners Resolution No. 84-22), during deliberations at its public meeting of June 10, 1991, has determined the location of said failed septic systems to be within reasonable proximity to the St. Clements Shores Wastewater Treatment Plant, thus meeting the first priority of subpart 3a of that policy.

WHEREAS, the Board of County Commissioners held a public hearing on the proposed amendment on July 16, 1991, after due publication of notice.

WHEREAS, the Board of County Commissioners deliberated on the proposed amendment at its public meeting on August 13, 1991, and approved the request with a vote of 3 to 2, with the water being metered at a later date to determine the Equivalent Dwelling Unit (EDU) sewer allocation.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to reclassify the subject property from S-6 to S-3D.

Resolution No. W/S 91-15
Subj.: Water and Sewer Plan
Amendment
Harbor View Marina
(SPEC #90-0289)

BE IT FURTHER RESOLVED, that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: ~~August~~ ^{SEPTEMBER} 3, 1991.

Effective Date: ~~August~~ ^{SEPTEMBER} 3, 1991.

ATTEST:

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

Edward V. Cox
EDWARD V. COX
County Administrator

Carl M. Loffler, Jr.
CARL M. LOFFLER, JR, President

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

Robert T. Jarboe
ROBERT T. JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Barbara R. Thompson
BARBARA R. THOMPSON, Commissioner

RESOLUTION

3:16PM09/06/91D CD.COM \$0.00

WHEREAS, Dock O' the Bay Marina Complex, Inc. has made application to amend the St. Mary's County Comprehensive Water and Sewer Plan for certain property located in the Third Election District of St. Mary's County, Maryland, containing 1.5937 acres of land, more or less, zoned CM (LDA Overlay), and located on the southern end of Joe Hazel Road, approximately 0.3 miles south of Tippet Road in Compton, called and known as Dock O' the Bay. The application requests that the sewer category be amended from S-6 to S-3D. The subject property is shown on Tax Map 47, Block 6, as Parcel 69.

WHEREAS, continued safe operation of these marinas can only be ensured if public sewerage service is provided.

WHEREAS, the Planning Commission conducted deliberations on the application at its public meeting on June 10, 1991. The Planning Commission voted 5 to 1 to approve the sewer category change for the subject property from S-6 to S-3D.

WHEREAS, the St. Mary's County Planning Commission, pursuant to the St. Clements Shores Wastewater Treatment Plant Allocation Policy (County Commissioners Resolution No. 84-22), during deliberations at its public meeting of June 10, 1991, has determined the location of said failed septic systems to be within reasonable proximity to the St. Clements Shores Wastewater Treatment Plant, thus meeting the first priority of subpart 3a of that policy.

WHEREAS, the Board of County Commissioners held a public hearing on the proposed amendment on July 16, 1991, after due publication of notice.

WHEREAS, the Board of County Commissioners deliberated on the proposed amendment at its public meeting on August 13, 1991, and approved the request with a vote of 3 to 2, with the water being metered at a later date to determine the Equivalent Dwelling Unit (EDU) sewer allocation.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to reclassify the subject property from S-6 to S-3D.

Resolution No. W/S 91-16
Subj.: Water and Sewer Plan
Amendment
Dock O' the Bay
(SPEC #90-0436)

BE IT FURTHER RESOLVED, that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: ~~August~~ ^{SEPTEMBER} 3, 1991.

Effective Date: ~~August~~ ^{SEPTEMBER} 3, 1991.

ATTEST:

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

Edward V. Cox
EDWARD V. COX
County Administrator

CARL M. LOFFLER, JR., President

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

Robert T. Jarboe
ROBERT T. JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

BARBARA R. THOMPSON, Commissioner

RESOLUTION

3:16PM09/06/91D CL.COM \$0.00

WHEREAS, Kevin L. Barnes and Linda K. Barnes have made application to amend the St. Mary's County Comprehensive Water and Sewer Plan for certain property located in the Third Election District of St. Mary's County, Maryland, containing 1.17 acres of land, more or less, zoned RPD (LDA Overlay), and located on the east side of Joe Hazel Road, approximately 600 feet south of Tippet Road in Compton, called and known as Combs Creek Marina. The application requests that the sewer category be amended from S-6 to S-3D. The subject property is shown on Tax Map 39, as Parcel 34.

WHEREAS, continued safe operation of these marinas can only be ensured if public sewerage service is provided.

WHEREAS, the Planning Commission conducted deliberations on the application at its public meeting on June 10, 1991. The Planning Commission voted 5 to 1 to approve the sewer category change for the subject property from S-6 to S-3D.

WHEREAS, the St. Mary's County Planning Commission, pursuant to the St. Clements Shores Wastewater Treatment Plant Allocation Policy (County Commissioners Resolution No. 84-22), during deliberations at its public meeting of June 10, 1991, has determined the location of said failed septic systems to be within reasonable proximity to the St. Clements Shores Wastewater Treatment Plant, thus meeting the first priority of subpart 3a of that policy.

WHEREAS, the Board of County Commissioners held a public hearing on the proposed amendment on July 16, 1991, after due publication of notice.

WHEREAS, the Board of County Commissioners deliberated on the proposed amendment at its public meeting on August 13, 1991, and approved the request with a vote of 3 to 2, with the water being metered at a later date to determine the Equivalent Dwelling Unit (EDU) sewer allocation.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland that the St. Mary's County Comprehensive Water and Sewer Plan is hereby amended to reclassify the subject property from S-6 to S-3D.

Resolution No. W/S 91-17
Subj.: Water and Sewer Plan
Amendment
Combs Creek Marina
(SPEC #91-0726)

BE IT FURTHER RESOLVED, that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: ~~September~~ ^{SEPTEMBER 3} August 3, 1991.

Effective Date: ~~September~~ ^{SEPTEMBER 3} August 3, 1991.

ATTEST:

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

Edward V. Cox
EDWARD V. COX
County Administrator

Carl M. Loffler, Jr.
CARL M. LOFFLER, JR, President

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

Robert T. Jarboe
ROBERT T. JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Barbara R. Thompson
BARBARA R. THOMPSON, Commissioner

Ret. Plan & Jan

EVELYN W. ARNOLD, CLERK

SEP 09 1991

RESOLUTION

A RESOLUTION to direct the County Attorney of St. Mary's County to bring a condemnation lawsuit on behalf of the County Commissioners of St. Mary's County to acquire certain real property in fee simple and in easement for the purpose of constructing the realignment of Hewitt's Road and attendant facilities and other related purposes pursuant to Section 11A(a)(1)(i) of Article 25 of the Annotated Code of Maryland (1990 Replacement Volume) and Section 109-2A(1) of the Code of Public Local Laws of St. Mary's County.

11:29AM 09/09/91D CD.COM \$0.00

RECITALS

Sections 109-2(1) and (2) of the Code of Public Local Laws of St. Mary's County, respectively, empower the County Commissioners, by ordinance or resolution, (1) to condemn, lay out, open, extend and make new roads, and (2) to alter, straighten, widen, grade, improve or close up, in whole or in part, any existing road.

The County Commissioners authorized the construction of a realignment of the existing route of Hewitt's Road and attendant facilities in the Capital Improvements Program of 1982, identified therein as Project No. SM 82-1-7 (the "Project").

The County Commissioners find that the Project necessitates that the County acquire certain real property in fee simple and in easement, which property is described in the plat attached hereto as Exhibit 1 (the "Subject Property").

The County has made every reasonable effort to negotiate an agreement with the owners of the Subject Property for the purchase of the Subject Property by the County at a mutually-acceptable purchase price. Despite its good faith efforts to reach settlement through negotiation, the owners of the Subject Property and the County have not been able to agree on a purchase price. Completion of the Project has been delayed as a result. Accordingly, the County Commissioners find that it is necessary and in the public interest to bring a condemnation action against the owners to acquire the Subject Property pursuant to the County Commissioners' powers of eminent domain.

Section 11A(a)(1)(i) of Article 25 of the Annotated Code of Maryland (1990 Replacement Volume) empowers the County Commissioners to acquire by condemnation any property, or any interest therein, of any kind needed for any public purpose.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County:

Section 1: The Project is necessary and in the public interest.

Section 2: It is necessary and in the public interest to acquire the Subject Property for the public purpose of the Project.

Section 3: The County has made every reasonable and good faith effort to acquire the Subject Property by a negotiated sale, but has been unable to do so; accordingly, it is necessary for the County Commissioners to commence condemnation proceedings to acquire the Subject Property.

Section 4: The County Attorney is directed to (a) commence a condemnation lawsuit on behalf of the County Commissioners to acquire the Subject Property pursuant to any or all of the County Commissioners' eminent domain powers, including, without limitation, Section 11A(a)(1)(i) of Article 25 of the Annotated Code of Maryland, and (b) acquire the Subject Property as soon as is practicable.

Section 5: This Resolution shall be effective immediately upon its adoption.

READ AND ADOPTED THIS 27TH day of AUGUST, 1991.

