

NO: 2001-24

SUBJ: FY 2002 Supplemental Appropriation
Department of Public Works

LIBERO 0 2 0 PAGE 0 1

ORDINANCE

WHEREAS, the Board of County Commissioners believes it is in the best interest of the County to amend the Fiscal Year 2002 Capital Fund Budget to increase the appropriation for the Department of Public Works for St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$255,976.00 are available in State grant funds for the purpose of providing supplemental funds for a third dispatcher, 2 New Start routes, one bus and ADA service for evening and Saturday services. In addition, the supplemental funds allow the transportation program to go from 3 full time and 5 regular part time drivers to 10 full time and 5 regular part time drivers.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on Tuesday, September 25, 2001 pursuant to Notice published on or about September 12, 2001 and September 19, 2001 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on Tuesday, September 25, 2001 to present and explain the requirements to increase the Fiscal Year 2002 Budget in the amount of \$255,976.00 (Two Hundred Fifty Five Thousand Nine Hundred Seventy Six Dollars), and such increase is hereby approved this 9th day of October, 2001, by the Board of County Commissioners of St. Mary's County, Maryland.

Those voting Aye: ALL
Those voting Nay: _____
Those Absent: _____

Date of Adoption: 10/9/01

Effective Date: 10/9/01

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

Julie B. Randall
Julie B. Randall, President

Joseph F. Anderson
Joseph F. Anderson, Commissioner

Shelby P. Gaazzo
Shelby P. Gaazzo, Commissioner

Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr. Commissioner

Daniel H. Raley
Daniel H. Raley, Commissioner

ATTEST:
Alfred A. Lacer

Alfred A. Lacer
County Administrator

Elaine M. Kramer

Elaine M. Kramer
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
Patrick Murphy

Patrick Murphy
County Attorney

RECORDING FEE 0.00
TOTAL 0.00
Res#SM02 Rcpt#999999
EWA NO Blk#1307
Oct 15, 2001 02:45 PM

**CERTIFICATION OF FUNDS AVAILABILITY
DIRECTOR OF FINANCE
SUPPLEMENTAL OR EMERGENCY APPROPRIATION**

LIBERO 020 PAGE 02

Section 27-9 of the St. Mary's County Code states that the County Commissioners may make additional, supplementary or emergency appropriations during any fiscal year only if the Chief Financial Officer certifies in writing that funds are available for appropriation.

DATE: October 9, 2001

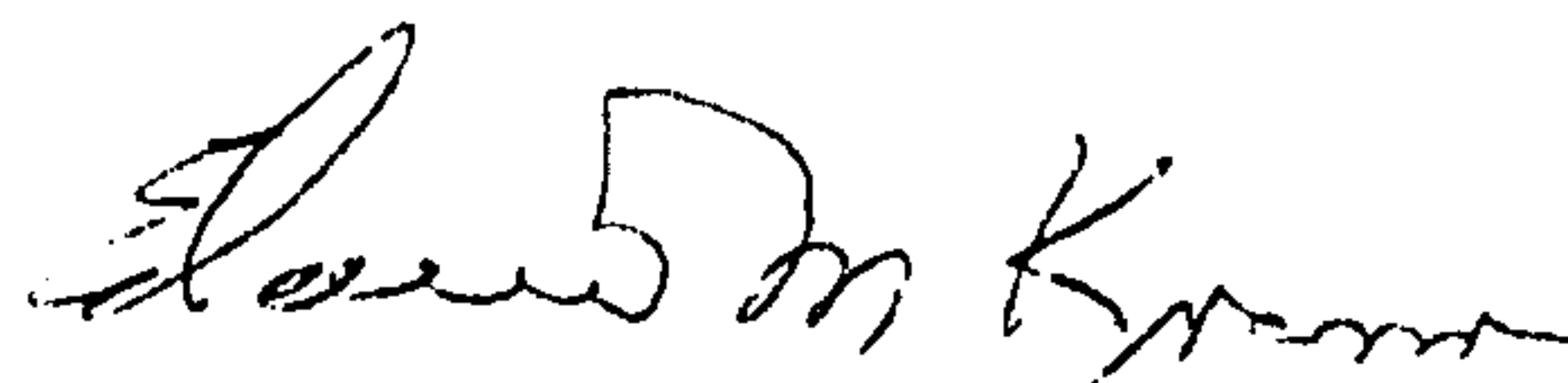
TO: Board of County Commissioners

**ORDINANCE
NUMBER:**

PURPOSE: For the purpose of providing supplemental funds for a third dispatcher, 2 New Start routes, and ADA service for evening and Saturday services. In addition, the supplemental funds allow the transportation program to go from 3 full time and 5 regular part time drivers to 10 full time and 5 regular part time drivers.

FUNDS CERTIFICATION:

<u>Amount</u>	<u>Source</u>
\$255,976.00	Per Mass Transit Administration letter dated July 19, 2001. State grant funds under the Maryland Department of Transportation



Elaine M. Kramer
Director of Finance

NO.: 2001-25

LIBERO 020 PAGE 03

SUBJECT: FY 2002 Supplemental Appropriation
Marcey House

ORDINANCE

WHEREAS, the Board of County Commissioners believes it is in the best interest of the County to amend the Fiscal Year 2002 General Fund Operating Budget to increase the appropriation for Marcey House of St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$35,206.00 are available in State funds for the purpose of providing supplemental funds for a full time house manager.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on Tuesday, September 25, 2001 pursuant to Notice published on or about September 12, 2001 and September 19, 2001 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on Tuesday, September 25, 2001 to present and explain the requirements to increase the Fiscal Year 2002 Budget in the amount of \$35,206.00 (Thirty Five Thousand Two Hundred Six Dollars), and such increase is hereby approved this 9th day of October, 2001 by the Board of County Commissioners of St. Mary's County, Maryland.

Those voting Aye: ALL
Those voting Nay: _____
Those Absent: _____

Date of Adoption: 10/9/01
Effective Date: 10/9/01

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

Julie B. Randall
Julie B. Randall, President

Joseph F. Anderson
Joseph F. Anderson, Commissioner

Shelby P. Guazzo
Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley
Daniel H. Raley, Commissioner

ATTEST:
Alfred A. Lacer

Alfred A. Lacer
County Administrator

Elaine M. Kramer

Elaine M. Kramer
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Patrick B. Murphy
Patrick B. Murphy
County Attorney

RECORDING FEE 0.00
TOTAL 0.00
Res#SM02 Rcpt#999999
EWA NE Bk#1307
Oct 15, 2001 02:47 PM

CERTIFICATION OF FUNDS AVAILABILITY
DIRECTOR OF FINANCE
SUPPLEMENTAL OR EMERGENCY APPROPRIATION

LIBERS 020 PRELU
Liber 0020 Page 4

Section 27-9 of the St. Mary's County Code states that the County Commissioners may make additional, supplementary or emergency appropriations during any fiscal year only if the Chief Financial Officer certifies in writing that funds are available for appropriation.

DATE: October 9, 2001

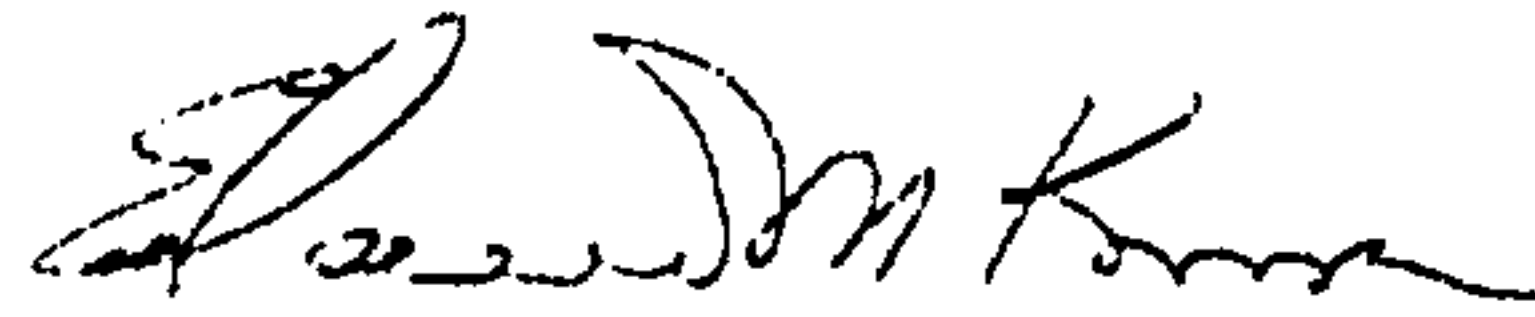
TO: Board of County Commissioners

ORDINANCE
NUMBER:

PURPOSE: Marcey House
For the purpose of providing supplemental funds for a full time house manager to meet the needs of 15 clients.

FUNDS CERTIFICATION:

<u>Amount</u>	<u>Source</u>
\$35,206.00	State funds per MOU dated July 1, 2001. Maryland Department of Health and Mental Hygiene,



Elaine M. Kramer
Director of Finance

NO: 2001-26

SUBJ: FY 2002 Supplemental Appropriation
Office on Aging

LIBERO 020 PAGE 05

ORDINANCE

WHEREAS, the Board of County Commissioners believes it is in the best interest of the County to amend the Fiscal Year 2002 General Fund Operating Budget to increase the appropriation for the Office on Aging for St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$16,632.00, are available in State and Federal funds for the purpose of providing Medicaid waiver administration and case management services.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on Tuesday, September 25, 2001 pursuant to Notice published on or about September 12, 2001 and September 19, 2001 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on September 25, 2001 to present and explain the requirements to increase the Fiscal Year 2002 Budget in the amount of \$16,632.00 (Sixteen Thousand Six Hundred & Thirty Two Dollars), and such increase is hereby approved this 9th day of October, 2001, by the Board of County Commissioners of St. Mary's County, Maryland.

Those voting Aye: ALL
Those voting Nay: _____
Those Absent: _____

Date of Adoption: 10/9/01

Effective Date: 10/9/01

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

Julie B. Randall
Julie B. Randall, President

Joseph E. Anderson
Joseph E. Anderson, Commissioner

Shelby P. Guazzo
Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr. Commissioner

Daniel H. Raley
Daniel H. Raley, Commissioner

ATTEST:
Alfred A. Lacer
Alfred A. Lacer
County Administrator

Elaine M. Kramer
Elaine M. Kramer
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
Patrick B. Murphy
Patrick B. Murphy
County Attorney

RECORDING FEE 0.00
TOTAL 0.00
Res#SM02 Rcft#999999
EWA NB BIK#1307
Oct 15, 2001 02:47 PM

**CERTIFICATION OF FUNDS AVAILABILITY
DIRECTOR OF FINANCE
SUPPLEMENTAL OR EMERGENCY APPROPRIATION**

LIBERO 020 PAGE 06

Section 27-9 of the St. Mary's County Code states that the County Commissioners may make additional, supplementary or emergency appropriations during any fiscal year only if the Chief Financial Officer certifies in writing that funds are available for appropriation.

DATE: October 9, 2001

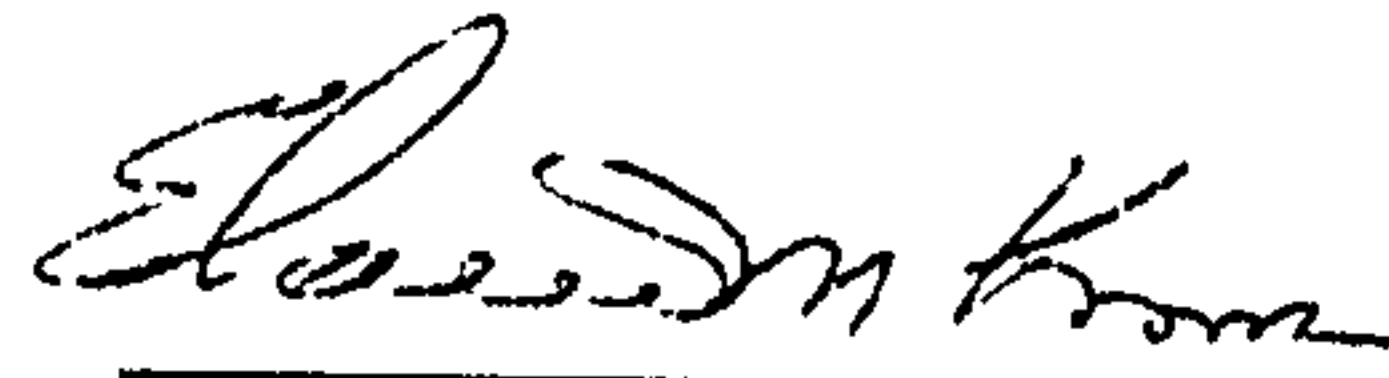
TO: Board of County Commissioners

**ORDINANCE
NUMBER:**

PURPOSE: For the purpose of providing Medicaid waiver administration and case management services.

FUNDS CERTIFICATION:

<u>Amount</u>	<u>Source</u>
\$16,632.00	Notification of Grant Award dated July 01, 2001



Elaine M. Kramer
Director of Finance

NO.: 2001-27

LIBERO 020 PAGE 07

SUBJECT: FY 2002 Supplemental Appropriation
Office of the Sheriff

ORDINANCE

WHEREAS, the Board of County Commissioners believes it is in the best interest of the County to amend the Fiscal Year 2002 General Fund Operating Budget to increase the appropriation for the Office of the Sheriff for St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$18,887.00 are available in state funds for the purpose of providing supplemental funds for tobacco use prevention and cessation program.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on Tuesday, September 25, 2001 pursuant to Notice published on or about September 12, 2001 and September 19, 2001 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on Tuesday, September 25, 2001 to present and explain the requirements to increase the Fiscal Year 2002 Budget in the amount of \$18,887.00 (Eighteen Thousand Eight Hundred & Eighty Seven Dollars), and such increase is hereby approved this 9th day of October, 2001 by the Board of County Commissioners of St. Mary's County, Maryland.

COMMISSIONERS
Those voting Aye: RANDALL, ANDERSON, GUAZZO, MATTINGLY
Those voting Nay: _____
Those Absent: Commissioner Raley
Abstaining: _____

Date of Adoption: 10/9/01
Effective Date: 10/9/01

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

Julie B. Randall
Julie B. Randall, President

Joseph F. Anderson
Joseph F. Anderson, Commissioner

Shelby P. Guazzo
Shelby P. Guazzo, Commissioner

Thomas A. Mattingly
Thomas A. Mattingly, Sr. Commissioner

ABSTAINED
Daniel H. Raley, Commissioner

ATTEST:
Alfred A. Lacer
County Administrator

FUNDING AVAILABILITY VERIFIED:
Elaine M. Kramer
Elaine M. Kramer
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
Patrick B. Murphy
Patrick B. Murphy
County Attorney

RECORDING FEE 0.00
TOTAL 0.00
Res#SM02 Rcrt#999999
EWA NR BIK#1307
Oct 15, 2001 02:48 PM

CERTIFICATION OF FUNDS AVAILABILITY
DIRECTOR OF FINANCE
SUPPLEMENTAL OR EMERGENCY APPROPRIATION
LIBERO 020 PAGE 08

Section 27-9 of the St. Mary's County Code states that the County Commissioners may make additional, supplementary or emergency appropriations during any fiscal year only if the Chief Financial Officer certifies in writing that funds are available for appropriation.

DATE: October 9, 2001

TO: Board of County Commissioners

ORDINANCE
NUMBER:

PURPOSE: Office of the Sheriff
For the purpose of providing supplemental funds for tobacco use prevention and cessation program.

FUNDS CERTIFICATION:

<u>Amount</u>	<u>Source</u>
\$18,887.00	Per Notice of agreement from St. Mary's Health Department dated July 1, 2001.