Attest:

COUNTY COMMISSIONERS OF ST. MARY'S
COUNTY, MARYLAND

Edward V. Cox
Edward V. Cox, County Administrator

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

Barbara R. Thompson
Barbara R. Thompson, Commissioner

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford, County Attorney

Pit. Co. Commissioners

EVELYN W. ARNOLD, CLERK

SEP 09 1991

RESOLUTION

WHEREAS, St. Mary's County Government and its affiliated agencies, boards, commissions, committees, and task forces are legally obligated to follow those regulations, as defined in the Maryland Rules of Interpretation, Article 1, Section 28, which sets forth requirements for the publication of legal notices and advertisements; and

WHEREAS, St. Mary's County Government, et al, is also legally obligated to publish legal notices and advertisements only in publications which are entitled to be entered as second-class matter in the United States mail, as determined by the United States Post Master (Domestic Mail Manual); and

11:29AM09/09/91 CO.COM \$0.00

WHEREAS, the St. Mary's County Commissioners seek to establish internal guidelines and policies which ensure the placement of all legal advertising in only eligible mediums, it is recommended that all participating publications be required to submit an annual report which verifies through the Postal Service compliance with the Maryland Rules of Interpretation, Article 1, Section 28, to be submitted to the County Administrator by July 1, and

WHEREAS, it has been determined that circulation totals as stated annually in the published Publisher's Statement, and as determined by an authorized auditor (i.e., Certified Audit of Circulations, Inc.) would be valuable in determining the best value and greatest circulation totals; and

WHEREAS, publications would be required to submit audited paid circulation reports annually, and only those publications reaching a minimum of fifty (50%) percent of total households in St. Mary's County as determined by 1990 census figures (Profile 3 - Household and Family Characteristics, 1990 Census of Population and Housing - Summary Tape File 1) to be 25,500 for a requirement of 12,750 minimum, per issue, and

WHEREAS, it would be necessary for publications to be published at least once a week in order to accommodate required publication dates of legal notices; and

WHEREAS, the cost of advertising would be a factor in the decision of advertisement placement only after all other requirements as stated above are met and verified.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that effective immediately in St. Mary's County the placement of all legal advertising purchased by Government and its agencies follow the requirements pertaining to legal qualification, circulation, publication frequency, and cost as stated in this Resolution and mandated by the Maryland Rules of Interpretation and the Domestic Mail Manual.

DATE OF ADOPTION: 8/27/91
EFFECTIVE DATE: 8/27/91 -

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

Barbara R. Thompson
Barbara R. Thompson, Commissioner

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

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

Resolution No. 91-27
 Subj.: TIN TOP HILL SEWER LINE
 ALLOCATION POLICIES

RESOLUTION 11:29AM 09/09/91D CD.COM \$0.00

WHEREAS, the Tin Top Hill sewer line extension from the Leonardtown Wastewater Treatment Plant was designed to serve 333 equivalent dwelling units (EDUs).

WHEREAS, as of June 1, 1991, the date the facility announced the Tin Top Hill sewer line was ready to serve, the St. Mary's County Metropolitan Commission had allocated 193 of the EDUs, leaving a balance of 140 available EDUs. The 193 EDUs already allocated include all properties abutting the sewer line, each being allocated one EDU, although these properties may be requesting additional EDUs.

WHEREAS, the HUD project, Holland Forrest Landing, supported by the Department of Economic and Community Development, has been allocated nineteen (19) EDUs, which are included in the 193 EDUs as stated above. However, more EDUs are required for the HUD project.

NOW, THEREFORE, BE IT RESOLVED this 27th day of AUGUST, 1991, by the Board of County Commissioners of St. Mary's County, Maryland, that the allocation policy for the Tin Top Hill sewer line extension shall be as follows:

- (1) First priority shall be given to the HUD project ("Holland Forrest Landing") and all properties which abut the facility at one EDU per lot or dwelling unit or the actual number of EDUs, whichever is greater.
- (2) Second priority shall be given to nonabutting improved properties with existing septic system failures.
- (3) Third priority shall be given to nonabutting vacant or improved lots for a single EDU for additional development.
- (4) Fourth priority shall be given to either abutting or nonabutting new development which demonstrates compliance with the development objectives of the Comprehensive Plan. These shall be allocated on a first-come, first-served basis at the time of site plan or subdivision plat approval.

BE IT FURTHER RESOLVED, that in accordance with priorities one (1) through four (4) above, and after site plan or subdivision plat approval, EDUs shall be allocated subject to the following time periods:

- (1) Eighty-four (84) EDUs for Priority No. 1 will be set aside for no more than three (3) years from the effective date hereof;
- (2) EDUs for Priority No. 2 will be allocated, allowing six (6) months from the effective date hereof for applicants to apply for correction of existing failing septic systems;
- (3) Twelve (12) months from the effective date hereof will be available for Priority No. 3 applicants to apply;
- (4) Twelve (12) months from the effective date hereof, Priority No. 4 will be open for EDU allocations for new development.

AND BE IT FURTHER RESOLVED, that this Resolution shall become effective immediately upon its adoption.

Date of Adoption: August 27, 1991.

Effective Date: August 27, 1991.

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

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

Barbara R. Thompson
BARBARA R. THOMPSON, Commissioner

RESOLUTION

11:29AM 09/09/91D CC.COM \$0.00

WHEREAS, the County Commissioners of St. Mary's County, Maryland have received a written petition from the owners of more than seventy-five (75%) percent of the property within the boundaries of the Shore Erosion Taxing District proposed in the petition, have received a favorable Feasibility Report from the Department of Natural Resources recommending the establishment of a Shore Erosion District, and have had a public informational meeting for the owners of property within the boundaries of the proposed District, to review with them the recommendations of the Feasibility Report, the probable construction costs, and the procedures for establishing a Shore Erosion District; all in accordance with Article 25, Section 167B of the Annotated Code of Maryland.

WHEREAS, the Hollywood Shores Civic Association has amended its by-laws so that all property owners located within Hollywood Shores Subdivision, (also known as Hollywood Shores Shore Erosion District), are entitled to free access and use of the waterfront property to be improved through the Shore Erosion Control Taxing District, which is further identified as Lot A of the Hollywood Shores Subdivision.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of St. Mary's County, Maryland acting as the District Council by virtue of Article 25, Section 167C, of the Annotated Code of Maryland, do hereby establish the Hollywood Shores Shore Erosion Control District.

BE IT FURTHER RESOLVED, that all properties included in the Hollywood Shores Shore Erosion Control District includes all 319 recorded lots of the Hollywood Shores Subdivision located in the Sixth (6th) Election District of St. Mary's County, Maryland as recorded in the Land Records of St. Mary's County, Maryland and as shown on Plat I of said subdivision in Plat Book C.B.G. No. 2, Folio 100, and Plat II of said subdivision in Plat Book C.B.G. No. 2, Folio 50, and as shown on Tax Map 20B, Blocks A through M.

AND BE IT FURTHER RESOLVED, that the method of assessment is to be based upon each owner of property within the District paying an equal share, rather than a per lot charge. If lots are divided or sold to new owners, each new owner shall pay his or her commensurate equal share.

AND BE IT FURTHER RESOLVED, that the costs attributable to the Shore Erosion Control Project, and being financed through an interest free loan from the State of Maryland, will be paid over a twenty-five (25) year period, with an annual benefit assessment levied against the aforementioned properties within the District. All annual assessments are to be allocated and paid in the same manner as real property taxes and be a lien on the property until paid.

Date of Adoption: August 27, 1991.

Effective Date: August 27, 1991.

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

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

Barbara R. Thompson
BARBARA R. THOMPSON, Commissioner

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

11:29AM 09/09/91D CC.COM \$0.00

WHEREAS, the County Commissioners of St. Mary's County, Maryland, have been petitioned by a majority of the residents in a portion of the Golden Beach Subdivision requesting the County to reconstruct and improve a road in that portion of the Golden Beach Subdivision, which is located in the Fifth (5th) Election District of St. Mary's County, Maryland, as shown on Plat II, Section 1 of said subdivision, which is recorded among the Plat Records of St. Mary's County, Maryland, in Plat Book 5, Folio 54B. The following street, as shown on the aforementioned plat of said subdivision, shall be improved to the approximate limits indicated herein:

Scott Circle - from the intersection with County Oak Road to the intersection of Sky View Drive, a distance of approximately 1,530 feet.

WHEREAS, the County Commissioners of St. Mary's County, Maryland, held a public hearing on August 13, 1991 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 27th day of AUGUST, 1991, that the petition of the residents of that portion of Scott Circle in Golden Beach for the reconstruction and improvement of said street in said subdivision be approved; and

IT IS FURTHER ORDAINED that the County Commissioners of St. Mary's County shall construct and improve said street in accordance with specifications approved by the Director 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 Highway Maintenance System; 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 approximately \$70,840.00 of the construction costs. This sum represents the property owners' share of the estimated cost required to bring the said street to the condition required by the approved set of plans, said share being equivalent to the cost of improving the street to a condition that would have been acceptable for inclusion within the County Highway Maintenance System at the time the subdivision was recorded.

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 road to a standard 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 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 reconstruction and improvements to be borne by the lot owners, or a greater number if a subdivision of any lot occurs on any of said lots in the future, and is the total of the aforementioned items.

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 "contiguous lot" owners in existence in the subdivision on the first of May of each assessment year to determine the annual cost to each lot.

4. A "contiguous lot" shall be defined as a single lot of record, or two or more contiguous lots of record under common ownership and improved by no more than one residential dwelling.

IT IS FURTHER ORDAINED that the "annual benefit assessment" to be levied against all of the lots in the subdivision shall be approximately One Hundred Forty-Eight Dollars per year; and

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 against which they are 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 no deed or conveyance of real property subject to said lien shall be transferred by the Assessor of St. Mary's County, Maryland, until proof of payment of all benefit assessments then due has been exhibited; and

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

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

Lot Nos. 773-788

Lot Nos. 799-811, as shown on the aforesaid plat of the

subdivision; and

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

ATTEST

Edward V. Cot

BOARD OF ST. MARY'S COUNTY
COMMISSIONERS

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

W. Edward Bailey
W. Edward Bailey, Commissioner

DATE OF ADOPTION: 8/27/91
EFFECTIVE DATE: 8/27/91

Robert T. Jarboe
Robert T. Jarboe, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Barbara R. Thompson
Barbara R. Thompson, Commissioner

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
County Attorney

RESOLUTION

11:29AM 09/09/91D CJ.COM \$0.00

A RESOLUTION to direct the County Attorney of St. Mary's County to bring a condemnation lawsuit on behalf of the County Commissioners of St. Mary's County to acquire certain real property in fee simple and in easement for the purpose of widening and extending the existing route of Pegg's Road and constructing attendant facilities and other related purposes pursuant to Section 11A(a)(1)(i) of Article 25 of the Annotated Code of Maryland (1990 Replacement Volume) and Section 109-2A(1) of the Code of Public Local Laws of St. Mary's County.

RECITALS

Sections 109-2(1) and (2) of the Code of Public Local Laws of St. Mary's County, respectively, empower the County Commissioners, by ordinance or resolution, (1) to condemn, lay out, open, extend and make new roads, and (2) to alter, straighten, widen, grade, improve, or close up, in whole or in part, any existing road.

The County Commissioners authorized the widening and extending of the existing route of Pegg's Road and the construction of attendant facilities in the Capital Improvements Program of 1987, identified therein as Project No. SM 87-1-11 (the "Project").

The County Commissioners find that the Project necessitates that the County acquire certain real property in fee simple and in easement, which property is described in the plats attached hereto as Exhibits 1 through 14 (collectively, the "Subject Property").

The County has made every reasonable effort to negotiate an agreement with the owners of the Subject Property for the purchase of the Subject Property by the County at a mutually-acceptable purchase price. Despite its good faith efforts to reach settlement through negotiation, the owners of the Subject Property and the County have not been able to agree on a purchase price. Completion of the Project has been delayed as a result. Accordingly, the County Commissioners find that it is necessary and in the public interest to bring a condemnation action against the owners to acquire the Subject Property pursuant to the County Commissioners' powers of eminent domain.

Section 11A(a)(1)(i) of Article 25 of the Annotated Code of Maryland (1990 Replacement Volume) empowers the County Commissioners to acquire by condemnation any property, or any interest therein, of any kind needed for any public purpose.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County:

Section 1: The Project is necessary and in the public interest.

Section 2: It is necessary and in the public interest to acquire the Subject Project for the public purpose of the Project.

Section 3: The County has made every reasonable and good faith effort to acquire the Subject Property by a negotiated sale, but has been unable to do so; accordingly, it is necessary for the County Commissioners to commence condemnation proceedings to acquire the Subject Property.

Section 4: The County Attorney is directed to (a) commence a condemnation lawsuit on behalf of the County Commissioners to acquire the Subject Property pursuant to any or all of the County Commissioners' eminent domain powers, including, without limitation, Section 11A(a)(1)(i) of Article 25 of the Annotated Code of Maryland, and (b) acquire the Subject Property as soon as is practicable.

Section 5: This Resolution shall be effective immediately upon its adoption.

READ AND ADOPTED THIS 27th day of AUGUST, 1991.

Attest:

COUNTY COMMISSIONERS OF ST. MARY'S
COUNTY, MARYLAND

Edward V. Cox
Edward V. Cox, County Administrator

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

Barbara R. Thompson
Barbara R. Thompson, Commissioner

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
County Attorney

LIST OF PROPERTIES INCLUDED IN THE RESOLUTION

Exhibit No.	Map / Parcel	Owner
1	43 / 60	John V. Curtis & Joyce E. Curtis
2	43 / 61	John V. Curtis & Joyce E. Curtis
3	43 / 63	David Israel Millison
4	43 / 71	Fay Pegg, Thomas Pegg, Melanie Pegg, (Daisy E. Pegg Reserves Life Estate)
5	43 / 72	Israel Z. Swarey
6	43 / 74	Thomas Wayne Pegg (Carrie Biscoe Reserve Life Estate)
7	43 / 160 & 254	Ronald D. Simpson & Marlene L. Simpson; J. C. Tubbs & Shirley L. Tubbs
8	43 / 165 & 198	Allie Clyburn
9	43 / 188	a. Frank S. Pirog, Herminia Prog, and Edward Murray b. Michael J. Reid c. Constance Denton, Lawrence Denton, Geneva Denton d. Walter F. Frazier, Geraldine H. Frazier
10.	43 / 197	Eugene Barnes & Annie Barnes
11.	43 / 318	S & S Partnership
12.	43 / 367 & 401	Charlæ W. Pegg & Mary G. Pegg
13.	43 / 374	The First Baptist Church of Leonardtown
14.	43 / 448	Mary H. Clyburn

Act. Co. Commissioners

EVELYN W. ARNOLD, CLERK

SEP 09 1991

RESOLUTION 11:29AM 09/09/91 CD.COM \$0.00

WHEREAS, Resolution No. 91-08 was adopted on April 9, 1991 establishing fees for review and inspections of construction and development projects; and

WHEREAS, county government and its related agencies are exempt from paying building permit fees; and

WHEREAS, it is right and fitting to exempt county government and its related agencies from paying fees for reviews and inspections of construction and development projects under certain conditions;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that Resolution 91-08 and its User Fee Schedule is hereby amended to exempt county government and its related agencies from paying fees

1. in total for projects supported entirely by St. Mary's County government funding. If funding certified by Director of Finance, no action required by County Commissioners. Certification by Director of Finance shall be forwarded to the Department of Planning and Zoning and the Department of Public Works.
2. on a case-by-case basis for projects funded in whole or in part by sources other than St. Mary's County government. When presented to County Commissioners, project funding will be clearly defined.

ADOPTION DATE: SEPTEMBER 3 1991

EFFECTIVE DATE: SEPTEMBER 3, 1991

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

Barbara R. Thompson
Barbara R. 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. Co. Commissioners

EVELYN W. ARNOLD, CLERK

SEP 09 1991

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 December 13, 1990 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

10:19AM09/24/910 CO.COM \$0.00

On December 13, 1990, the County Commissioners of St. Mary's County (the "County") adopted its Resolution (the "Authorizing Resolution") authorizing the issuance and sale of \$6,850,000 County Commissioners of St. Mary's County Public Facilities Bonds of 1990 dated December 1, 1990 (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 5 of the Authorizing Resolution provides that the proceeds of the Bonds shall be applied to the payment of the cost of the projects described in Resolution No. 90-21, unless the County by resolution authorizes the application of the proceeds of the Bonds to other capital projects of the County, and any unexpended proceeds of the Bonds shall otherwise be applied as provided in Resolution No. 90-21.

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 \$2,755,000 of the proceeds of the Bonds to finance all or a portion of the costs of certain projects listed on Schedule A attached hereto.

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 December 13, 1990 (the "Authorizing Resolution") authorizing the issuance and sale of \$6,850,000 aggregate principal amount of County Commissioners of St. Mary's County Public Facilities Bonds of 1990, dated December 1, 1990 (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 \$2,755,000 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 10TH day of SEPTEMBER, 1991.

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




Carl M. Loffler, Sr.
President



W. Edward Bailey
Commissioner



Robert T. Jarbee
Commissioner




John G. Lancaster
Commissioner




Barbara R. Thompson
Commissioner

ATTEST:

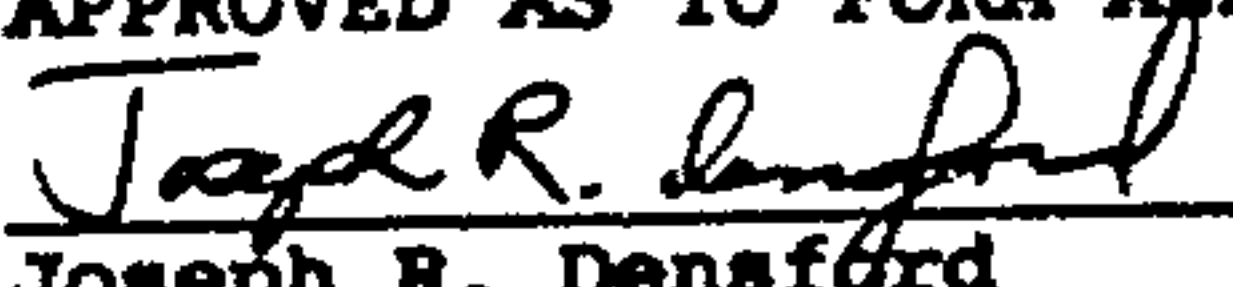


Edward V. Cox
County Administrator



Charles H. Wade, Jr.
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



Joseph R. Densford
County Attorney

Description of Additional Projects Authorized
to be Financed with the Proceeds of the County
Commissioners of St. Mary's County Public
Facilities Bonds of 1990.