Elaine M. Kramer
Director of Finance

NO.: 2001-28

LIBERO 0 2 0 PAGE 0 9

SUBJECT: FY 2002 Supplemental Appropriation
Office of the Sheriff

ORDINANCE

WHEREAS, the Board of County Commissioners believes it is in the best interest of the County to amend the Fiscal Year 2002 General Fund Operating Budget to increase the appropriation for the Office of the Sheriff for St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$47,191.00 are available in Federal Forfeited funds to be used for investigative purposes; purchase of chemical munitions to support the Emergency Services Team; and to purchase equipment to aid in meeting the racial profiling mandates.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on Tuesday, September 25, 2001 pursuant to Notice published on or about September 12, 2001 and September 19, 2001 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on Tuesday, September 25, 2001 to present and explain the requirements to increase the Fiscal Year 2002 Budget in the amount of \$47,191.00 (Forty Seven Thousand One Hundred & Ninety One Dollars), and such increase is hereby approved this 9th day of October, 2001 by the Board of County Commissioners of St. Mary's County, Maryland. SM

Those voting Aye: 14
Those voting Nay: _____
Those Absent: _____

Date of Adoption: 10/9/01
Effective Date: 10/9/01

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

Juffe B. Randall
Juffe B. Randall, President

Joseph F. Anderson
Joseph F. Anderson, Commissioner

Shelby P. Guazzo
Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley
Daniel H. Raley, Commissioner

ATTEST:
Alfred A. Lacer
Alfred A. Lacer
County Administrator

FUNDING AVAILABILITY VERIFIED:
Elaine M. Kramer
Elaine M. Kramer
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
Patrick B. Murphy
Patrick B. Murphy
County Attorney

RECORDING FEE 0.00
TOTAL 0.00
Res#SK02 Rcpt#999999
EWA NB 81k#1307
Oct 15, 2001 02:49 PM

CERTIFICATION OF FUNDS AVAILABILITY
DIRECTOR OF FINANCE
SUPPLEMENTAL OR EMERGENCY APPROPRIATION
LIBERO 020 PAGE 10

Section 27-9 of the St. Mary's County Code states that the County Commissioners may make additional, supplementary or emergency appropriations during any fiscal year only if the Chief Financial Officer certifies in writing that funds are available for appropriation.

DATE: October 9, 2001

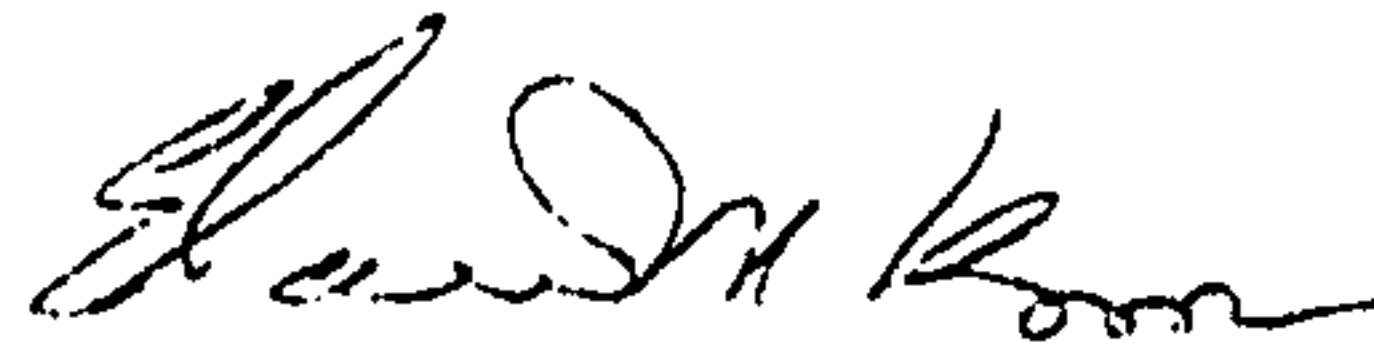
TO: Board of County Commissioners

ORDINANCE
NUMBER:

PURPOSE: Office of the Sheriff
For the purpose of providing funds to be used for investigative purposes; purchase of chemical munitions to support the Emergency Services Team; and to purchase equipment to aid in meeting the racial profiling mandates.

FUNDS CERTIFICATION:

<u>Amount</u>	<u>Source</u>
\$47,191.00	Per Notice of U.S. Department of Justice letter dated July 11, 2001.



Elaine M. Kramer
Director of Finance

NO.: 01- 44
SUBJECT: Tudor Hall Road
No Parking Signs

RESOLUTION

WHEREAS, pursuant to Section 25-102 of the Transportation Article of the Maryland Annotated Code, the Board of County Commissioners for St. Mary's County, Maryland, is authorized and empowered to regulate traffic by means of a traffic control device, and to designate any street, or portion thereof, as a no parking area.

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has identified the need to control parking along a portion of Tudor Hall Road due to the existing conditions of road design, motor vehicle traffic and pedestrian safety; and

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has, therefore, recommended that the Board of County Commissioners for St. Mary's County, Maryland, exercise its authority to regulate parking on Tudor Hall Road; specifically, No Parking on Tudor Hall Road, County Route 30671, approximately 40 feet South from its intersection with Washington Street, for a distance of approximately 150 feet along Tudor Hall Road.

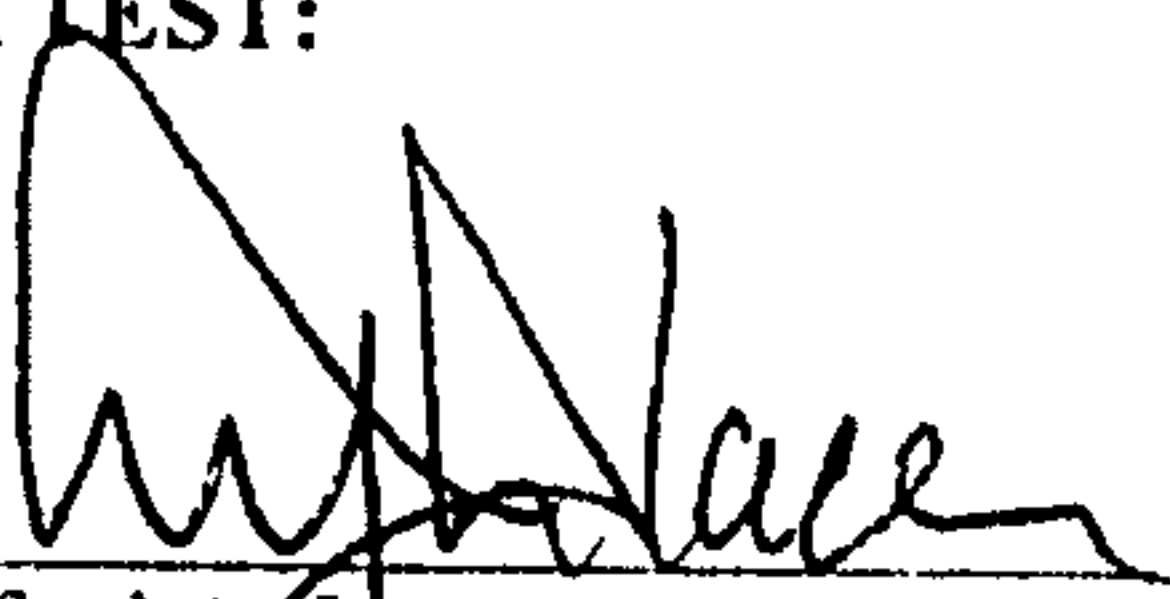
NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for St. Mary's County, Maryland, finds that, upon the advice of the Director of the Department of Public Works and Transportation, a hazardous condition currently exists on Tudor Hall Road, and that in the interest of public safety and to eliminate a hazardous condition, Tudor Hall Road, County Route 30671, further identified as being located in the Third (3rd) Election District, St. Mary's County, Maryland, shall be designated as a No Parking Zone approximately 40 feet South from its intersection with Washington Street, for a distance of approximately 150 feet along Tudor Hall Road,, which is a reasonable exercise of this Board's police powers; and

BE IT FURTHER RESOLVED, that the Board of County Commissioners for St. Mary's County, Maryland, directs and instructs the Director of the Department of Public Works and Transportation to erect the necessary traffic control devices, specifically, No Parking signs on Tudor Hall Road, County Route 30671, as necessary to identify the referenced portion of Tudor Hall Road as a No Parking Zone.

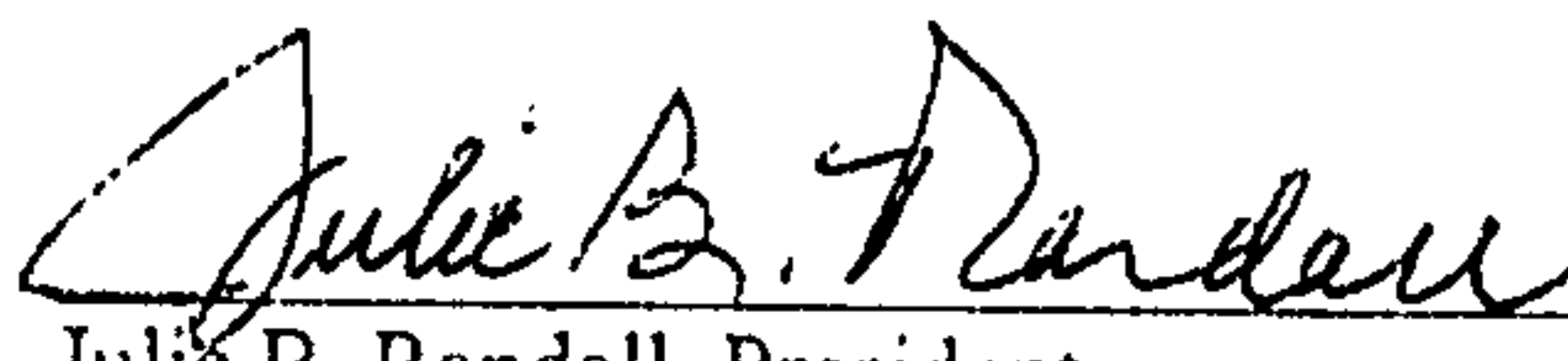
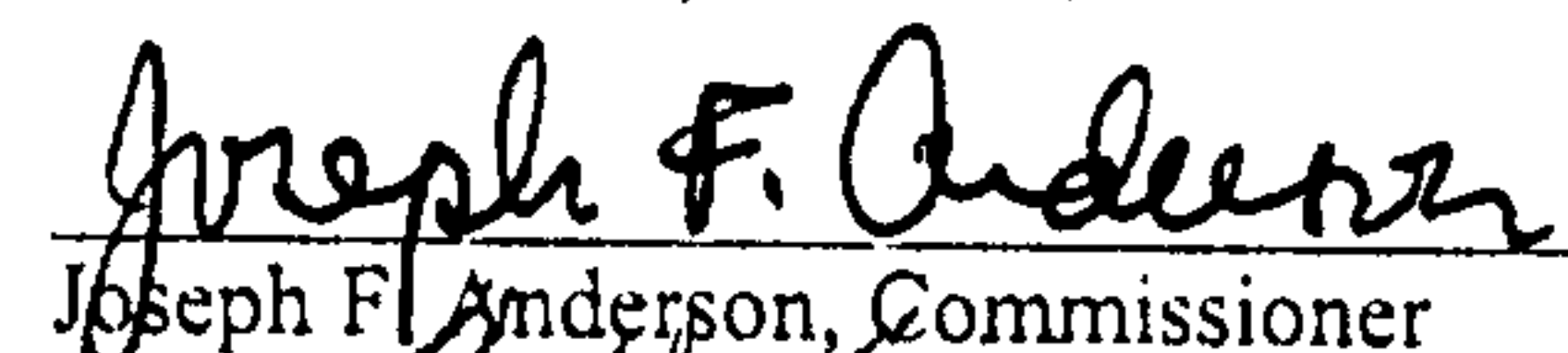

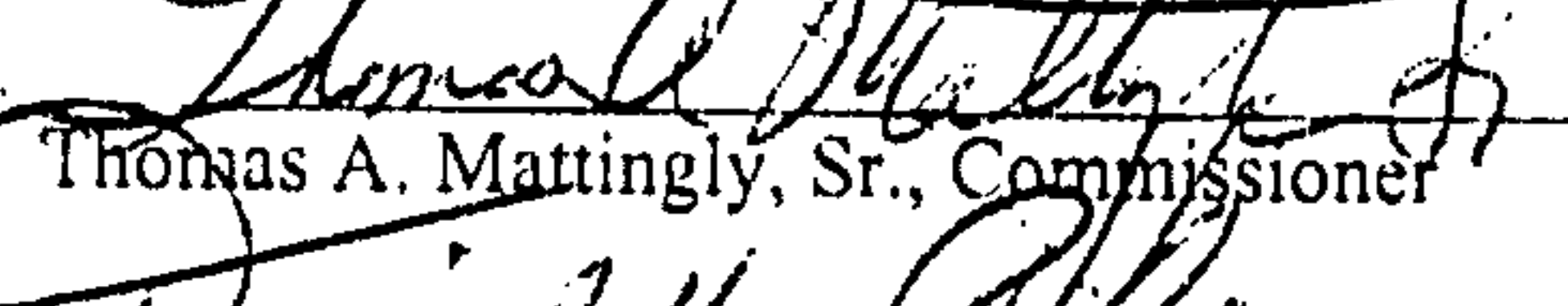
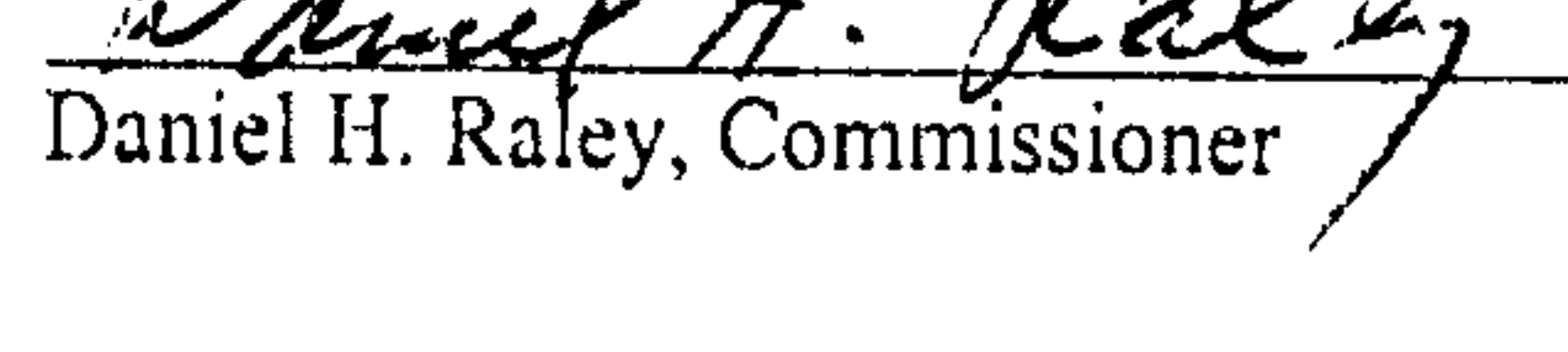
Those voting aye: ALL
Those voting nay: _____
Those abstaining or absent: _____
Date of Adoption: 10/26/01
Effective Date: 10/26/01

RECORDING FEE 0.00
TOTAL 0.00
Res#SM02 Rcrt#999999
EWA NB Blk#2505
Oct 26, 2001 01:58 PM

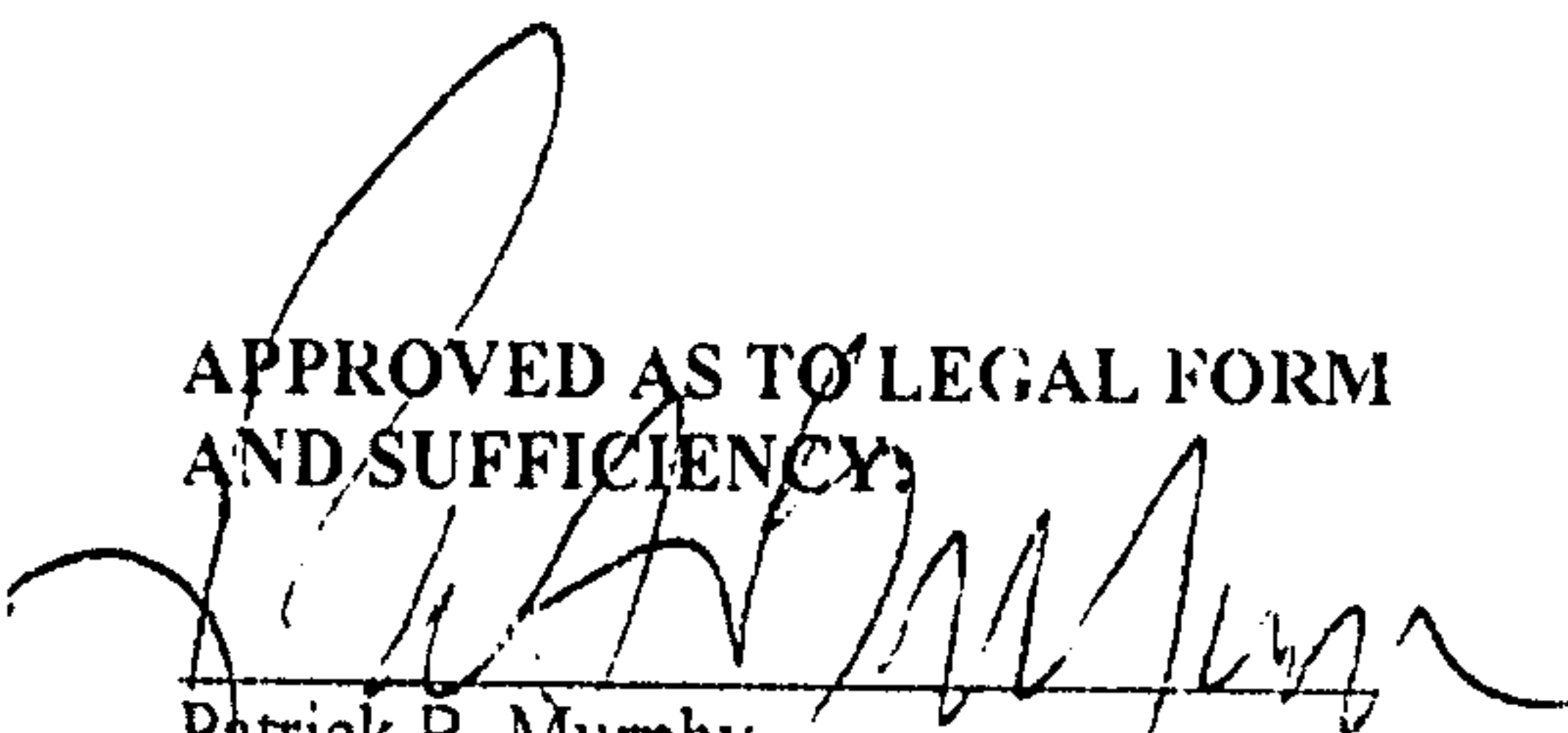
ATTEST:


Alfred A. Lacer
County Administrator

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


Julie B. Randall, President

Joseph F. Anderson, Commissioner

Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley, Commissioner

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:


Patrick B. Murphy
County Attorney

RESOLUTION

WHEREAS, pursuant to Section 25-102 of the Transportation Article of the Maryland Annotated Code, the Board of County Commissioners for St. Mary's County, Maryland, is authorized and empowered to regulate traffic by means of a traffic control device, and to designate any intersection as a stop intersection, or yield intersection.

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has identified the John G. Lancaster Park Entrance Road, at its intersection with Willows Road, County Route 30334, located in the Eighth (8th) Election District, St. Mary's County, Maryland, as a threat to public safety and a hazardous condition due to the absence of a traffic control device at this intersection; and

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has, therefore, recommended that the Board of County Commissioners for St. Mary's County, Maryland, exercise its authority to regulate traffic at this intersection by means of a traffic control device, specifically, a stop sign on the John G. Lancaster Park Entrance Road, at its intersection with Willows Road.

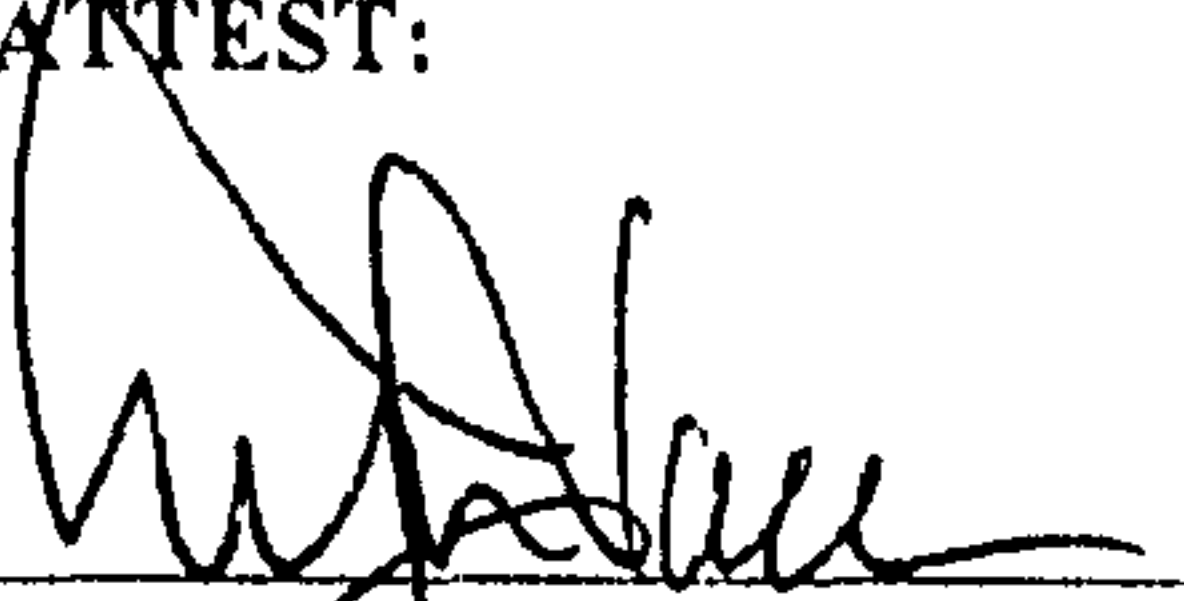
NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for St. Mary's County, Maryland, finds that, upon the advice of the Director of the Department of Public Works and Transportation, a hazardous condition currently exists on the John G. Lancaster Park Entrance Road, at its intersection with Willows Road, and that in the interest of public safety and to eliminate a hazardous condition, the John G. Lancaster Park Entrance Road, further identified as being located in the Eighth (8th) Election District, St. Mary's County, Maryland, shall be designated as a Stop Street, which is a reasonable exercise of this Board's police powers; and

BE IT FURTHER RESOLVED, that the Board of County Commissioners for St. Mary's County, Maryland, directs and instructs the Director of the Department of Public Works and Transportation to erect a traffic control device, specifically a stop sign, on the John G. Lancaster Park Entrance Road, at its intersection with Willows Road, County Route 30334, as necessary to identify the John G. Lancaster Park Entrance Road, as a Stop Street.

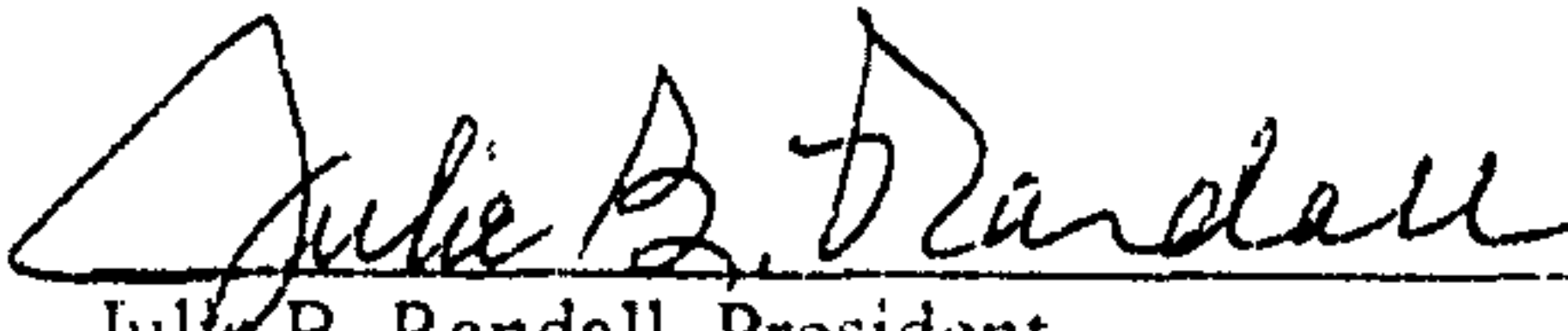
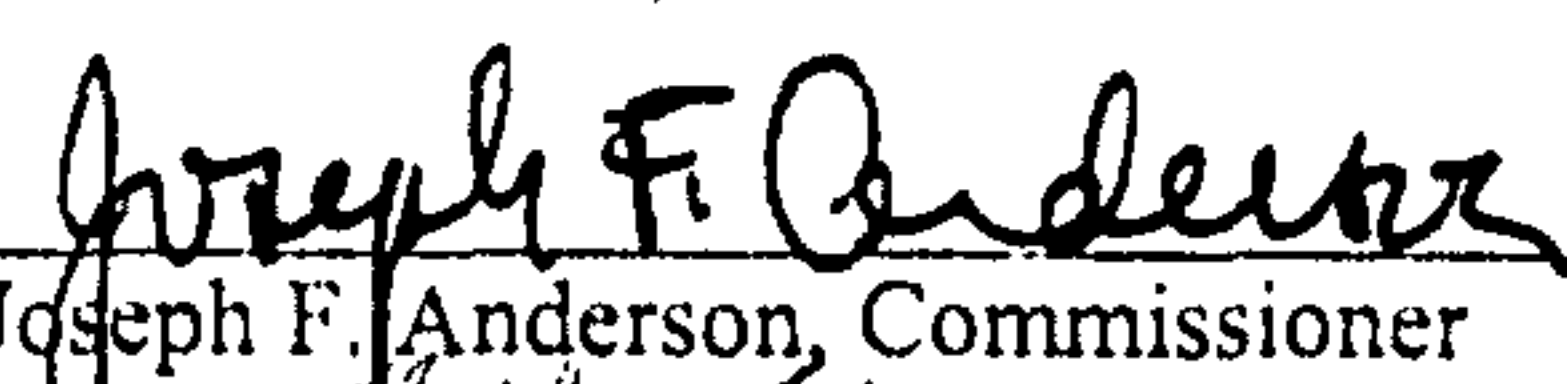

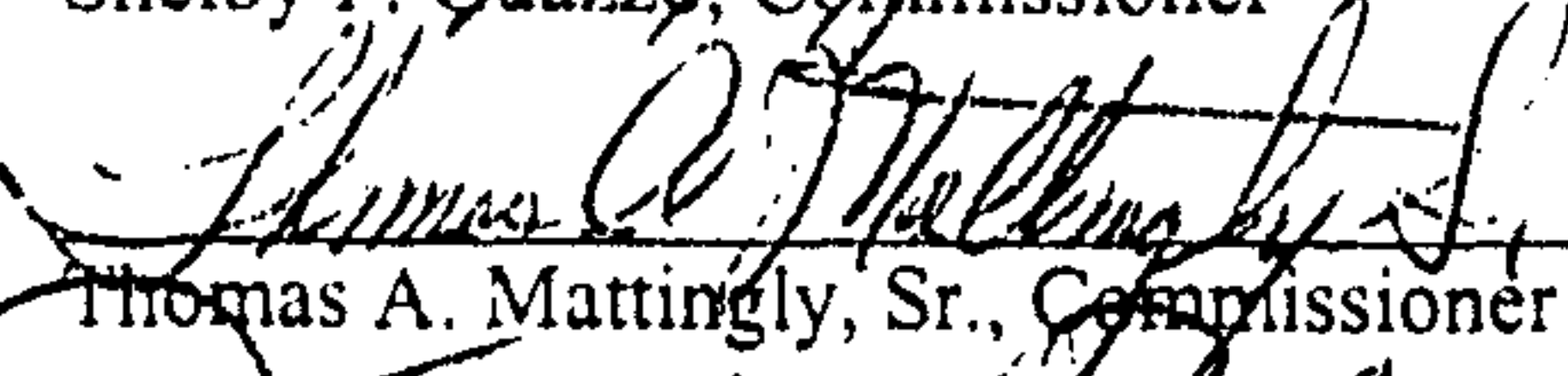
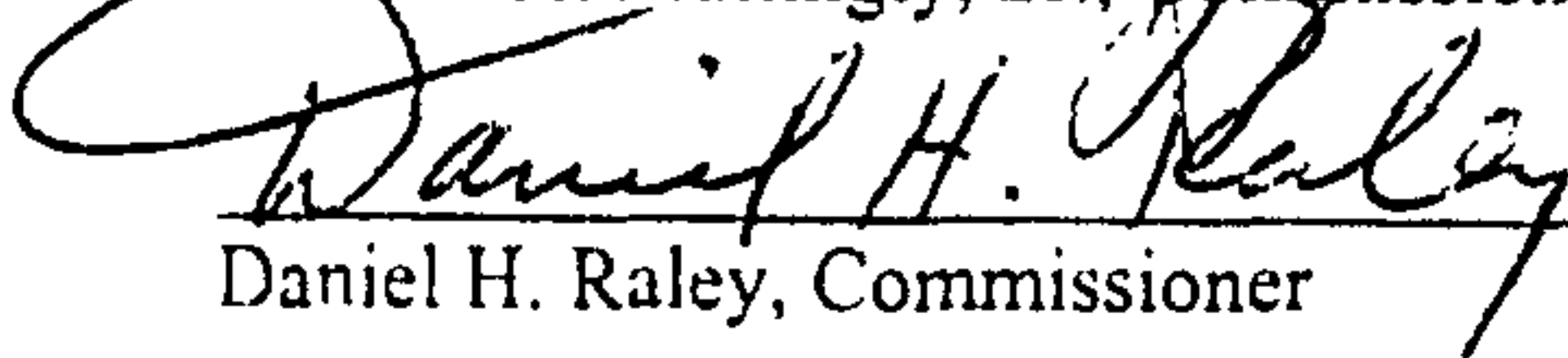
Those voting aye: Nil
Those voting nay: _____
Those abstaining or absent: _____
Date of Adoption: 10/22/01
Effective Date: 10/22/01

RECORDING FEE 0.00
TOTAL 0.00
Res#5402 Rcr#999999
EWA NB B1k#2505
Oct 26, 2001 02:01 PM

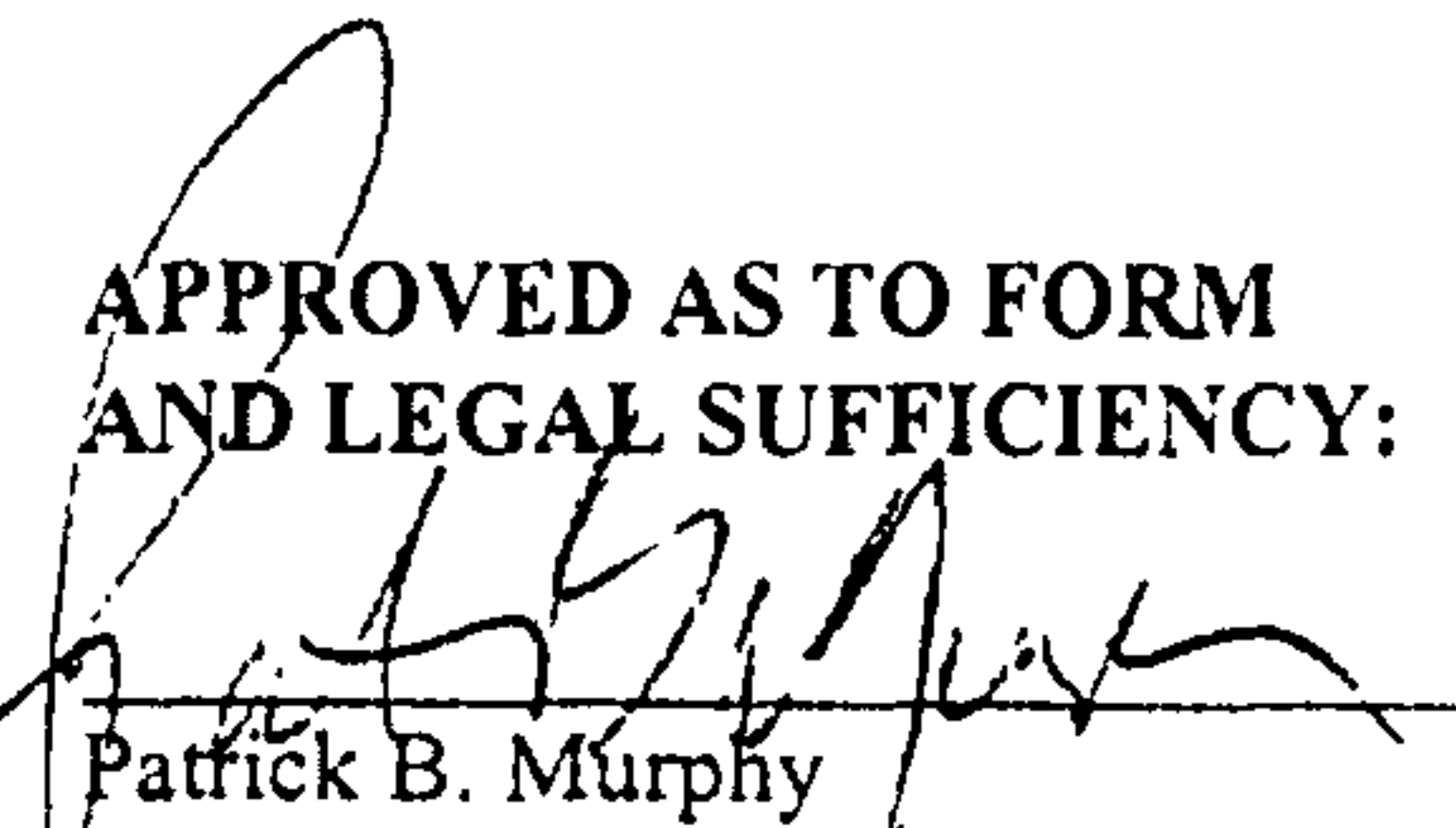
ATTEST:


Alfred A. Lacer
County Administrator

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


Julie B. Randall, President

Joseph F. Anderson, Commissioner

Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


Patrick B. Murphy
County Attorney

NO.: 01- 46
SUBJECT: Adoption of Horse Range Farm Court Horse Range Farm Subdivision

RESOLUTION

WHEREAS, pursuant to Section 109-2(B)(1) of Article 19 of the Code of Public Local Laws of Maryland, the Board of County Commissioners for St. Mary's County, Maryland, is authorized to accept new subdivision streets in accordance with the applicable provisions of the County Subdivision Regulations; and

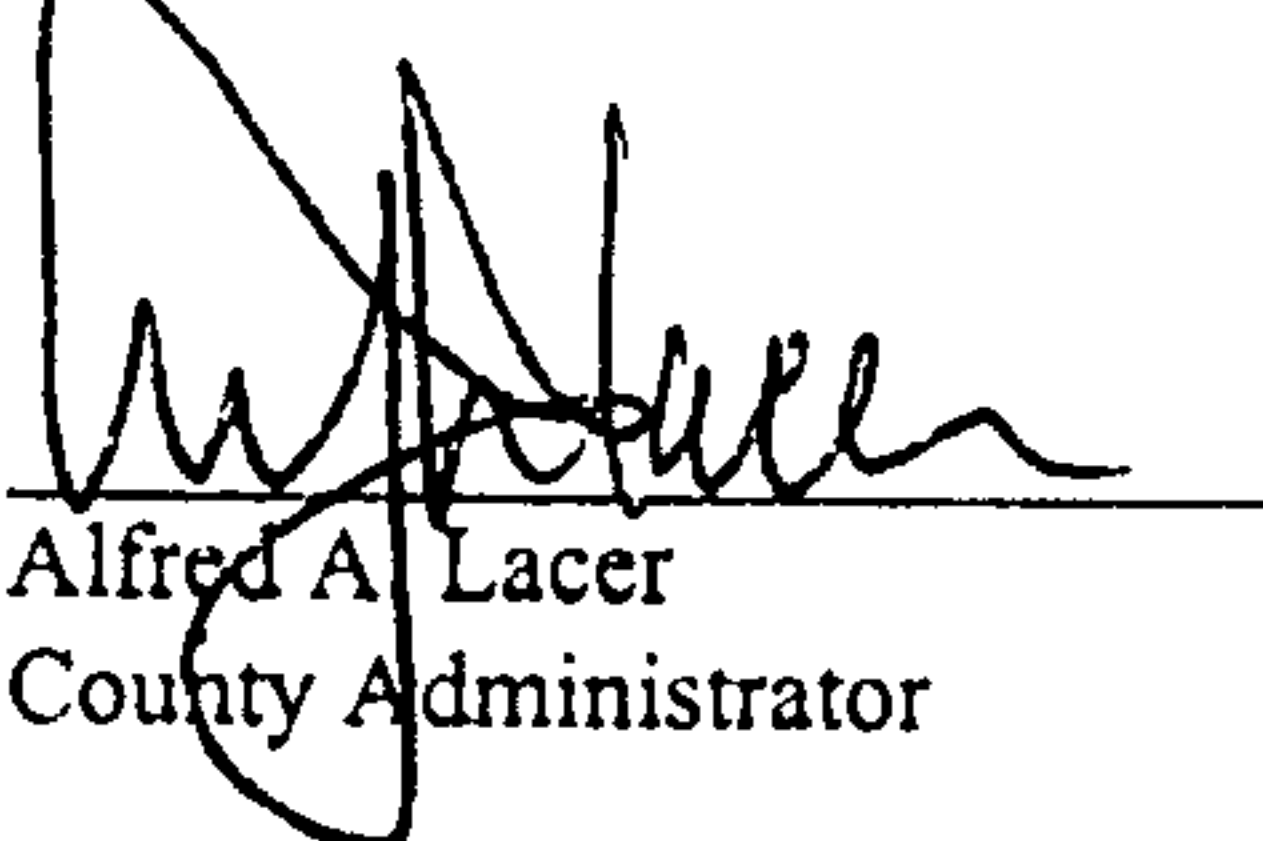
WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has advised the Board of County Commissioners for St. Mary's County, Maryland, that all work has been satisfactorily completed in accordance with the County Subdivision Regulations, Public Works Agreement dated December 11, 1999, and Record Plat recorded at EWA 46, Page 97, for Horse Range Farm Court, County Route 31323.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners for St. Mary's County, Maryland, finding that Horse Range Farm Court, County Route 31323, from Station 0+10 to Station 5+17, located in the Horse Range Farm Subdivision, Fifth (5th) Election District, St. Mary's County, Maryland (Plat Reference: EWA 46, Page 97) meets the applicable requirements of the St. Mary's County Subdivision Ordinance (1978), as amended, and hereby accepts Horse Range Farm Court, County Route 31323, into the County's Highway Maintenance System.



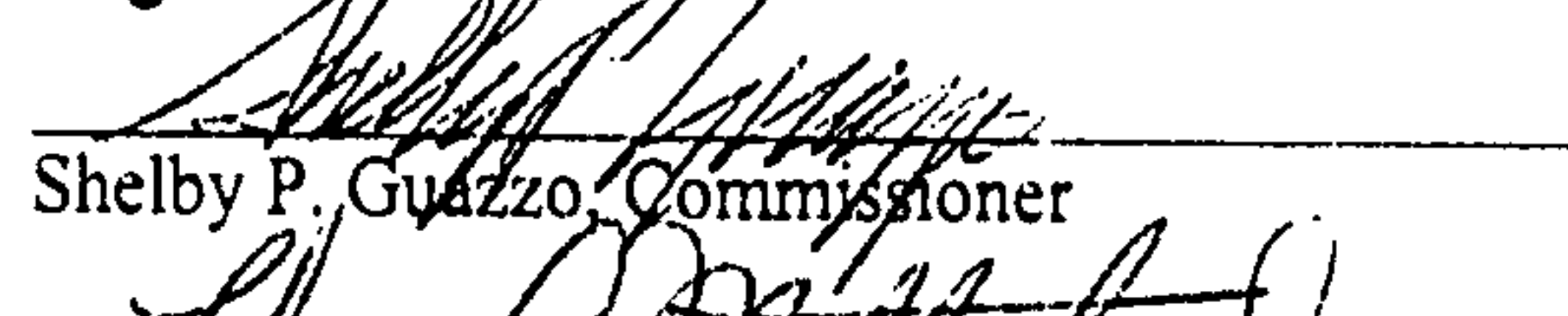
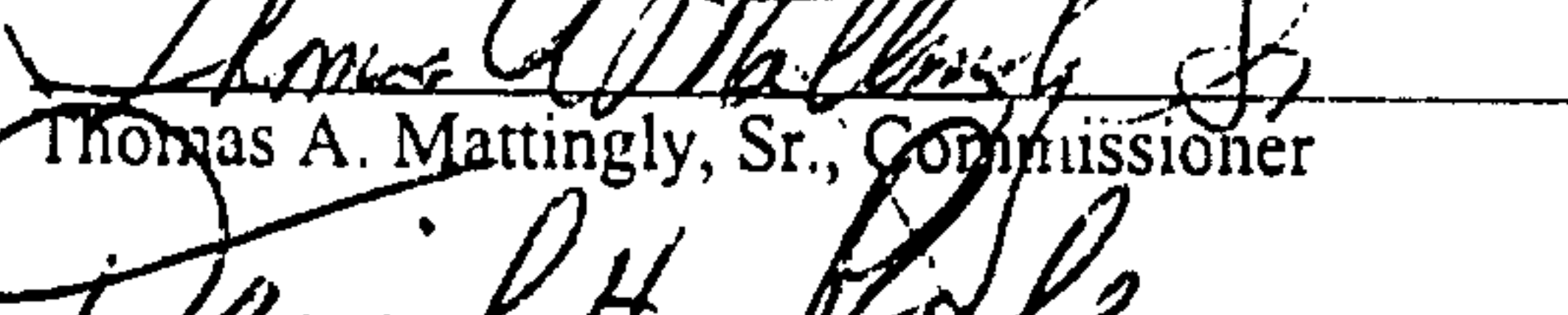
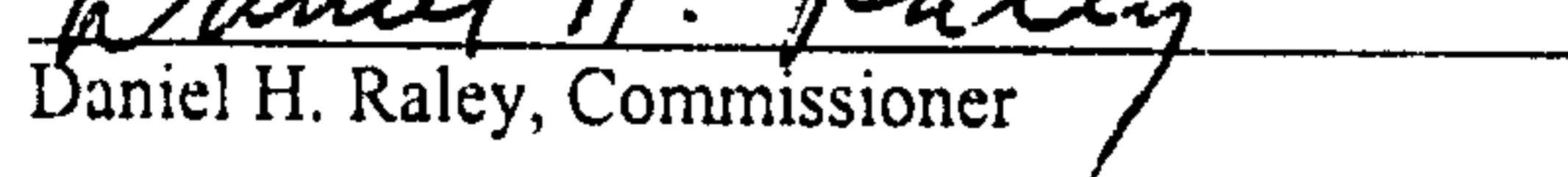
Those voting aye: All
Those voting nay: _____
Those abstaining or absent: _____
Date of Adoption: 10/23/01
Effective Date: 10/23/01

RECORDING FEE 0.00
TOTAL 0.00
Res#5402 Rec#999999
ENA NB BK#2505
Oct 26, 2001 02:02 PM

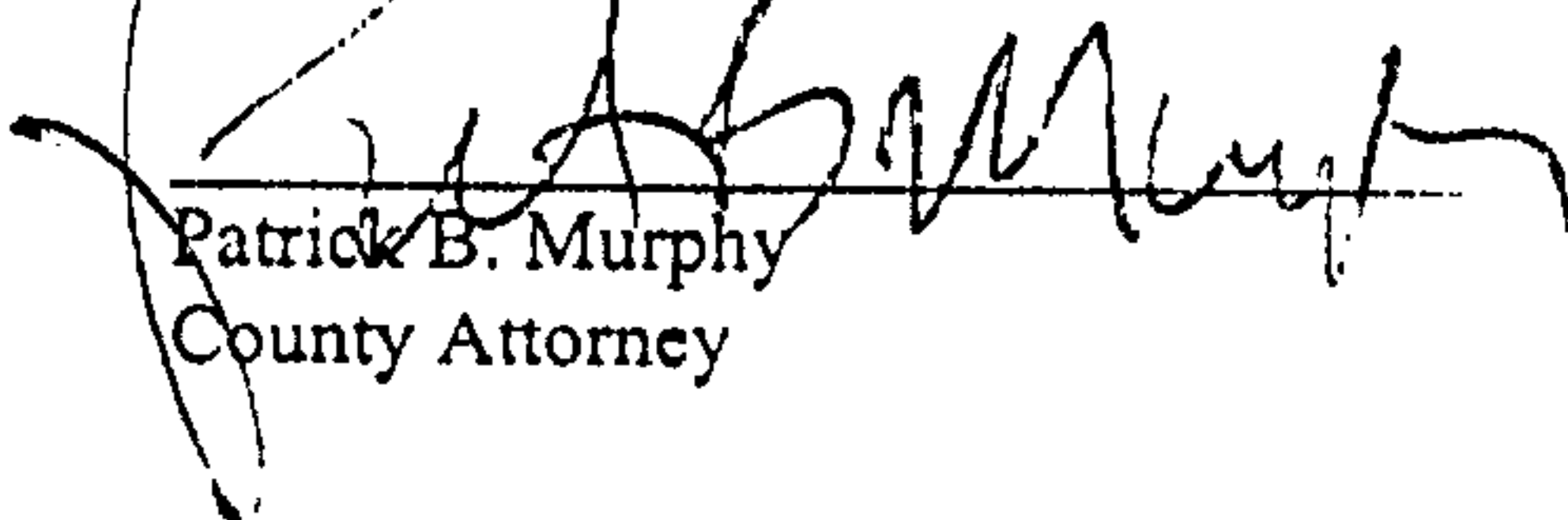
ATTEST:


Alfred A. Lacer
County Administrator

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


Julie B. Randall, President

Joseph F. Anderson, Commissioner

Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley, Commissioner

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


Patrick B. Murphy
County Attorney

RESOLUTION

WHEREAS, pursuant to Section 25-102 of the Transportation Article of the Maryland Annotated Code, the Board of County Commissioners for St. Mary's County, Maryland, is authorized and empowered to regulate traffic by means of a traffic control device, and to designate any intersection as a stop intersection, or yield intersection.

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has identified the intersection of New Market Turner Road (MD Route 6) and Horse Range Farm Court, County Route 31323, located in the Horse Range Farm Subdivision, Fifth (5th) Election District, St. Mary's County, Maryland, as per Record Plat recorded at EWA 46, Page 97, as a threat to public safety and a hazardous condition due to the absence of a traffic control device at this intersection; and

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has, therefore, recommended that the Board of County Commissioners for St. Mary's County, Maryland, exercise its authority to regulate traffic at this intersection by means of a traffic control device, specifically, a stop sign on Horse Range Farm Court, County Route 31323, at the intersection with New Market Turner Road (MD Route 6).

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for St. Mary's County, Maryland, finds that, upon the advice of the Director of the Department of Public Works and Transportation, a hazardous condition currently exists at the intersection of New Market Turner Road (MD Route 6) and Horse Range Farm Court, and that in the interest of public safety and to eliminate a hazardous condition, Horse Range Farm Court, County Route 31323, further identified as being located in the Horse Range Farm Subdivision, Fifth (5th) Election District, St. Mary's County, Maryland (Plat Reference: EWA 46, Page 97) shall be designated as a Stop Street, which is a reasonable exercise of this Board's police powers; and

BE IT FURTHER RESOLVED, that the Board of County Commissioners for St. Mary's County, Maryland, directs and instructs the Director of the Department of Public Works and Transportation to erect a traffic control device, specifically a stop sign, on Horse Range Farm Court, County Route 31323, at the intersection with New Market Turner Road (MD Route 6), as necessary to identify Horse Range Farm Court as a Stop Street.