Green Holly Addition	\$1,377,500
Lettie M. Dent Addition	\$1,377,500
	<hr/>
Total	\$2,755,000 *****

J.W. Co. [Signature]

OCT 7 - 1991

EVELYN W. ARNOLD, CLERK

ORDINANCE

WHEREAS, the Board of County Commissioners believe that it is in the best interest of the County to amend the FY 92 General Fund Budget to increase the St. Mary's County Board of Education appropriation, and

WHEREAS, the St. Mary's County Director of Finance has certified in writing that such funds are available for this appropriation from the General Fund Unreserved Fund Balance.

10:19AM09/24/91D CD.COM \$0.00

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice, conducted a public hearing on September 3, 1991 to present and explain the requirements to increase the Fiscal Year 1992 Budget in the amount of \$ 920,828.00 (Nine Hundred Twenty Thousand, Eight Hundred Twenty-Eight Dollars - - - - -) and such increase is hereby approved this 17th day of September, 1991, 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, Jr.
Carl M. Loffler, Jr., President

William E. Bailey, Commissioner
John G. Lancaster
John G. Lancaster, Commissioner

Robert T. Jarboe, Commissioner
Barbara R. Thompson
Barbara R. Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

Charles H. Wade, Jr.
Charles H. Wade, Jr.
Director of Finance

CERTIFIED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
County Attorney

Full Co. Comm

OCT 7 - 1991

EVELYN W. ARNOLD, CLERK

RESOLUTION

8:07AM 09/30/91E CD.COM 40.00
 WHEREAS, the St. Mary's County Board of Appeals has recommended that a policy be adopted which would expedite the approval process for minor additions or expansions of existing noncomplying structures and accessory structures/uses within the one hundred foot (100') Critical Area Buffer on existing lots of record. This policy would apply only to the administration of Critical Area Buffer variances which conform to certain requirements. The policy is proposed for the purpose of requiring only those projects which may have an impact on the Critical Area Buffer or water quality to apply to the Board of Appeals.

WHEREAS, the Planning Commission conducted deliberations on the proposed policy at its public meeting on July 22, 1991. The Planning Commission voted unanimously to recommend approval of the proposed policy to the Board of County Commissioners.

WHEREAS, the Board of County Commissioners held a public hearing on the proposed policy on August 6, 1991, after due publication of notice.

WHEREAS, the Board of County Commissioners deliberated on the proposed policy at its public meeting on September 3, 1991, and unanimously approved the policy with modification based on public comment.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County, Maryland, that the following policy governing Critical Area Buffer variances is hereby adopted:

1. The purpose of the Board of Appeals policy is to delegate approval authority to the Planning Director to apply the standards for variances for certain expansions or additions to existing noncomplying structures or other proposed construction covered by this policy which do not result in the construction of more than five hundred (500) square feet of impervious surface and are no closer than fifty (50) feet from mean high water within the Critical Area Buffer under the St. Mary's County Zoning Ordinance, as amended, and the St. Mary's County Critical Area Ordinance.
2. Proposed construction within the Critical Area Buffer is not required to receive Board of Appeals approval if it can meet the following guidelines:
 - A. The proposed construction is an accessory structure, an addition to an existing residential structure, or a repair to an existing failing septic system approved by the Health Department;
 - B. The footprint of the addition(s) is no larger than 500 square feet;
 - C. The construction of the addition does not require the removal of existing vegetation except for the proposed construction itself;
 - D. A Critical Area Buffer Planting Agreement is agreed upon by the applicant and staff and executed by the applicant;
 - E. The addition is located no closer than 50 feet from mean high water (MHW) and/or;

- F. The addition is located no closer than 25 feet from any nontidal wetland;
- G. The cumulative impervious surfaces of the existing and proposed structures on the site do not exceed 15% (or 25%), as permitted by the St. Mary's County Ordinance for the Critical Area;
- H. All projects applying for approval within the 100 foot Buffer shall be reviewed by the Maryland Critical Area Commission consistent with COMAR 14.20, prior to any administrative action by staff.
3. Approvals delegated by this policy are strictly limited to 500 square feet and this policy shall be cumulative; that is, there shall be a total of 500 square feet per parcel only. Any proposed impervious surface construction in excess of 500 square feet, including phased or subsequent construction, must be submitted to the Board of Appeals. Additions shall be limited to attached decks (open or covered), porches, sheds, garages (detached or attached), patios, breezeways, and other structures for residential use and incidental storage use. In administering this policy, the Planning Director shall apply the standards for variance contained in the St. Mary's County Critical Area Ordinance, p. 31, Part 8. Environmental Permits, consistent with all Critical Area requirements, are required in all cases and building permits when provisions of the Zoning Ordinance or BOCA/CABO are applicable.
4. Approval of proposed construction of principal or accessory structures within the Critical Area Buffer which meets the aforementioned policy requirements are hereby delegated to the Planning Director subject to the following requirements:
- A. Staff is to notify all contiguous property owners in writing of their opportunity to comment in writing on the applicant's proposal no less than fifteen (15) calendar days prior to all administrative approvals authorized by this policy. The contiguous property owners, if aggrieved, may appeal these administrative approvals to the Board of Appeals within thirty (30) calendar days of the administrative decision.
- B. All applicant appeals resulting from an administrative denial may be appealed to the Board of Appeals within thirty (30) days of the administrative decision.
- C. Staff is to report all such administrative approvals as published in the regular Board of Appeals agenda to the Board of Appeals within thirty (30) days of the approval or at the second Board of Appeals meeting each month.
5. Staff may approve future expansions or additions consistent with this policy, up to a total of 500 square feet, provided that future Board review was not a condition of approval for any expansion or addition to a structure which received prior Board of Appeals approval for a buffer variance prior to the adoption of this policy.
6. Staff may approve future expansions or additions consistent with this policy, up to a total of 500 square feet, for any expansion or addition to a structure which received prior Board of Appeals approval for a buffer variance after the adoption of this policy.

AND BE IT FURTHER RESOLVED, that this Resolution shall become effective immediately upon approval by the State of Maryland Critical Area Commission.

Date of Adoption: September 17, 1991.

Effective Date: UPON APPROVAL BY STATE

ATTEST:

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

Edward V. Cox
EDWARD V. COX
County Administrator

Carl M. Loffler, Jr.
CARL M. LOFFLER, JR., President

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

ROBERT T. JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Barbara R. Thompson
BARBARA R. THOMPSON, Commissioner

D.W. Comm.

OCT. 7 - 1991

EVELYN W. ARNOLD, CLERK

Subj: Text change to Critical Area (90-02) portion of the zoning ordinance to include the changes relating to impervious surfaces required under HB323.

ZONING ORDINANCE AMENDMENT

8:08AM09/30/91E CO.COM \$0.00

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland, passed Resolution No. Z-90-02 adopting The St. Mary's County, Maryland, Ordinance for the Chesapeake Bay Critical Area Program by reference into the St. Mary's County Zoning Ordinance on March 27, 1990, as required by the Natural Resources Article, Sec. 8-1801, et seq. of the Annotated Code of Maryland; and

WHEREAS, the Maryland General Assembly passed H.B. 323 amending Natural Resources Article, Sec. 8-1808, et seq. of the Annotated Code of Maryland, was signed by Governor Schaefer in April of 1991, and officially took effect on July 1, 1991; and

WHEREAS, H.B. 323 requires that local jurisdictions amend their local programs to conform with the new changes within six (6) months of the effective date of the regulation.

WHEREAS, H.B. 323 changes the impervious surface limit for lots in the Limited Development Area (LDA) and Resource Conservation Area (RCA) from 15% to 25% in one (1) specific instance.

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland, has drafted certain text changes to The St. Mary's County, Maryland, Ordinance for the Chesapeake Bay Critical Area Program to clarify limitations on impervious surfaces as required by House Bill 323 which amended Natural Resources Article, Sec. 8-1808, et seq. of the Annotated Code of Maryland; and

WHEREAS, Section 38.02, Part 8: Enforcement, Environmental Review Process, Development Area Review, Limited Development Areas, number 11, page 20, is hereby rescinded in its entirety, and in substitution thereof the following added:

- 11. Impervious surfaces shall be limited to 15% in all situations not specifically noted below. Under the following conditions, the impervious surface shall be limited to 25%:
 - A. For a parcel or lot of 1/2 acre or less in size, that was in residential use or was zoned for residential purposes on or before 12/1/85;
 - B. For a parcel or lot of 1/4 acre or less in size, that was in nonresidential use (i.e., commercial, industrial, institutional) on or before 12/1/85; and
 - C. For a lot of 1 acre or less in size, as a part of a subdivision or planned unit development which received final county approval after 12/1/85: impervious surfaces of the lot may not exceed 25% and the total impervious surface of the entire subdivision or planned unit development may not exceed 15%.
 - D. This section does not apply to a trailer park that was in residential use on or before December 1, 1985.

DATE OF ADOPTION: SEP 17, 1991

EFFECTIVE DATE: SEP 17, 1991

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

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

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Denford
Joseph R. Denford, County Attorney

Robert T. Farboz
ROBERT T. FARBOZ, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Barbara R. Thompson
BARBARA R. THOMPSON, Commissioner

Del. Co. Comm. NOV 4 - 1991 EVELYN W. ARNOLD, CLERK

ZONING ORDINANCE AMENDMENT

WHEREAS, on July 3, 1990, the Board of County Commissioners of St. Mary's County, Maryland adopted Ordinance No. 90-11, which enacted comprehensive zoning regulations for St. Mary's County.