Those voting aye: 5/11

Those voting nay: _____

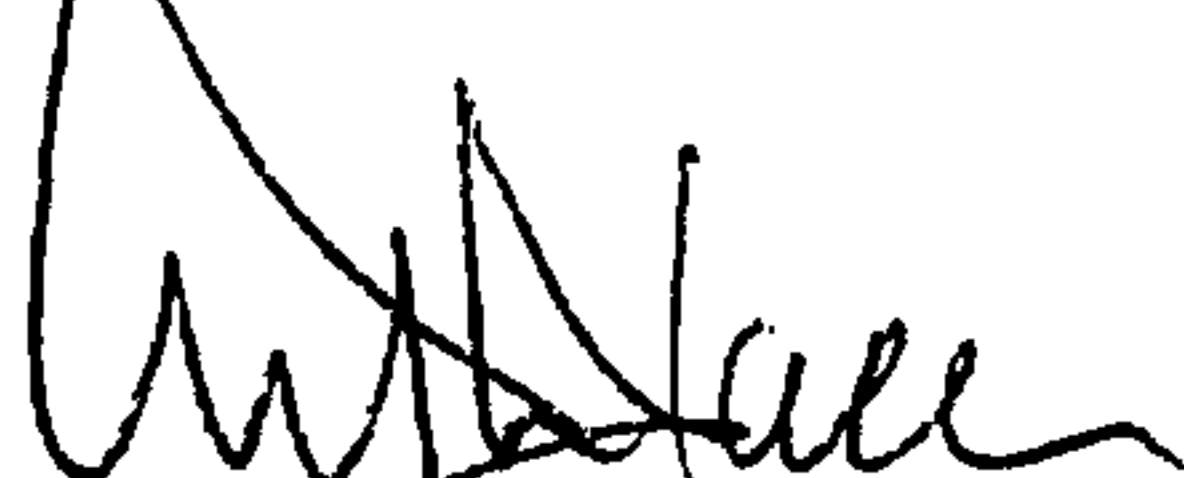
Those abstaining or absent: _____

Date of Adoption: 10/26/01

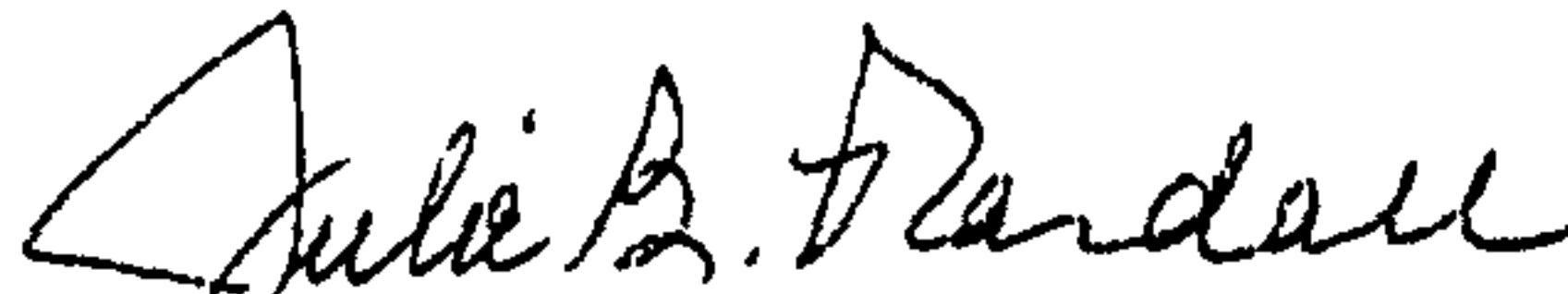
Effective Date: 10/26/01

RECORDING FEE 0.00
TOTAL 0.00
Res#SM02 Rcert#999999
EWA NB B11#2505
Oct 26, 2001 02:02 PM

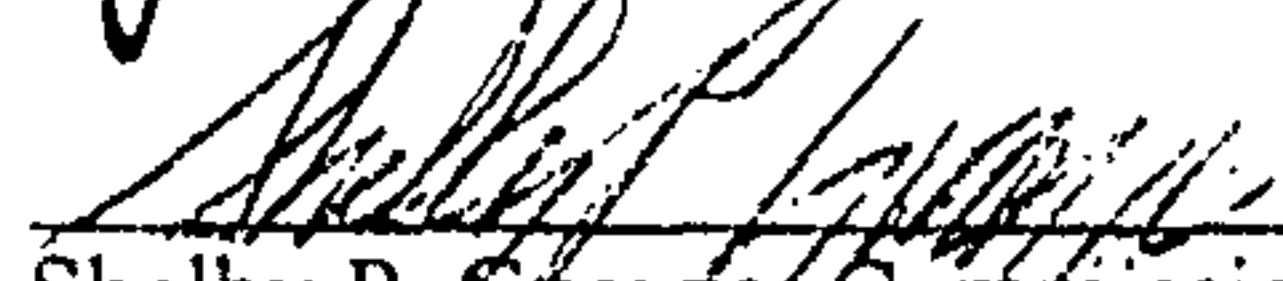
ATTEST:



Alfred A. Lacer
County Administrator

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


Julie B. Randall, President

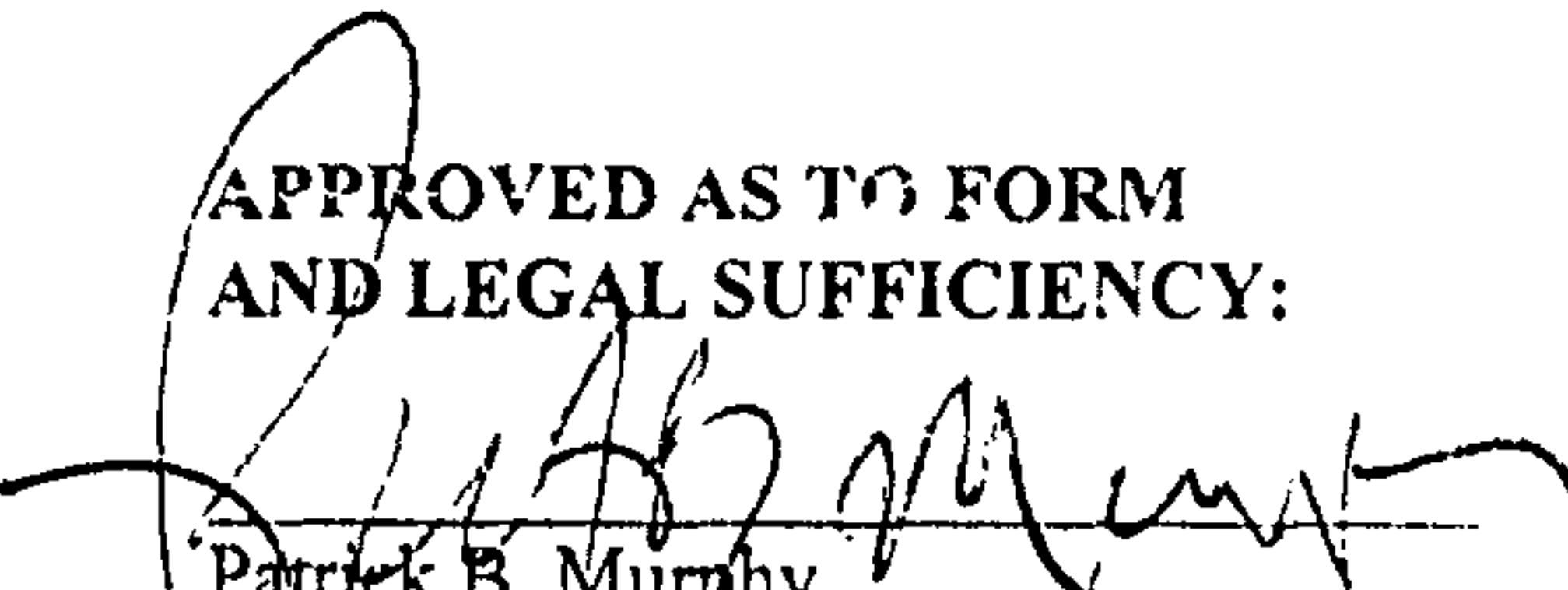

Joseph F. Anderson, Commissioner


Shelby P. Guazzo, Commissioner


Thomas A. Mattingly, Sr., Commissioner


Daniel H. Raley, Commissioner

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


Patrick B. Murphy
County Attorney

RESOLUTION

WHEREAS, pursuant to the authority granted under Section 25-102 (a) (10) and Section 21-803 of the Maryland Annotated Code, Transportation Article, the Board of County Commissioners for St. Mary's County, Maryland, may alter the speed upon a public road within the County; and

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has advised that the maximum speed limit set forth in Subtitle 21 of the Transportation Article of the Maryland Annotated Code for Horse Range Farm Court, County Route 31323, located in the Horse Range Farm Subdivision, Fifth (5th) Election District, St. Mary's County, Maryland, as per Record Plat recorded at EWA 46, Page 97, is greater than reasonable or safe under existing conditions of road design, motor vehicle traffic and pedestrian safety; and

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has advised that 25 miles per hour is a reasonable and safe maximum speed for Horse Range Farm Court, County Route 31323.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for St. Mary's County, Maryland finds the maximum speed limit set forth for roads of the type of Horse Range Farm Court is greater than reasonable or safe, and that Horse Range Farm Court, County Route 31323, located in the Horse Range Farm Subdivision, Fifth (5th) Election District, St. Mary's County, Maryland (Plat Reference: EWA 46, Page 97) be posted at 25 miles per hour as per the recommendation of the St. Mary's County Department of Public Works and Transportation.

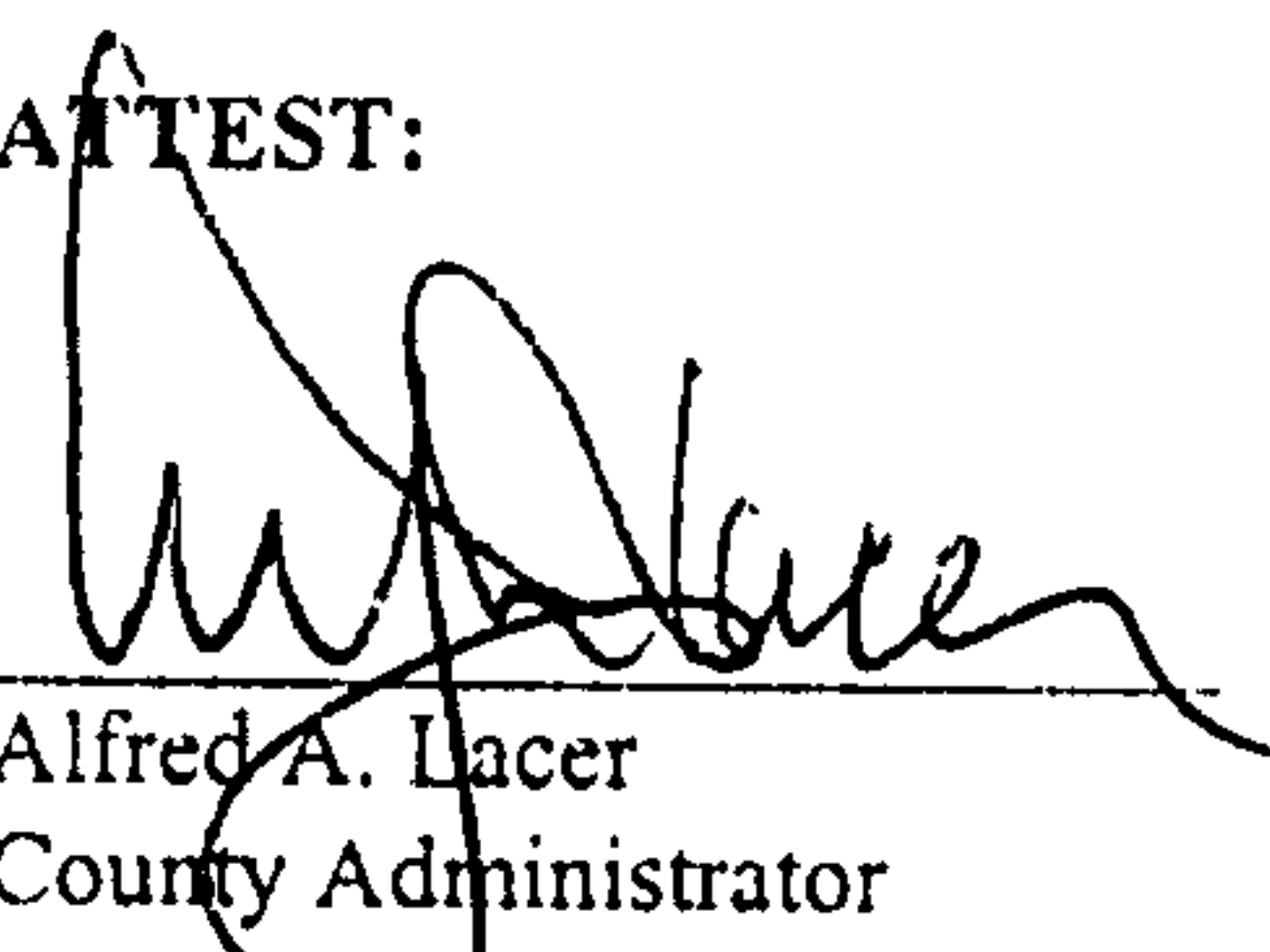
BE IT FURTHER RESOLVED, that the Director of the Department of Public Works and Transportation is directed to install the signage necessary to implement this Resolution in accordance with Section 21-801.1(f) and 21-803 (c) of the Maryland Annotated Code, Transportation Article.

Those voting aye: All
Those voting nay: _____
Those abstaining or absent: _____

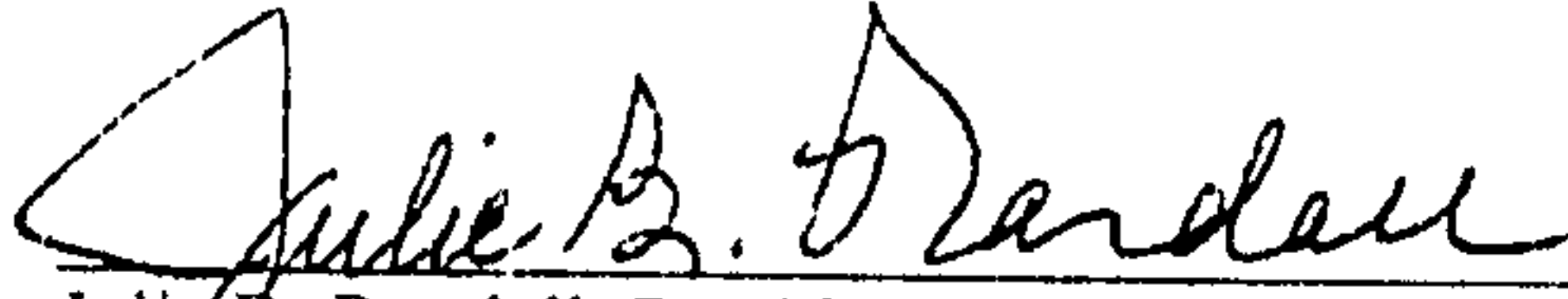
Date of Adoption: 10/23/01
Effective Date: 10/23/01

RECORDING FEE 0.00
TOTAL 0.00
Res#SM02 Rcpt#999999
EWA NB B1k#2505
Oct 26, 2001 02:03 PM

ATTEST:



Alfred A. Lacer
County Administrator

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


Julie B. Randall, President

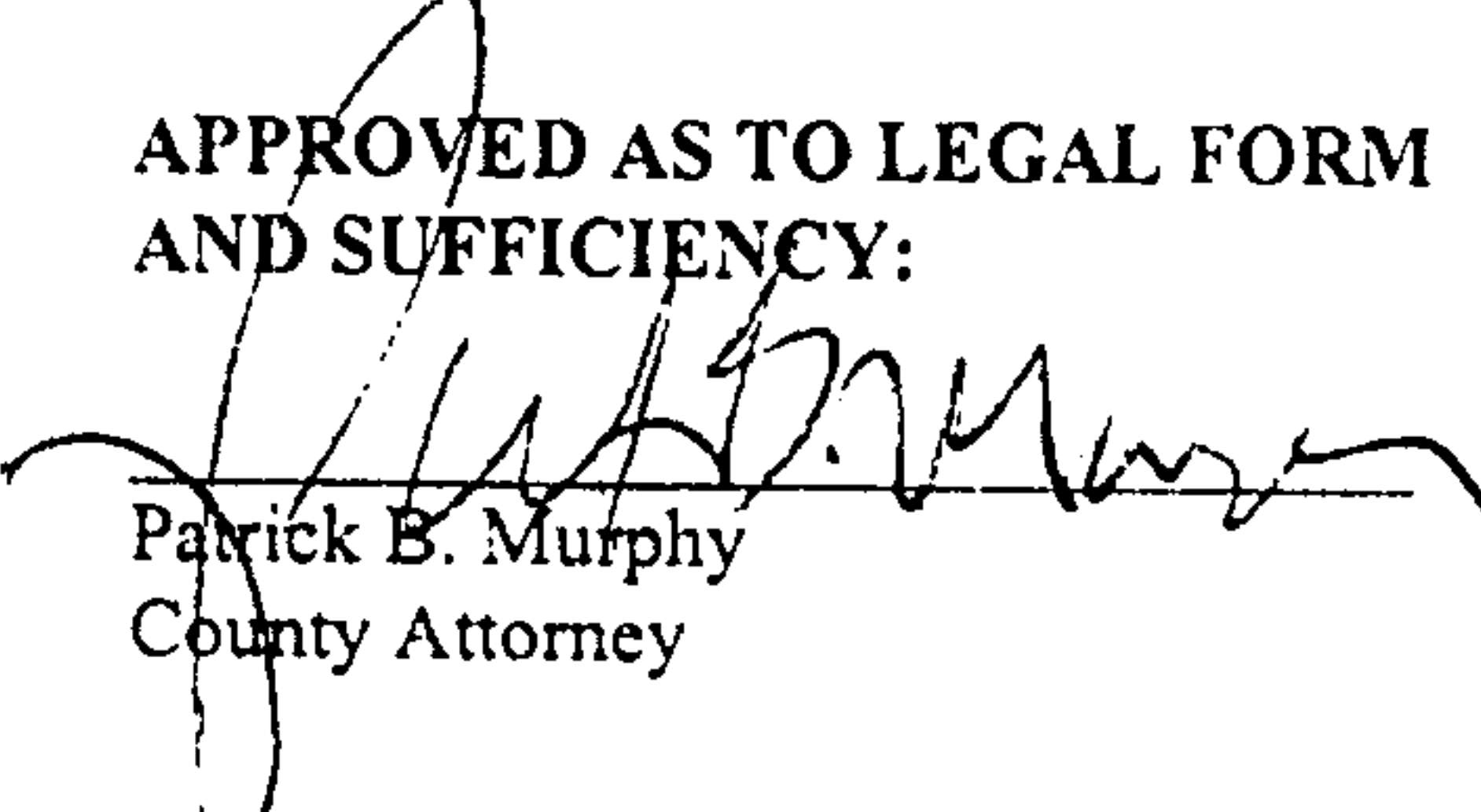

Joseph F. Anderson, Commissioner


Shelby P. Guizzo, Commissioner


Thomas A. Mattingly, Sr., Commissioner


Daniel H. Raley, Commissioner

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:


Patrick B. Murphy
County Attorney

NO.:
SUBJECT:

01- 49
Adoption of War Wagon Court
John Wayne Estates Subdivision,
Section 3

RESOLUTION

WHEREAS, pursuant to Section 109-2(B)(1) of Article 19 of the Code of Public Local Laws of Maryland, the Board of County Commissioners for St. Mary's County, Maryland, is authorized to accept new subdivision streets in accordance with the applicable provisions of the County Subdivision Regulations; and

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has advised the Board of County Commissioners for St. Mary's County, Maryland, that all work has been satisfactorily completed in accordance with the County Subdivision Regulations. Public Works Agreement dated October 24, 2000, and Record Plat recorded at EWA 51, Page 86, for War Wagon Court, County Route 31324 .

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners for St. Mary's County, Maryland, finding that War Wagon Court, County Route 31324 , from Station 0+10 to Station 3+47, located in Section 3 of the John Wayne Estates Subdivision, Fourth (4th) Election District, St. Mary's County, Maryland (Plat Reference: EWA 51, Page 86) meets the applicable requirements of the St. Mary's County Subdivision Ordinance (1978), as amended, and hereby accepts War Wagon Court, County Route 31324 , into the County's Highway Maintenance System.

Those voting aye: 10/26/01
Those voting nay: _____
Those abstaining or absent: _____

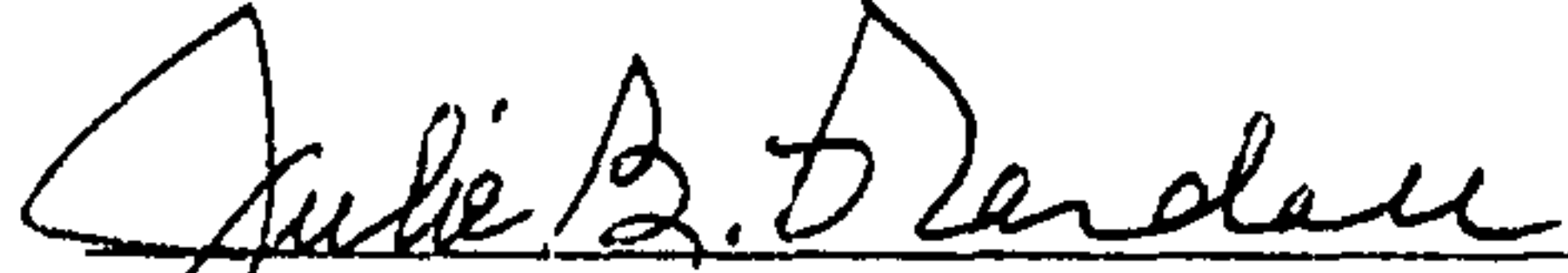
Date of Adoption: 10/26/01
Effective Date: 10/26/01

RECORDING FEE 0.00
TOTAL 0.00
Res#SN02 Rec#1999999
EWA NB B1k#2505
Oct 26, 2001 02:04 PM

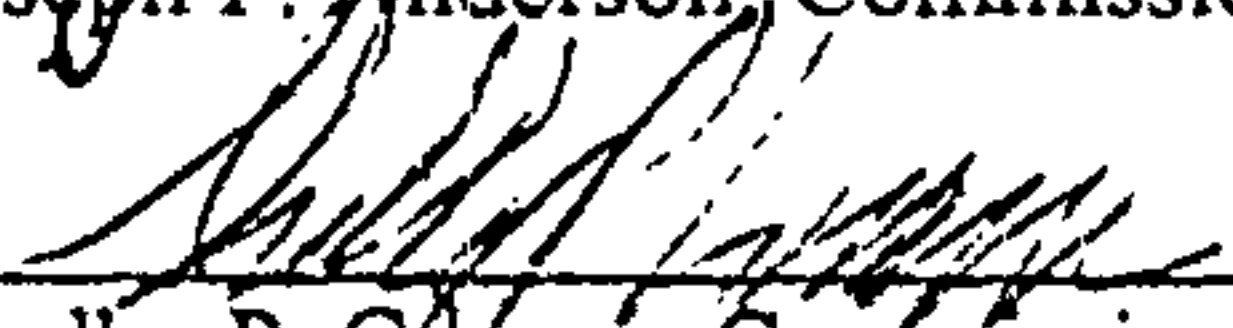
ATTEST:


Alfred A. Lacer
County Administrator

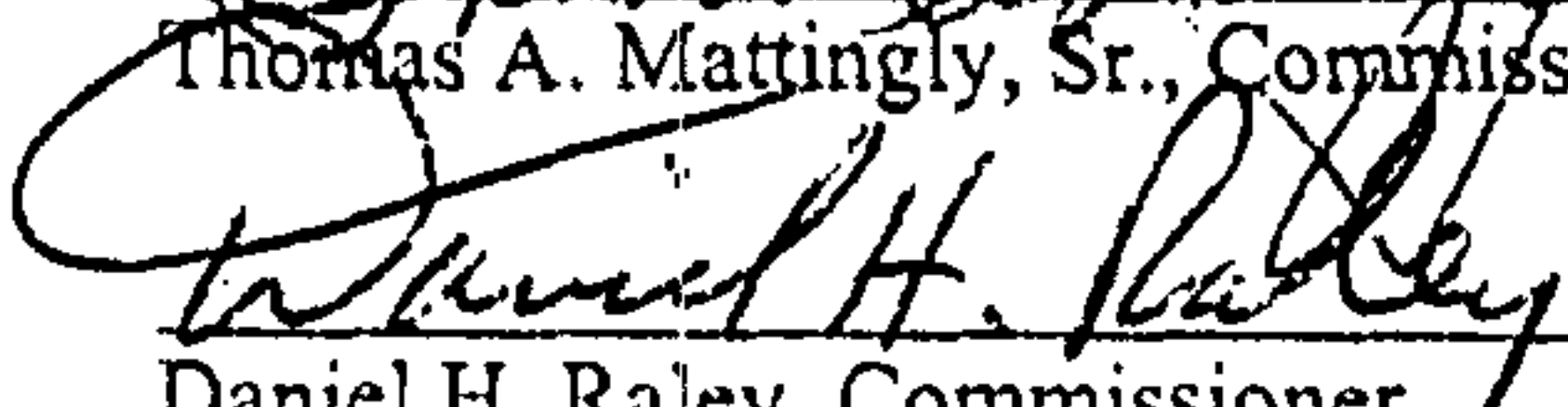
BOARD OF COUNTY COMMISSIONERS FOR
ST. MARY'S COUNTY, MARYLAND


Julie B. Randall, President

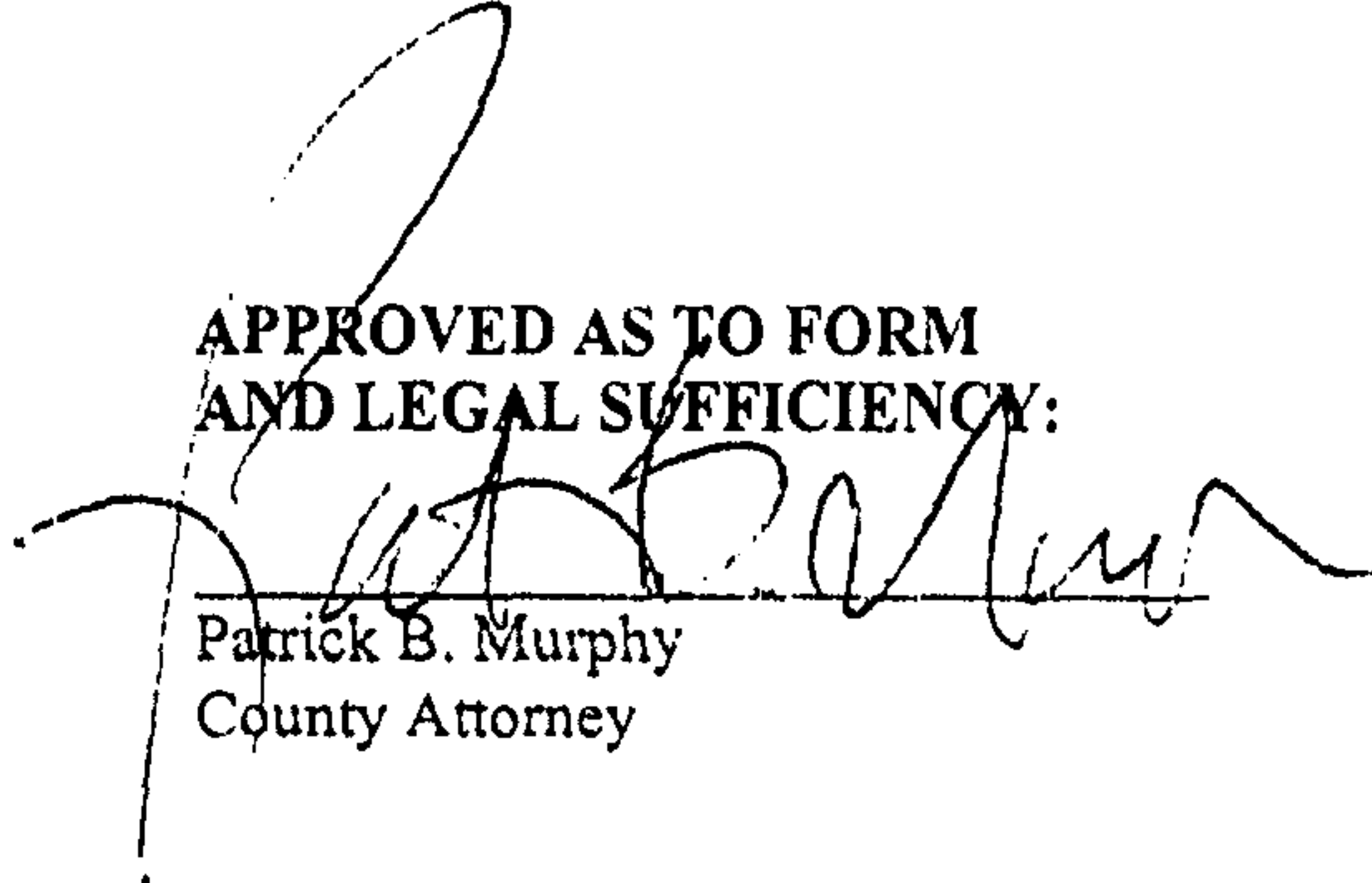

Joseph F. Anderson, Commissioner


Shelby P. Guazzo, Commissioner


Thomas A. Mattingly, Sr., Commissioner


Daniel H. Raley, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


Patrick B. Murphy
County Attorney

LIDET 0020 PAGE 017

RESOLUTION

WHEREAS, pursuant to Section 25-102 of the Transportation Article of the Maryland Annotated Code, the Board of County Commissioners for St. Mary's County, Maryland, is authorized and empowered to regulate traffic by means of a traffic control device, and to designate any intersection as a stop intersection, or yield intersection.

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has identified the intersection of Baptist Church Road and War Wagon Court, County Route 31324, located in Section 3 of the John Wayne Estates Subdivision, Fourth (4th) Election District, St. Mary's County, Maryland, as per Record Plat recorded at EWA 51, Page 86, as a threat to public safety and a hazardous condition due to the absence of a traffic control device at this intersection; and

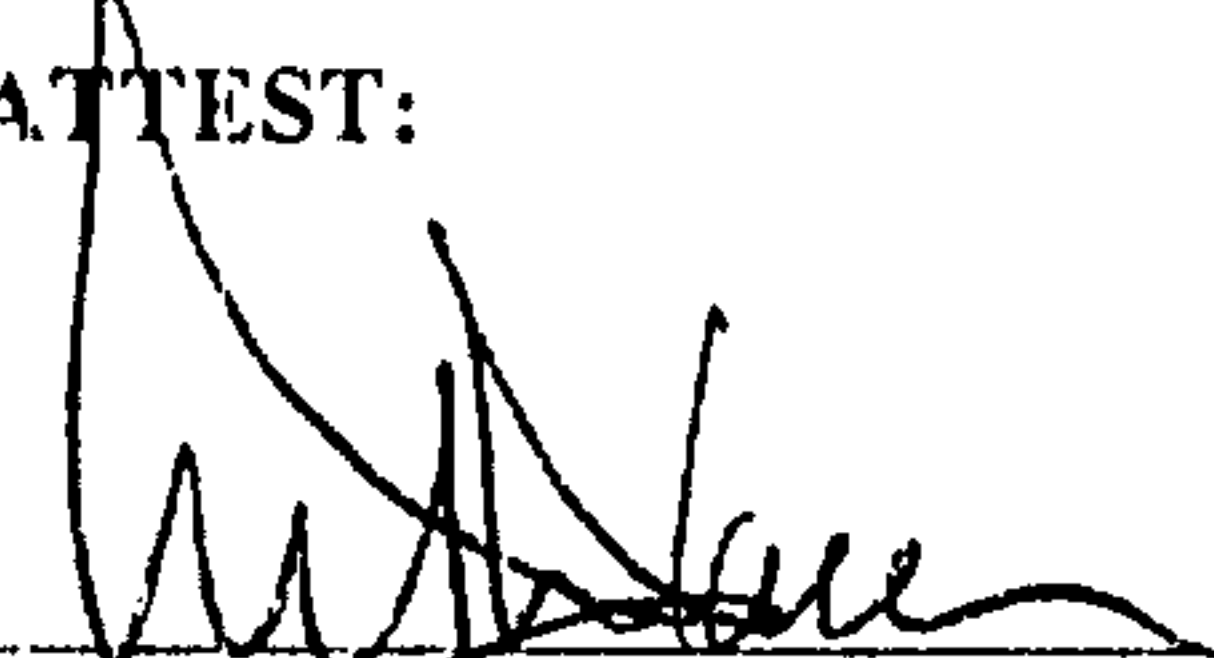
WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has, therefore, recommended that the Board of County Commissioners for St. Mary's County, Maryland, exercise its authority to regulate traffic at this intersection by means of a traffic control device, specifically, a stop sign on War Wagon Court, County Route 31324, at the intersection with Baptist Church Road.

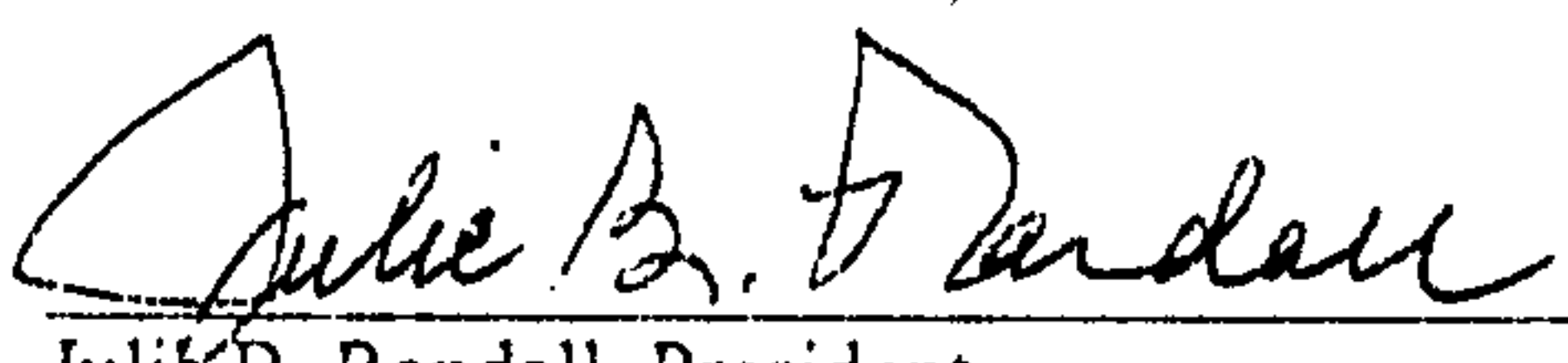
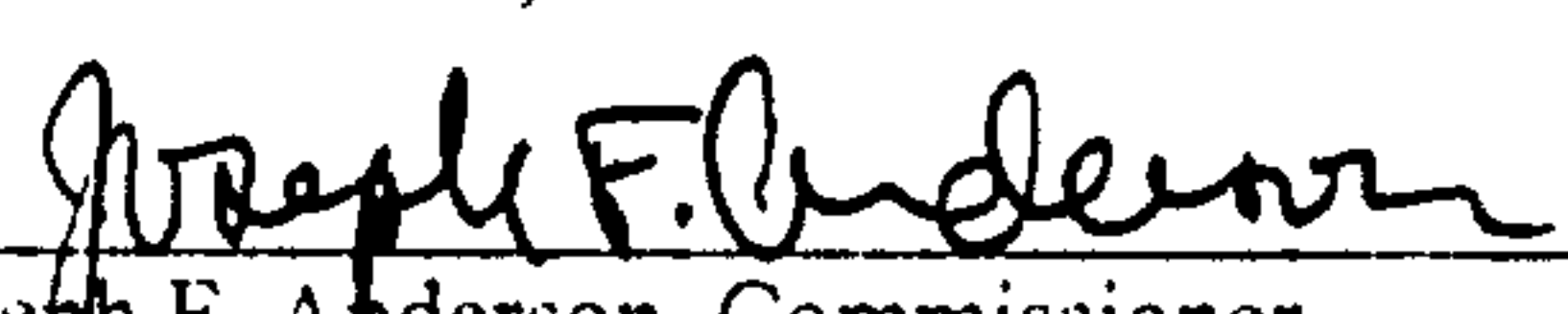
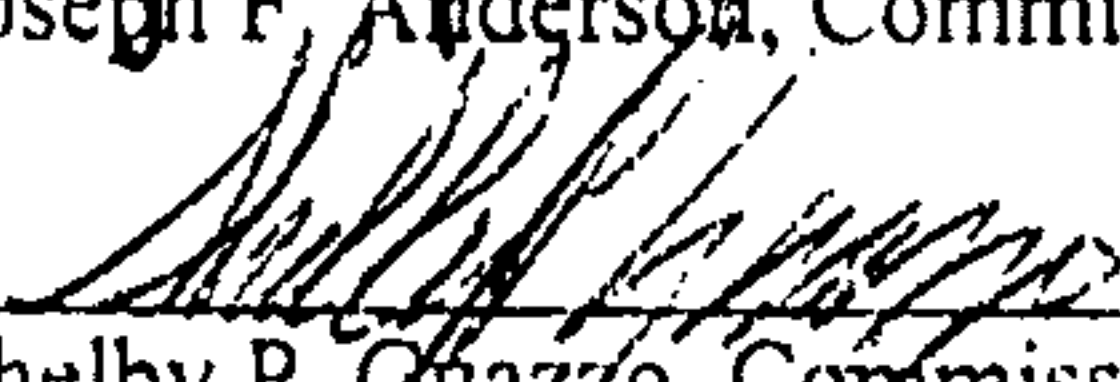
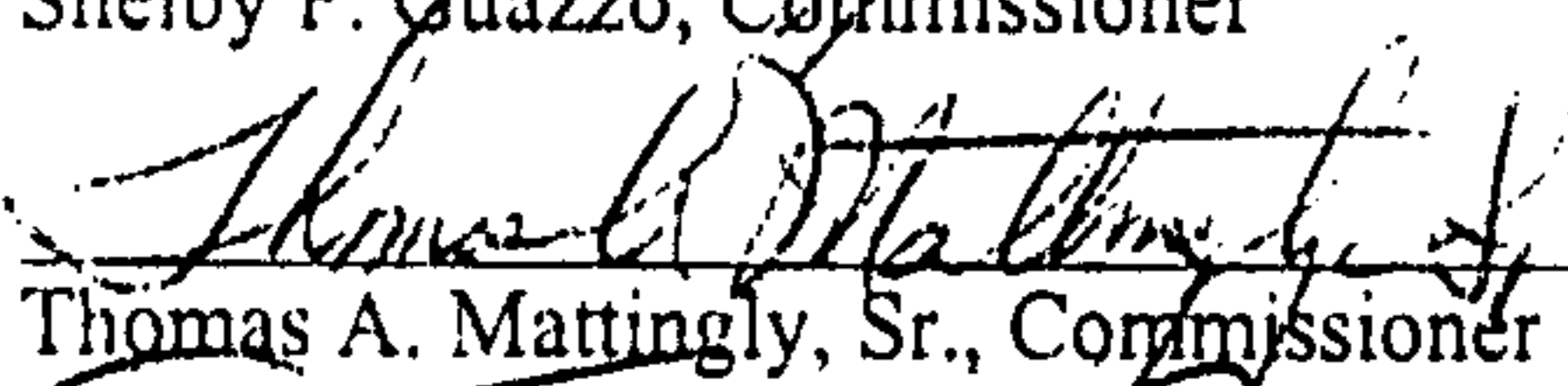
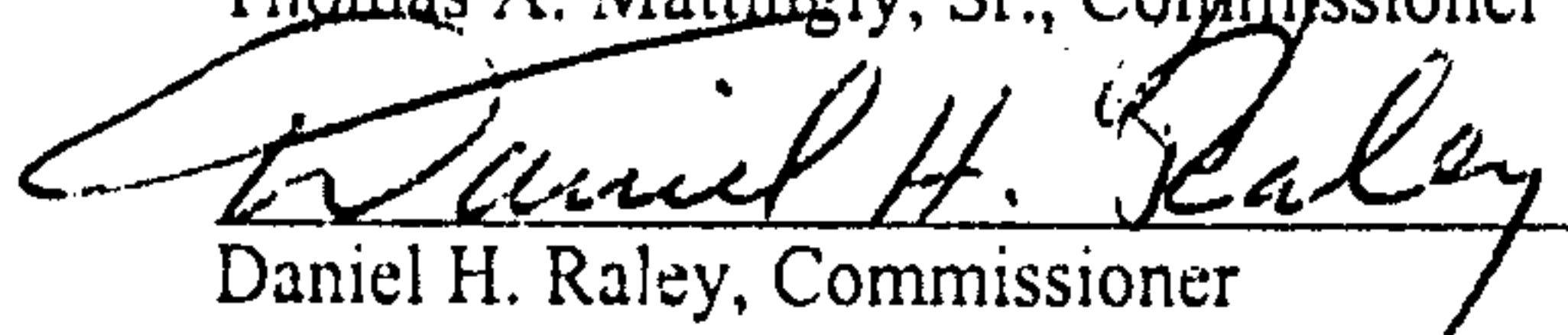
NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for St. Mary's County, Maryland, finds that, upon the advice of the Director of the Department of Public Works and Transportation, a hazardous condition currently exists at the intersection of Baptist Church Road and War Wagon Court, County Route 31324, and that in the interest of public safety and to eliminate a hazardous condition, War Wagon Court, County Route 31324, further identified as being located in Section 3 of the John Wayne Estates Subdivision, Fourth (4th) Election District, St. Mary's County, Maryland (Plat Reference: EWA 51, Page 86) shall be designated as a Stop Street, which is a reasonable exercise of this Board's police powers; and

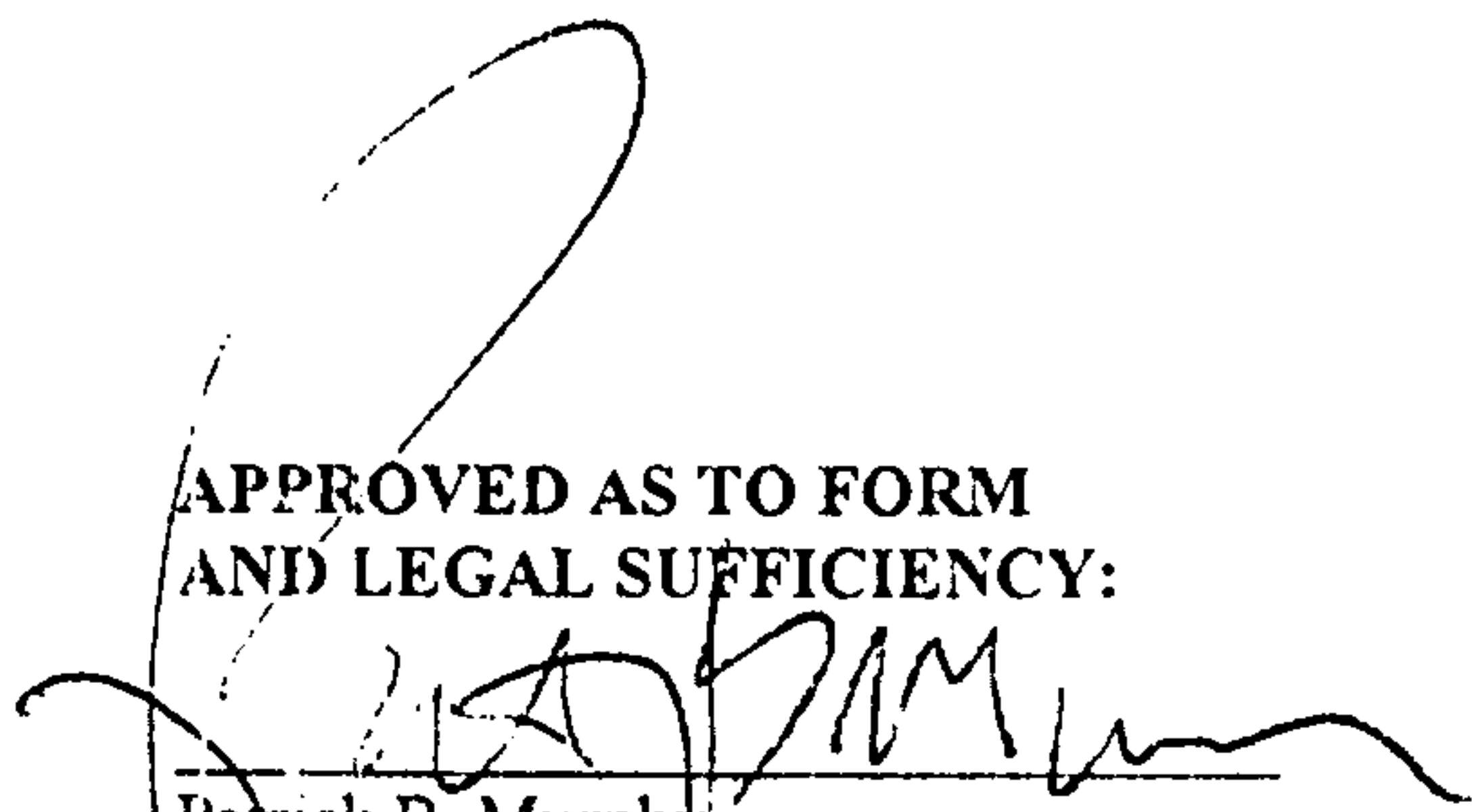
BE IT FURTHER RESOLVED, that the Board of County Commissioners for St. Mary's County, Maryland, directs and instructs the Director of the Department of Public Works and Transportation to erect a traffic control device, specifically a stop sign, on War Wagon Court, County Route 31324, at the intersection with Baptist Church Road, as necessary to identify War Wagon Court as a Stop Street.

Those voting aye: ALL
Those voting nay: _____
Those abstaining or absent: _____
Date of Adoption: 10/24/01
Effective Date: 10/24/01

RECORDING FEE 0.00
TOTAL 0.00
Res#SM02 Rpt#999999
EWA NB BIK#2505
Oct 26, 2001 02:05 PM

ATTEST:

Alfred A. Lacer
County Administrator

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

Julie B. Randall, President

Joseph F. Anderson, Commissioner

Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley, Commissioner

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Patrick B. Murphy
County Attorney

RESOLUTION

WHEREAS, pursuant to the authority granted under Section 25-102 (a) (10) and Section 21-303 of the Maryland Annotated Code, Transportation Article, the Board of County Commissioners for St. Mary's County, Maryland, may alter the speed upon a public road within the County; and

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has advised that the maximum speed limit set forth in Subtitle 21 of the Transportation Article of the Maryland Annotated Code for War Wagon Court, County Route 31324, located in Section 3 of the John Wayne Estates Subdivision, Fourth (4th) Election District, St. Mary's County, Maryland, as per Record Plat recorded at EWA 51, Page 86, is greater than reasonable or safe under existing conditions of road design, motor vehicle traffic and pedestrian safety; and

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has advised that 25 miles per hour is a reasonable and safe maximum speed for War Wagon Court, County Route 31324.

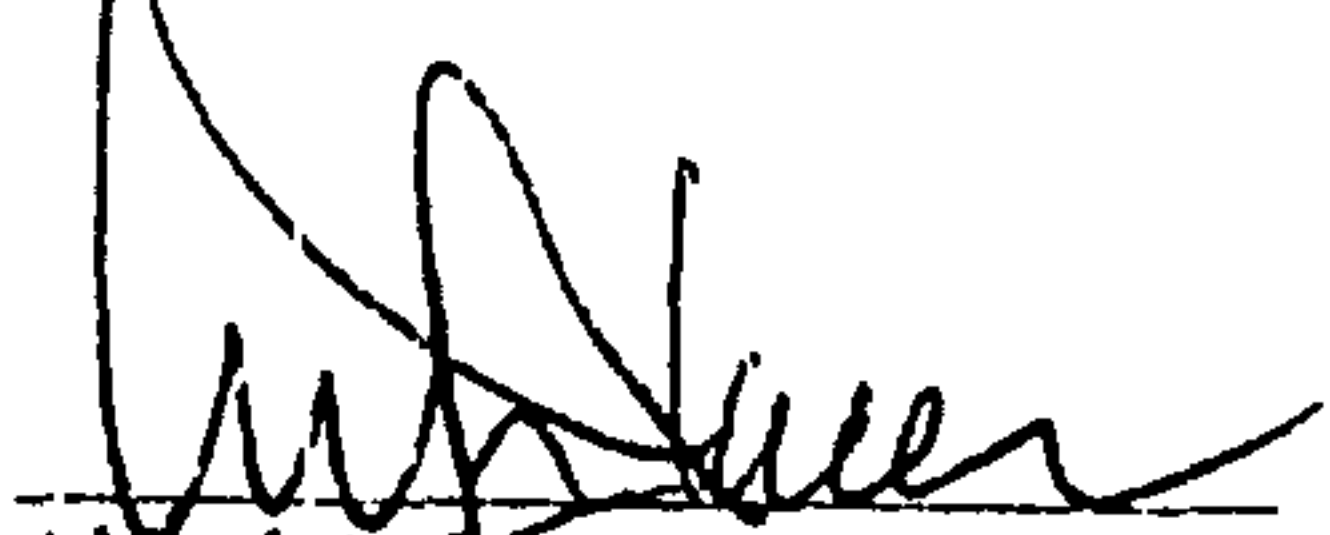
NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for St. Mary's County, Maryland finds the maximum speed limit set forth for roads of the type of War Wagon Court is greater than reasonable or safe, and that War Wagon Court, County Route 31324, located in Section 3 of the John Wayne Estates Subdivision, Fourth (4th) Election District, St. Mary's County, Maryland (Plat Reference: EWA 51, Page 86) be posted at 25 miles per hour as per the recommendation of the St. Mary's County Department of Public Works and Transportation.