WHEREAS, Section Five (5) of Ordinance No. 90-11 provided that certain site plans and subdivision plans submitted prior to the effective date of Ordinance No. 90-11, August 1, 1990, would be governed by the previous zoning Ordinance, being Ordinance No. 78-43, if said site plans and subdivision plans received final approval within certain time periods set forth therein.

WHEREAS, the St. Mary's County Planning Commission voted on July 22, 1991 to recommend to the Board of County Commissioners that the deadline for vesting site plans and subdivision plans be extended to November 1, 1991.

WHEREAS, the Board of County Commissioners conducted a public hearing on the Planning Commission's recommendation on July 23, 1991. 2:54PM 10/07/91B \ CD.COM \$0.00

NOW, THEREFORE, BE IT ORDAINED this 1ST day of October, 1991 by the Board of County Commissioners of St. Mary's County, Maryland that Section Five (5) of Ordinance No. 90-11 is hereby repealed in its entirety, and re-enacted as follows:

"5) That any site plan or subdivision plan submitted for Technical Evaluation Committee (TEC) review or approved by the Planning Commission in concept or preliminary form before August 1, 1990 is granted until November 1, 1991 to complete final design and receive final agency approval under the standards of Ordinance No. 78-43. Where final approval is not obtained during this period, the plan shall be governed by the standards of Ordinance No. 90-11; however, upon the recommendation of the Planning Director, the Planning Commission may extend the November 1, 1991 deadline for vesting where final approval is delayed beyond such date for reasons not attributable to the applicant.

"All site plans and subdivision plans vested hereunder shall be permitted until August 1, 1992 to record subdivision plats or gain final site plan signatures and Equivalent Dwelling Unit (EDU) allocations for wastewater treatment plants. Until such date, all such vested plans shall be exempt from required debt service/EDU allocation charges unless final plan approval is received from the Metropolitan Commission. All available EDU allocations shall be made available on a 'first come, first served' basis. EDU allocations shall not be granted to vested plans until final plan approval is obtained from the Metropolitan Commission. EDU allocations shall only be made at the time of final plan approval if sewer capacity exists at that time."

Except as otherwise provided herein, Ordinance No. 90-11 shall remain in full force and effect.

DATE OF ADOPTION: October 1, 1991

EFFECTIVE DATE: October 1, 1991

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

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

Carl H. Loeffler, Jr.
CARL H. LOEFFLER, JR., President

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Robert T. Jarboe
ROBERT T. JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Barbara R. Thompson
BARBARA R. THOMPSON, Commissioner

Del. Co. Comm.

NOV 4 - 1991

EVELYN W. ARNOLD, CLERK

SUBJ: \$10,000 MICRF TECHNICAL ASSISTANCE GRANT
FEASIBILITY STUDY AND PLAN

RESOLUTION

11:04AM 10/18/91D CC.COM \$0.00

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland, (the "County") has submitted an application dated July 30, 1991 to receive a grant of funds from the DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT of the State of Maryland (the "Department") from the MARYLAND INDUSTRIAL AND COMMERCIAL REDEVELOPMENT FUND ("MICRF") in the amount of Ten Thousand Dollars (\$10,000) (the "Grant") to use such funds as a match for funds designated for the purpose of developing a plan and determining the feasibility of an Avionics Test and Evaluation Facility and a Technology Transfer Center in St. Mary's County, Maryland.

WHEREAS, the County agrees that the Grant shall be used in accordance with Maryland law relating to MICRF, namely, Article 83A, Sections 5.501 through 5.507, inclusive, and the applicable regulations, for the purposes set forth in the application described above; and

WHEREAS, the County has determined that it is in the best interests of the citizens of St. Mary's County that the County participate in the financing for studies described above.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County that:

1. The Board of County Commissioners of St. Mary's County and/or other appropriate officials of the County be and are hereby fully authorized and empowered to execute the Grant Agreement and other documents and instruments necessary or reasonable to obtain said Grant from the Department.

2. This Resolution shall be effective upon its adoption in accordance with applicable law.

DATE OF ADOPTION: 10/11, 1991

EFFECTIVE DATE: 10/11, 1991

ATTEST:

Edward V. Cox
Edward V. Cox
Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford
County Attorney

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

Barbara R. Thompson
Barbara R. Thompson, Commissioner

Del. Co. Comm.

OCT 21 1991

EVELYN W. ARNOLD, CLERK

Resolution No. 91-36
Subj.: TIN TOP HILL SEWER LINE
ALLOCATION POLICIES

RESOLUTION

11:04AM 10/18/910 CO.COM \$0.00

WHEREAS, the Tin Top Hill sewer line extension from the Leonardtown Wastewater Treatment Plant was designed to serve 333 equivalent dwelling units (EDUs).

WHEREAS, as of June 1, 1991, the date the Tin Top Hill sewer line facility was announced ready for service, the St. Mary's County Metropolitan Commission had allocated 193 of the EDUs, leaving a balance of 140 available EDUs. The 193 EDUs already allocated include all properties abutting the sewer line, each being allocated one EDU, although these properties may be requesting additional EDUs.

WHEREAS, the HUD project, Holland Forrest Landing, supported by the Department of Economic and Community Development, has been allocated nineteen (19) EDUs, which are included in the 193 EDUs as stated above. However, more EDUs are required for the HUD project.

WHEREAS, the Board of County Commissioners duly adopted Resolution No. 91-27 on August 27, 1991 to establish an allocation policy for the Tin Top Hill Sewer Line.

WHEREAS, it has been deemed necessary to clarify Resolution No. 91-27.

NOW, THEREFORE, BE IT RESOLVED this 15th day of October, 1991, by the Board of County Commissioners of St. Mary's County, Maryland, that the allocation policy for the Tin Top Hill sewer line extension shall be as follows:

- (1) First priority shall be given to the HUD project ("Holland Forrest Landing") and all properties which abut the facility at one EDU per lot or dwelling unit or the actual number of EDUs, whichever is greater.
- (2) Second priority shall be given to nonabutting improved properties with existing septic system failures.
- (3) Third priority shall be given to nonabutting vacant or improved lots for a single EDU for additional development.
- (4) Fourth priority shall be given to either abutting or nonabutting new development which demonstrates compliance with the development objectives of the Comprehensive Plan. These shall be allocated on a first-come, first-served basis at the time of site plan or subdivision plat approval.

BE IT FURTHER RESOLVED, that in accordance with priorities one (1) through four (4) above, and after site plan or subdivision plat approval, EDUs shall be allocated subject to the following time periods:

- (1) Eighty-four (84) EDUs for Holland Forrest in Priority No. 1 will be set aside for no more than three (3) years from the effective date hereof;
- (2) EDUs for Priority No. 2 will be allocated, allowing six (6) months from the effective date hereof for applicants to apply for correction of existing failing septic systems;
- (3) After six (6) months from the effective date hereof allocations will be available for Priority No. 3 applicants to apply;
- (4) After twelve (12) months from the effective date hereof, Priority No. 4 will be open for EDU allocations for new development.

Resolution No. 91-36
Subj.: TIN TOP HILL SEWER LINE
ALLOCATION POLICIES

BE IT FURTHER RESOLVED, that the St. Mary's County Planning Commission shall be responsible for approving all of the EDU sewer allocations provided for herein.

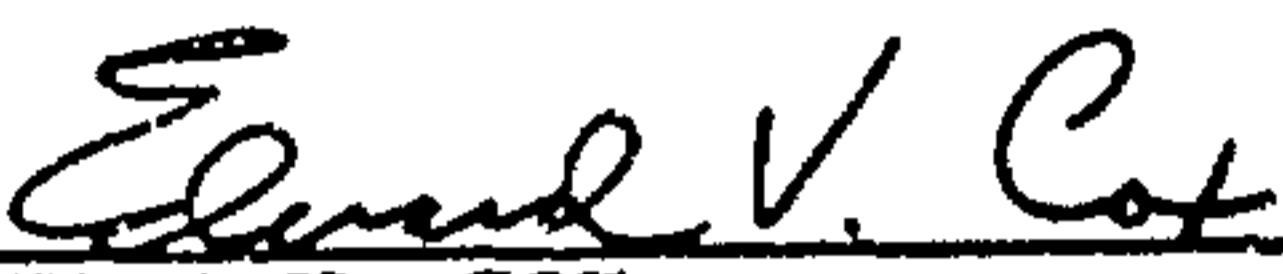
BE IT FURTHER RESOLVED, that Resolution No. 91-27 is hereby rescinded in its entirety.

AND BE IT FURTHER RESOLVED, that this Resolution shall become effective immediately upon its adoption.


Date of Adoption: October 15, 1991.

Effective Date: October 15, 1991.

ATTEST:


EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:


JOSEPH R. DENSFORD
County Attorney

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


CARL H. LOFFLER, JR., President


W. EDWARD BAILEY, Commissioner


ROBERT T. JARBOE, Commissioner


JOHN G. LANCASTER, Commissioner


BARBARA R. THOMPSON, Commissioner

RESOLUTION

11:17AM 10/24/91 CD.COM \$0.00

WHEREAS, Section 9-105 of the Tax Property Article of the Annotated Code of Maryland (1986 Volume as Amended) provides that for the fiscal year beginning with July 1, 1992, the County Commissioners shall establish and determine, for County tax purposes, the limit of the increases in taxable assessments of certain owner occupied dwellings.

WHEREAS, following deliberation, the Board of County Commissioners of St. Mary's County, Maryland have concluded it is in the best interest of the citizens of St. Mary's County to establish the homestead tax credit percentage at one hundred and ten percent (110%).

NOW, THEREFORE, BE IT RESOLVED this 22nd day of OCTOBER, 1991, by the Board of County Commissioners of St. Mary's County that a homestead tax credit percentage for property owners as described and provided for in Section 9-105 of the Tax Property Article, Annotated Code of Maryland, as aforesaid, of one hundred and ten percent (110%) is hereby established. Such homestead tax credit shall be applicable for the tax year beginning July 1, 1992 and any subsequent taxable year, provided that on or before January 1, 1993 and any year thereafter, the Board of County Commissioners of St. Mary's County, Maryland may alter by law, the homestead tax credit percentage for the taxable year beginning the following July 1, and any subsequent year, provided that the homestead tax credit herein provided for may not exceed the maximum provided by State law. Such homestead tax credit shall be subject to all provisions, restrictions and conditions provided from time-to-time by State law. The homestead property tax credit provided for in this Resolution shall apply to County taxes and the municipal taxes of municipalities in St. Mary's County only if the municipal corporation has not established a homestead property tax credit of its own. The

homestead tax credit shall apply only to such taxes as may become due after June 30, 1992.

Date of Adoption: OCTOBER 22, 1991.

Effective Date: October 22, 1991.

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

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

Carl M. Loeffler, Jr.
CARL M. LOEFFLER, JR., President

RECOMMENDED:

Charles H. Wade, Jr.
CHARLES H. WADE, JR.
Director of Finance

W. Edward Bailey, Commissioner

Robert T. Jarboe, Commissioner

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Barbara R. Thompson
BARBARA R. THOMPSON, Commissioner

RESOLUTION of the Board of County Commissioners of St. Mary's County concurring in the passage and adoption of a Resolution heretofore passed by St. Mary's County Metropolitan Commission authorizing the issuance and sale of not exceeding One Million Three Hundred Thirty Thousand Eighty Dollars (\$1,330,080) St. Mary's County Metropolitan Commission Water Quality Bond, Series 1991, said bonds to be issued on the full faith and credit of County Commissioners of St. Mary's County; covenanting to impose ad valorem taxes in rate and amount sufficient to pay the interest when due and the principal at maturity of said bonds if such principal and interest is not paid from other moneys legally available for such purposes, all as more particularly provided in the aforesaid Resolution passed by St. Mary's County Metropolitan Commission; and pledging the full faith and credit and unlimited taxing power of County Commissioners of St. Mary's County, as the security for the payment of said bonds.

9:57AM10/25/91D CO.COM \$0.00

RECITALS

St. Mary's County Metropolitan Commission (the "Commission"), has heretofore passed a resolution (the "Resolution") authorizing the issuance and sale of not exceeding \$1,330,080 of bonds, designated St. Mary's County Metropolitan Commission Water Quality Bond, Series 1991 (the "Bond"), for the public purposes of (A) financing or refinancing the design, construction, establishment, purchase or condemnation of certain wastewater treatment facilities located in Lexington Park,

Maryland, and Piney Point, Maryland, and more particularly described in the Resolution and (B) paying the costs incurred by the Commission in connection with the issuance, sale and delivery of the Bond, said Resolution having been duly adopted on October 10, 1991.

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, as amended (the "Act"), authorizes the issuance of bonds for the purposes set forth in the Act. The Act provides that such bonds shall be issued upon the full faith and credit of the County Commissioners of St. Mary's County, and further provides the form of guarantee to be executed on such bonds by County Commissioners of St. Mary's County.

This Board concurs in the judgment of the Commission as set forth in its Resolution and deems it desirable to provide formally for the authority of the Commission to issue and sell the Bond in the aforesaid maximum amount of \$1,330,080 all as authorized by the Act.

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

SECTION 1. It concurs in the findings and judgment of St. Mary's County Metropolitan Commission as

set forth by the terms of its Resolution duly adopted on October 10, 1991 (the "Resolution"), and entitled:

A RESOLUTION of the St. Mary's County Metropolitan Commission (the "Borrower") approving the form and authorizing the execution, issuance, sale and delivery of a general obligation installment bond of the Borrower in a principal amount not exceeding One Million Three Hundred Thirty Thousand Eighty Dollars (\$1,330,080) pursuant to the authority of the Maryland Water Quality Financing Administration Act (codified as Sections 9-1601 to 9-1622, inclusive, of the Environment Article of the Annotated Code of Maryland, as amended) and Sections 113-1 to 113-28, inclusive, of the Code of Public Local Laws of St. Mary's County, being Article 19 of the Code of Public Local Laws of Maryland, and enacted by Chapter 369 of the Laws of Maryland of 1978, the bond to be designated "Water Quality Bond, Series 1991", the net proceeds of the sale thereof to be used and applied for the public purpose of financing the cost of acquiring, constructing and equipping wastewater treatment facilities as more particularly described herein, including the development of property, the acquisition and installation of equipment and furnishings and any related architectural, financial, legal, planning and engineering expenses; prescribing the form and tenor of the bond and the terms and conditions for the issuance and sale thereof at private sale to the Maryland Water Quality Financing Administration; authorizing the execution and delivery of a loan agreement between the Borrower and the Maryland Water Quality Financing Administration; providing for the prompt payment of the maturing principal of and interest on the bond; covenanting to levy and collect all taxes necessary to provide for the payment of the principal of and interest on such bond; and generally relating to the issuance, sale and delivery of such bond.

This Board accordingly approves the issuance and sale of the Bond in an amount not to exceed \$1,330,080 by St.

Mary's County Metropolitan Commission upon the terms and conditions set forth in its Resolution, all of said terms and conditions being hereby adopted and approved by this Board.

SECTION 2. The full faith and credit and unlimited taxing power of County Commissioners of St. Mary's County are hereby unconditionally and irrevocably pledged to the levy and collection of ad valorem taxes upon all of the assessable property within the corporate limits of St. Mary's County, Maryland, in rate and amount sufficient to pay, together with any other funds then lawfully available and set aside for such purposes, as and when such taxes may become necessary, the interest when due and the principal at maturity on the Bond authorized to be issued by the Resolution of the Commission. In the event that the ad valorem taxes prescribed by Section 113-7 of the Code of Public Laws of St. Mary's County (1978 Edition, as amended, being Article 19 of the Code of Public Local Laws of Maryland), together with other revenues available for such purposes, are insufficient to pay the interest when due and the principal at maturity on the Bond, the County Commissioners of St. Mary's County hereby covenant and agree with each of the holders, from time to time, of the Bond, in each and every fiscal year in which the Bond is

outstanding, to levy and collect ad valorem taxes upon all of the assessable property within the corporate limits of St. Mary's County, Maryland, in rate and amount sufficient to provide for the payment of such principal at maturity and such interest accrued to the date of payment, when due.

SECTION 3. The form of endorsement that evidences the guarantee as to payment of principal and interest on the Bond by County Commissioners of St. Mary's County shall be as follows:

(Form of Endorsement)

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

County Commissioners of St. Mary's County, Maryland, a body politic and corporate and political subdivision organized and existing under the Constitution and laws of the State of Maryland, hereby endorses, ratifies, confirms and adopts the within bond and the respective obligations extended thereby. The payment of interest when due and the principal at maturity is guaranteed by the County Commissioners of St. Mary's County, Maryland. The full faith and credit and unlimited taxing power of the County Commissioners of St. Mary's County, Maryland, are hereby unconditionally and irrevocably pledged to such payment. This endorsement is

made pursuant to the authority of and in compliance with Sections 113-1 through 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.

IN WITNESS WHEREOF, the County Commissioners of St. Mary's County, Maryland, has caused these presents to be executed in its name by the manual signature of the President of the Board of County Commissioners of St. Mary's County and it has caused its corporate seal to be imprinted hereon and attested by the facsimile signature of the County Administrator of St. Mary's County, all as of the ___ day of _____, 1991.

COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY,
MARYLAND

By: _____
President, Board
of County Commissioners
of St. Mary's County

ATTEST:

County Administrator

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Joseph R. Densford

JOSEPH R. DENSFORD
County Attorney

-6-

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from the Original
Volume

1:13PM 11/04/910 CD.COM \$0.00

R E S O L U T I O N

WHEREAS, the Family Assistance Center provides a variety of family related services; and

WHEREAS, there is a need for a program to deal with the prevention, early identification, and treatment of a variety of problems that occur within families; and

WHEREAS, the Board of County Commissioners deems it appropriate to establish a Family Assistance Center Advisory Committee.

NOW THEREFORE, the Board of Commissioners of St. Mary's County, Maryland hereby resolves to establish a Family Assistance Center Advisory Committee;

BE IT FURTHER RESOLVED that:

- (1) The Family Assistance Center Advisory Committee shall consist of a maximum of twenty-five (25) members, who shall be appointed by the Board of County Commissioners. The members of the Committee shall include the Director of Tri-County Community Action, Director of Community Care, Health Officer, Director of Mental Health, Director of Substance Abuse, Director of Supplemental Student Services, Supervisor of Juvenile Services, Executive Director of Tri-County Youth Services, Clinical Director of Walden/Sierra, Director of the Department of Social Services, Services Supervisor from the Health Department, Coordinator of the Multi-Service Community Center, Representative from the Alliance for Prevention of Drugs, St. Mary's County Sheriff, Director of Head Start and representatives of other agencies as deemed appropriate.
- (2) The members of the Committee shall serve for two years, and are limited to two consecutive staggered terms. They shall serve without compensation.
- (3) The Committee shall select from its membership a Chairman, Vice-Chairman and Secretary.
- (4) The Committee meetings shall be held on the third Thursday.
- (5) Ten of the Committee members shall constitute a quorum.

BE IT FURTHER RESOLVED that:

The Purpose of the Committee is to facilitate the efficient operation of the Family Assistance Center; to establish policies concerning the use of the building which houses the Family Assistance Center; to seek grants and funds to maintain financial solvency of the Family Assistance Center; and to insure that the Family Assistance Center effectively meets the needs of the community.

APPROVED THIS DATE: OCTOBER 29, 1991

EFFECTIVE THIS DATE: OCTOBER 29, 1991

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

Carl M. Loffler
Carl M. Loffler, Sr., President

W. Edward Bailey
W. Edward Bailey, Commissioner

Robert T. Jarboe
Robert T. Jarboe, Commissioner

John G. Lancaster
John G. Lancaster, Commissioner

Barbara R. Thompson
Barbara R. Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox, County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
Joseph R. Densford, County Attorney

Ed. V. Cox

NOV 18 1991

EVELYN W. ARNOLD, CLERK

LBEN 007 PAGE 478

Resolution No. 291-11
Subj.: PIERS AND BULKHEADS
Administrative Policy Section
53.20.5 of the St. Mary's
County Zoning Ordinance

RESOLUTION

4:00PM 11/14/91 CD.COM 90.00

WHEREAS, Section 53.20.5 of the St. Mary's County Zoning Ordinance, as amended, provides that the Planning Commission shall establish methods and regulations for determining the extension of waterfront property lines into state waters.

WHEREAS, at its public meeting on August 26, 1991, the Planning Commission considered and unanimously voted to recommend to the Board of County Commissioners that the policy set forth below be adopted pursuant to Section 53.20.5 of the Zoning Ordinance.

WHEREAS, the Board of County Commissioners considered the proposed policy and recommendation of the Planning Commission at its public meeting on September 10, 1991.

NOW, THEREFORE, BE IT RESOLVED this 29th day of October, 1991 that the following policy to implement the provisions of Section 53.20.5 of the St. Mary's County Zoning Ordinance is hereby adopted:

1. Except as specifically provided for in this section or section 38.02 of the St. Mary's County Critical Area Ordinance, Part 6: Water Dependent Facilities, pages 10-14 and Part 8: Resource Impact Review, Shore Erosion, pages 29-30, a riparian owner may not be deprived of ownership (such as access or use of a waterway) legally exercised prior to the enactment of this section. This regulation shall govern the construction of all private and community piers within St. Mary's County. This regulation shall be in addition to all other existing local, state and federal regulations governing the same matters and is not intended to preempt other valid laws.
 - a. Extended Property Lines: Extended property lines are imaginary lines drawn for the purposes of separating adjacent areas of useable waterway. These lines are determined graphically using one of three methods depending on the physical nature of the waterway. The following procedure shall be used to define the extended property lines:
 - (1) Determine if the applicant's property is part of a cove, peninsula, or straight shoreline configuration using the St. Mary's County Critical Area Maps. (This information will be used in #6 below).
 - (2) Prepare a scale drawing showing the applicant's property and all adjacent waterfront properties within a 200 foot radius of the shoreline owned by the applicant.
 - (3) On the scaled drawing, add the shoreline as shown on the St. Mary's County Critical Area Maps.
 - (4) Intersect all property lines with the shoreline (if they do not intersect already) to create cornerpoints.
 - (5) Connect all the cornerpoints created in #4 above with a chord (i.e. a straight line) for the applicant's property and repeat the process for the adjoining lot on each side of the applicant's property.
 - (6) Bisect the chords, i.e. find the midpoint. Draw a line perpendicular to the chord at the point of bisection for each chord created in #5 above, until they intersect, as follows, depending on the applicable waterway condition:

- (i) With a Cove: extend the perpendicular line into the waterway until the lines form a point of intersection.
 - (ii) With a Peninsula: extend the perpendicular lines landward until the lines form a point of intersection.
 - (iii) With a Straight Shoreline: The extended perpendicular lines will not intersect. In this case, lines perpendicular to the chord shall be drawn and extended into the waterway from the cornerpoints created in #5 above for the applicant's lot and the adjoining lots.
- (7) Determine the useable waterway defined by the extended property lines for the appropriate waterway condition.
- (i) With a Cove: To determine the limits of the useable waterway for the applicant's lot, connect the cornerpoints of the chord with the point of intersection created in #6(i) above. These lines are the extended property lines with a cove for the purposes of this resolution.
 - (ii) With a Peninsula: To determine the limits of the useable waterway for the applicant's lot, connect the cornerpoints of the chord with the point of intersection created in #6(ii) above. These lines extended into the waterway are the extended property lines with a peninsula for the purposes of this resolution.
 - (iii) With Straight Shorelines: To determine the limits of the useable waterway for the applicant's lot, use the lines drawn perpendicular to the chord and extended into the waterway from the cornerpoints created in #6(iii) above. Since these lines will not intersect, the more restrictive of the two extended perpendicular lines to the applicant's property shall be the extended property lines for the purposes of this regulation.
 - (iv) For properties from which extended property lines intersect in such a way that the property's useable waterway is eliminated, the angles defining the unbuildable area shall be bisected to provide a useable waterway to the greatest extent possible.
- b. Setbacks: The setback for construction within the useable waterway as determined by the extended property line is as follows:
- (1) No piers, "T" heads, "L" heads, mooring piles, slips or boathouses shall be constructed within 25 feet of the extended property line as defined herein and by 53.20.2 of the Zoning Ordinance.
 - (2) The extended property line setback may be reduced if a signed affidavit is obtained by the applicant from the adjacent property owner.

Resolution No. 291-11
Subj.: PIERS AND BULKHEADS
Administrative Policy Section
53.20.5 of the St. Mary's
County Zoning Ordinance

- c. Properties which have no useable waterway under the provisions of this section may be eligible for review by the Board of Appeals as a hardship in accordance with Article VI of the Zoning Ordinance.

DATE OF ADOPTION: October 29, 1991

EFFECTIVE DATE: October 29, 1991

ATTEST:

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

Edward V. Cox

 EDWARD V. COX
 County Administrator

Carl M. Loffley, Jr.

 CARL M. LOFFLEY, JR., President

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

W. Edward Bailey

 W. EDWARD BAILEY, Commissioner

Joseph R. Densford

 JOSEPH R. DENSFORD
 County Attorney

Robert T. Jarboe

 ROBERT T. JARBOE, Commissioner

John G. Lancaster

 JOHN G. LANCASTER, Commissioner

Barbara R. Thompson

 BARBARA R. THOMPSON, Commissioner

Dill Co. Clerk

NOV 18 1991

EVELYN W. ARNOLD, CLERK

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

RESOLUTION NO. R-91-40

2:46PM11/20/910 CD.COM \$0.00

A RESOLUTION of County Commissioners of St. Mary's County authorizing the issuance and sale of Six Million Twenty Thousand Dollars (\$6,020,000) aggregate principal amount of serial maturity, general obligation bonds under the provisions of Chapter 417 of the Laws of Maryland of 1989, the bonds to be designated "County Commissioners of St. Mary's County Public Facilities Bonds of 1991", 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, including road improvements, public buildings and school projects; 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 417
of the Laws of Maryland of 1989 (the "Act"), County
Commissioners of St. Mary's County, a body politic and

corporate and a political subdivision of the State of Maryland (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 in the St. Mary's County Board of County Commissioners Approved Budget for Fiscal year 1990-1991 adopted on May 29, 1990 and for Fiscal Year 1991-1992 adopted on May 28, 1991 and a portion of the costs of issuing the Bonds allocable to such projects, in the aggregate amount of \$6,020,000:

Road Improvements:

Indian Bridge Road	\$ 308,000
Pegg's Road	2,000,000

Public Buildings:

Multi-Use Center	297,500
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Schools:

Sixth District Elementary School	2,856,000
Lettie Dent Addition	268,500
Green Holly Addition	290,000

TOTAL:	<u>\$6,020,000</u>
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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 Six Million Twenty Thousand Dollars (\$6,020,000), to be designated "County Commissioners of St. Mary's County Public Facilities Bonds of 1991" (the "Bonds").

Section 3. The Bonds shall be dated December 1, 1991 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 December 1, as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
1992	\$250,000	2000	\$410,000
1993	270,000	2001	435,000
1994	295,000	2002	460,000
1995	315,000	2003	490,000
1996	330,000	2004	520,000
1997	350,000	2005	550,000
1998	370,000	2006	585,000
1999	390,000		

Section 4. (a) The Bonds which mature on or before December 1, 2001 shall not be subject to redemption prior to their maturities. The Bonds which mature on or after December 1, 2002 shall be subject to redemption at the option of the County, beginning December 1, 2001 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>
December 1, 2001 to November 30, 2002	102%
December 1, 2002 to November 30, 2003	101%
December 1, 2003 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.

(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 to accrue 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. 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 June and December, beginning June 1, 1992, 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 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 Trust Company 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 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 by the President of the Board of County Commissioners, whose signature may be by facsimile, to be a correct copy of the approving legal opinion of bond counsel. 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.

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]

UNITED STATES OF AMERICA
STATE OF MARYLAND

No. R-

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY
PUBLIC FACILITIES BOND OF 1991

<u>Maturity Date</u>	<u>Interest Rate</u>	<u>Original Issue Date</u>	<u>CUSIP</u>
December 1,		December 1, 1991	

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), upon presentation and surrender of this bond at the principal corporate trust office of Signet Trust Company (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 June 1 and December 1 in each year, beginning June 1, 1992, 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 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 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 imprinted hereon in facsimile, attested by the facsimile signature of the County Administrator all as of the first day of December, 1991.

COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY

By: [Facsimile Signature]
President, Board of County
Commissioners

(S E A L)

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 1991.

Signet Trust Company, Baltimore, Maryland,
as Bond Registrar

By: _____
Authorized Officer

[REVERSE SIDE OF BOND]

This bond is one of a duly authorized issue or series of bonds of the County aggregating \$6,020,000 in principal amount, all dated December 1, 1991 (the "Bonds"). The Bonds are issued pursuant to and in full conformity with the provisions of Chapter 417 of the Laws of Maryland of 1989 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 12, 1991 (the "Resolution").

The Bonds mature and are payable on December 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>
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The Bonds which mature on or after December 1, _____ are subject to redemption at the option of the County, beginning December 1, _____, 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>
December 1, _____ to November 30, _____	✓
December 1, _____ to November 30, _____	✓
December 1, _____ and thereafter	✓

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 Trust Company, 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 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.

(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.

LIBER 007 500

(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

[Facsimile 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 11:00 a.m. local Baltimore, Maryland time on the date fixed for sale. Sale will be held at the offices of Signet Trust Company Baltimore, Maryland, on Tuesday, December 10, 1991. 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

LSER 007 502

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.

LIBER 007 PAGE 503

(Form of Notice of Sale)

ST. MARY'S COUNTY, MARYLAND

NOTICE OF SALE OF

\$6,020,000

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY
PUBLIC FACILITIES BONDS OF 1991

Dated December 1, 1991

Sealed proposals will be received until 11:00 a.m., local Baltimore, Maryland time on Tuesday, December 10, 1991, by the Director of Finance of St. Mary's County, Maryland, at the offices of Signet Trust Company, Signet Tower, South Conference Room, Eighteenth Floor, 7 St. Paul Street, Baltimore, Maryland 21202, for the purchase of the above-described general obligation bonds of the County (the "Bonds"), aggregating \$6,020,000, all dated December 1, 1991, and maturing, subject to prior redemption, as herein stated, on the first day of December as follows:

Maturing (December 1)	Principal Amounts Maturing	Maturing (December 1)	Principal Amounts Maturing
1992	\$	2000	\$
1993	\$	2001	\$
1994	\$	2002	\$
1995	\$	2003	\$
1996	\$	2004	\$
1997	\$	2005	\$
1998	\$	2006	\$
1999	\$		

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 June and December, commencing June 1, 1992, until maturity or redemption. Principal of the Bonds will be paid to the registered owner at the principal corporate trust office of Signet Trust Company, 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

LBEP 007 504

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 December 1, _____, are not subject to redemption prior to their maturities. The Bonds which mature on or after December 1, _____, are subject to redemption at the option of the County beginning December 1, _____, 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>
December 1, _____ to November 30, _____.....	— ¹
December 1, _____ to November 30, _____.....	—
December 1, _____ and thereafter.....	—

The Bonds will be awarded to the bidder naming the lowest true interest cost for all the Bonds in any legally acceptable proposal and offering to pay not less than par and accrued interest. The lowest true interest cost will be determined with respect to each proposal by doubling the semiannual interest rate, compounded semiannually, necessary to discount the debt service payments from the payment dates to December 1, 1991 and to the price bid, excluding interest accrued to the date of delivery of the Bonds. If two or more responsible bidders offer to purchase the Bonds at the same lowest true interest cost, the Bonds shall be awarded to the bidder offering the highest premium, and if the highest premium is offered by two or more such bidders (or if no premium is offered by any of such bidders), the Bonds may be apportioned between such bidders, with their consent, or the County may, in its discretion, award the Bonds to one of such bidders. 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.

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 may not exceed the lowest rate by more than 2%. 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 may not be named for any maturity. As promptly as reasonably practicable after the bids are opened, the County will notify the bidder to whom the Bonds

will be awarded, if and when such award is made, and such bidder, upon such notice, shall advise the County of the initial reoffering prices to the public of each maturity of the Bonds (the "Initial Reoffering Prices").

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 Diane E. Ten Hoopen, Assistant Vice President, Signet Trust Company, Signet Tower, South Conference Room, Eighteenth Floor, 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 \$120,400 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 SUCCESSFUL BIDDER SHALL MAKE A BONA FIDE PUBLIC OFFERING OF THE BONDS AT THE INITIAL OFFERING PRICES AND SHALL PROVIDE THE RELATED CERTIFICATION DESCRIBED BELOW.

The Bonds are authorized by Chapter 417 of the Laws of Maryland of 1989 and a resolution adopted by the Board of County Commissioners of St. Mary's County, on November 12, 1991.

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 and schools.

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 ___ 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 INITIAL REOFFERING PRICES, EXPRESSED AS A PERCENTAGE OF PAR, TO THE PUBLIC OF EACH MATURITY OF THE BONDS; (ii) THAT THE SUCCESSFUL BIDDER HAS MADE A BONA FIDE PUBLIC OFFERING OF THE BONDS OF EACH MATURITY AT (OR BELOW) THE INITIAL 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 Initial 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 19, 1991, 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 Federal funds.

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, as amended.

The Preliminary Official Statement, which is in a form "deemed final" as of its date by the County for purposes of SEC Rule 15c2-12 but is subject to revision, amendment and completion in the 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, or Alex. Brown & Sons Incorporated, 135 E. Baltimore Street, Baltimore, Maryland 21202, (301) 783-3087.

By order of
COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

(Form of Proposal for Bonds)

PROPOSAL FOR BONDS

December 10, 1991

Director of Finance
 St. Mary's County, Maryland
 c/o Diane E. TenHoopen
 Assistant Vice President
 Signet Trust Company
 Signet Tower
 _____ Conference Room
 _____ Floor
 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 \$6,020,000 aggregate principal amount of County Commissioners of St. Mary's County Public Facilities Bonds of 1991, such bonds to be dated December 1, 1991, 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 \$6,020,000, we will pay the par value of said obligations, namely \$6,020,000, plus a premium of _____ Dollars (\$ _____), plus interest on said bonds accrued from the date of said bonds (December 1, 1991) to the date of delivery for said bonds, which will bear interest at the following rates:

<u>Maturing</u> <u>December 1</u>	<u>Principal</u> <u>Amount</u>	<u>Interest</u> <u>Rate</u>	<u>Maturing</u> <u>December 1</u>	<u>Principal</u> <u>Amount</u>	<u>Interest</u> <u>Rate</u>
1992	\$250,000		1999	\$390,000	
1993	270,000		2000	410,000	
1994	295,000		2001	435,000	
1995	315,000		2002	460,000	
1996	330,000		2003	490,000	
1997	350,000		2004	520,000	
1998	370,000		2005	550,000	
			2006	585,000	

We enclose herewith a certified check, bank cashier's, treasurer's or official check drawn upon or certified by a responsible banking institution.

payable to the order of "County Commissioners of St. Mary's County, Maryland" in the amount of \$_____, 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 for Bonds, 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 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 _____.

For your information you will find attached a list of underwriters associated with us in this proposal.

and Associates (See List Attached)

NOTE: Not part of proposal. The following information is requested to expedite and facilitate prompt determination of the best bid. The omission or inaccuracy of these figures will not affect the validity of the proposal. For your information you will find attached a list of the group of underwriters associated with us in this proposal.

Aggregate amount of interest from
date of bonds to final maturity.....\$_____
True interest cost....._____

The above good faith check has been returned and receipt thereof is fully acknowledged.

Bidder
By: _____
Title: _____

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 any part of the 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 maturing 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 "Tax and Section 148 Certificate") that 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 and deliver the Tax and 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 Tax and 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 Tax and 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.

(e) 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.

(f) The President of the Board of County Commissioners 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 and 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 shall deem advisable in order to assure the registered owners of such Bonds that the interest thereon shall be and 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 purpose for which, Bond Proceeds may be expended, or the use of specified procedures for accounting for

and segregating Bond Proceeds. Such covenants and agreements may be set forth in the Tax and Section 148 Certificate.

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 passage.

ADOPTED this 12th day of November, 1991.



COUNTY COMMISSIONERS OF ST. MARY'S COUNTY

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

Barbara R. Thompson
Barbara R. Thompson, Commissioner

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

NO: 91-41

SUBJ: BOARD OF EDUCATION SIX-YEAR CAPITAL IMPROVEMENT PROGRAM FISCAL YEAR 1993-1998

11:52AM 11/27/91 CO.COM 40.00

RESOLUTION

WHEREAS, The Board of Education of St. Mary's County has prepared a Six-Year Capital Improvement Program Request for FY 1993 through FY 1998 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 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 1993.

ADOPTION DATE: 11/26/91
EFFECTIVE DATE: 11/26/91

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
Barbara R. Thompson
Barbara R. Thompson, Commissioner

ATTEST:

Edward V. Cox
Edward V. Cox
County Administrator

APPROVED AS TO LEGAL SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSPORD
County Attorney

Del. Co. Comm.

DEC 2 - 1991

EVELYN W. ARNOLD, CLERK