BE IT FURTHER RESOLVED, that the Director of the Department of Public Works and Transportation is directed to install the signage necessary to implement this Resolution in accordance with Section 21-801.1(f) and 21-803 (c) of the Maryland Annotated Code, Transportation Article.

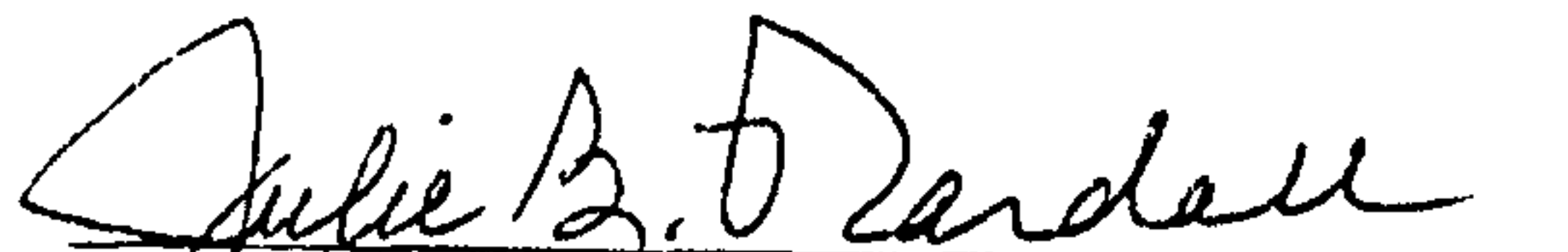
Those voting aye: 11/1
Those voting nay: _____
Those abstaining or absent: _____
Date of Adoption: 10/26/01
Effective Date: 10/26/01

RECORDING FEE 0.00
TOTAL 0.00
Res#502 Rct#999999
EWA NB B1#2505
Oct 26, 2001 02:05 PM

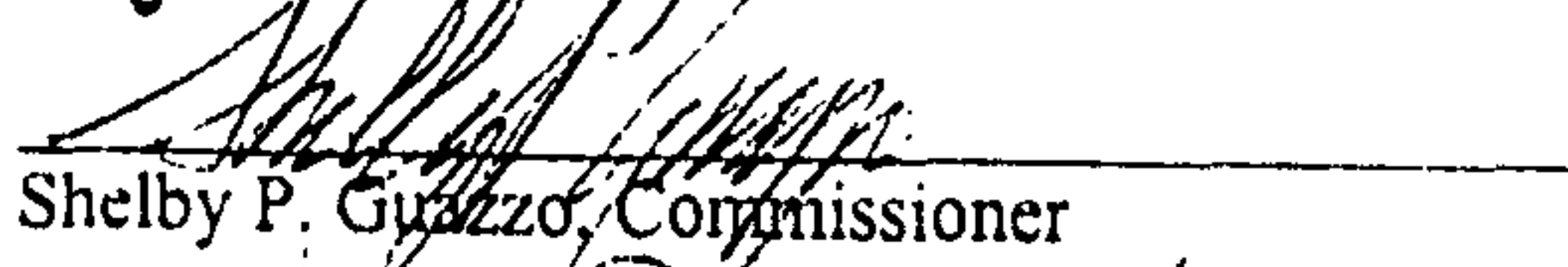
ATTEST:


Alfred A. Hacer
County Administrator

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


Julie B. Randall, President



Joseph F. Anderson, Commissioner


Shelby P. Guazzo, Commissioner


Thomas A. Mattingly, Sr., Commissioner


Daniel H. Raley, Commissioner

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:


Patrick B. Murphy
County Attorney

AN ORDINANCE TO REPEAL AND RE-ENACT WITH AMENDMENTS CHAPTER 162A OF THE CODE OF ST. MARY'S COUNTY, MARYLAND "ST. MARY'S COUNTY HUMAN RELATIONS COMMISSION" AND TO AUTHORIZE THE ST. MARY'S COUNTY HUMAN RELATIONS COMMISSION TO ENGAGE IN ALTERNATIVE DISPUTE RESOLUTIONS (ADR) AND TO HOLD CLOSED OR EXECUTIVE SESSIONS WHEN DEALING WITH AN ALTERNATIVE DISPUTE RESOLUTION (ADR), GRIEVANCE OR COMPLAINT OF DISCRIMINATION AND TO KEEP CERTAIN MATTERS CONFIDENTIAL.

RECITALS

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland, established a Human Relations Commissions pursuant to the authority granted by the 1963 Laws of Maryland, Chapter 572 and 1994 Laws of Maryland, Chapter 67 which were previously codified as Section 162A of the Code of St. Mary's County, Maryland;

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland, desires to repeal Article XV, Chapter 162A of the Code of St. Mary's County, Maryland, and reenact in its entirety, with amendments as noted in the 1997 Laws of Maryland, Chapter 543 (Md. Code Ann., Article 49B, §44 to 51);

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland, held a public hearing on October 16, 2001 pursuant to Article 25, Section 3(r) of the Annotated Code of Maryland, after due notice was published in The Enterprise, a newspaper of general circulation in St. Mary's County, on October 3, 2001 and October 10, 2001, in order to hear public comments concerning the repeal and reenactment with Amendments of Chapter 162A of the Code of St. Mary's County, Maryland; and

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners for St. Mary's County, Maryland, this 30th day of October, 2001, that Chapter 162A of the Code of St. Mary's County, Maryland, is repealed in its entirety and reenacted with amendments as follows:

§162A-1. Purpose.

The purpose of the Commission is to:

- (A) Promote understanding and harmony of relationship between the people of the county through the study of the nature and causes of social friction and prejudice;
- (B) Advance the means for the alleviation of social friction and prejudice; and
- (C) Otherwise further the American ideal for equality and justice.
- (D) The Commission shall use its influence and persuasion to direct the community's efforts to the solution of all those problems which many times are the basic reasons for racial tensions.
- (E) The Commission shall encourage and ensure equal treatment of all persons, without regard to race, color, religion, ancestry, natural origin, sex, age, marital status, or physical or mental handicap, in compliance with federal, state and local laws and regulations relating to housing, employment, and public accommodations.
- (F) To accomplish its purpose the Commission may:

RECORDING FEE	0.00
TOTAL	0.00
Res#SM02 Rcpt#999999	
EMA NB Bk#269	
Nov 05, 2001 11:37 am	

- (1) Provide advice and assistance related to the filing and processing of grievances and complaints of discrimination with the appropriate federal and state agencies;
- (2) Educate the community to the rights and responsibilities of individuals in housing, employment, and public accommodations;
- (3) Advocate the removal of all vestiges of discrimination; and
- (4) Assist in nonbinding alternative dispute resolution.

§162A-2. Members, terms and officers.

- (A) The Commission shall consist of not than fewer eleven (11) members appointed by the Board of County Commissioners. Membership should consist of and reflect the broad diversity of the county's population.
- (B) The Commission members shall serve for terms of four (4) years. Membership on the Board is limited to two (2) consecutive staggered terms.
- (C) The officers of the Human Relations Commission shall be the Chairperson and Vice Chairperson, who shall be elected by the Commission for one-year terms. No officer shall serve for more than two (2) consecutive years.
- (D) All members shall serve without compensation.

§162A-3. Confidentiality.

- (A) *Confidentiality.* -- (1) Subject to paragraph (2) of this subsection:

- (1) All activities of the Commission that relate to an alternative dispute resolution, grievance, or complaint of discrimination shall be conducted in confidence and without publicity; and
- (2) The Commission may meet in closed or executive sessions when dealing with an alternative dispute resolution, grievance, or complaint of discrimination.
- (3) If all parties involved in an alternative dispute resolution, grievance, or complaint of discrimination consent in writing, the Commission's activities related to that alternative dispute resolution, grievance, or complaint of discrimination may be conducted publicly.
- (4) Except as provided under § 162A-3 of the Code of St. Mary's County, the Commission shall hold confidential all information concerning an alternative dispute resolution, grievance, or complaint of discrimination, including the identities of the parties involved.

- (B). *Records of proceedings – Evidence in later litigation.* –

- (1) Information related to the activities or involvement of the Commission in an alternative dispute resolution, grievance, or complaint of discrimination may not be admitted as evidence in any administrative proceeding or litigation.
- (2) The records of the Commission may not be discovered in any administrative proceeding or litigation.

- (C). *Public inspection.* –

- (1) Except as provided under § 162A-3 of the Code of St. Mary's County, information or records related to the activities of the Commission or the involvement of the

Commission in an alternative dispute resolution, grievance, or complaint of discrimination are not subject to public inspection under the Maryland Public Information Act.

(2) Statistical information may be made available for public inspection under §10-624(c) of the State Government Article.

(D). *Confidentiality of earlier records.* – The Commission shall hold confidential any information and records obtained by a predecessor County body that was authorized to perform a function similar to that of the Commission before the effective date of this subtitle.

§162A-4. Commission activities report.

(A). *Annual report required.* – Subject to subsection (B) of this section, the Commission shall file with the Board of County Commissioners a comprehensive report of its activities at least once every 12 months.

(B). *Confidentiality.* – The Commission may not reveal any confidential information in its report to the Board of County Commissioners.

§162A-5. Administrative support.

The Board may appropriate funds for the administrative support of the Commission.

§162A-6. Request for Commission involvement.

(A). *Time limitations.* – A person seeking the involvement of the Commission in an alternative dispute resolution related to an incident within the Commission’s jurisdiction shall file a written report for alternative dispute resolution within 6 months after the date of the relevant incident.

(B). *Filing requirements.* –

(1) A person satisfying the time requirements under subsection (a) of this section shall be deemed to have complied with the requirements of §9A of Article 49B of the Annotated Code of Maryland.

(2) The Commission may provide a copy of a written request filed under subsection (a) of this section to the Maryland Commission on Human Relations to verify a party’s compliance with the requirements of §9 of Article 49B of the Annotated Code of Maryland.

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

Those voting aye: ALL

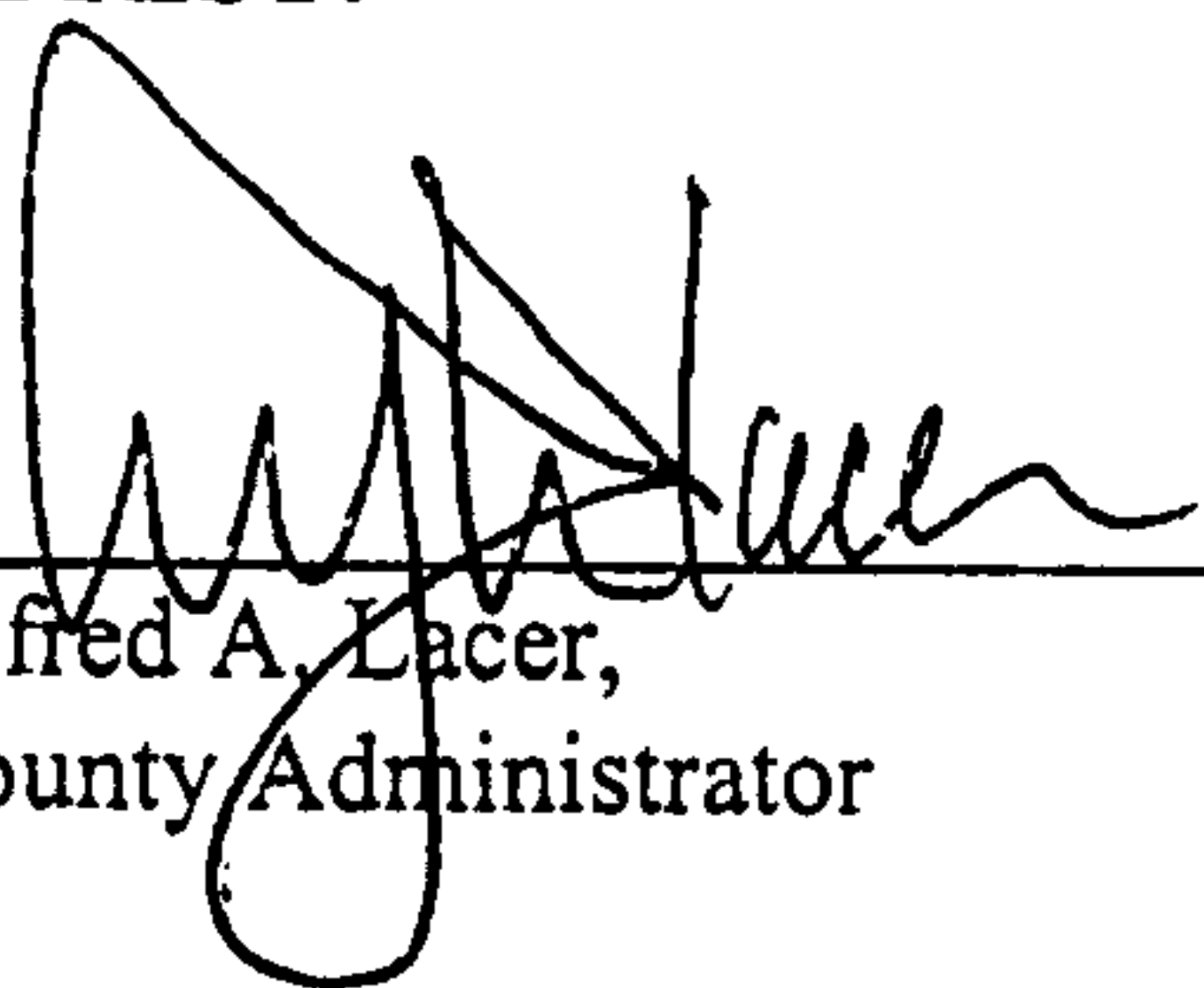
Those voting nay: _____

Those abstaining or absent: _____

DATE OF ADOPTION: 10/30/01

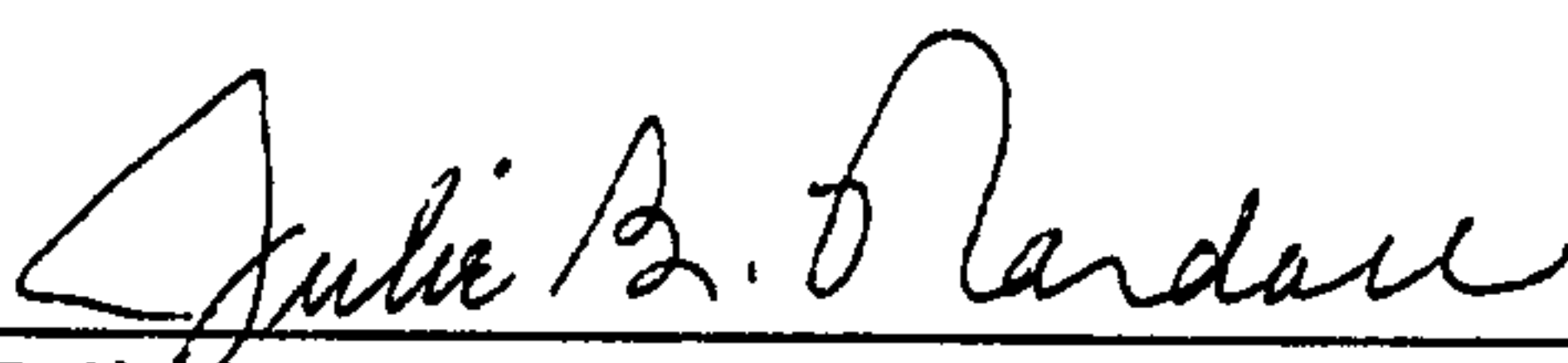
EFFECTIVE DATE: 10/30/01

ATTEST:

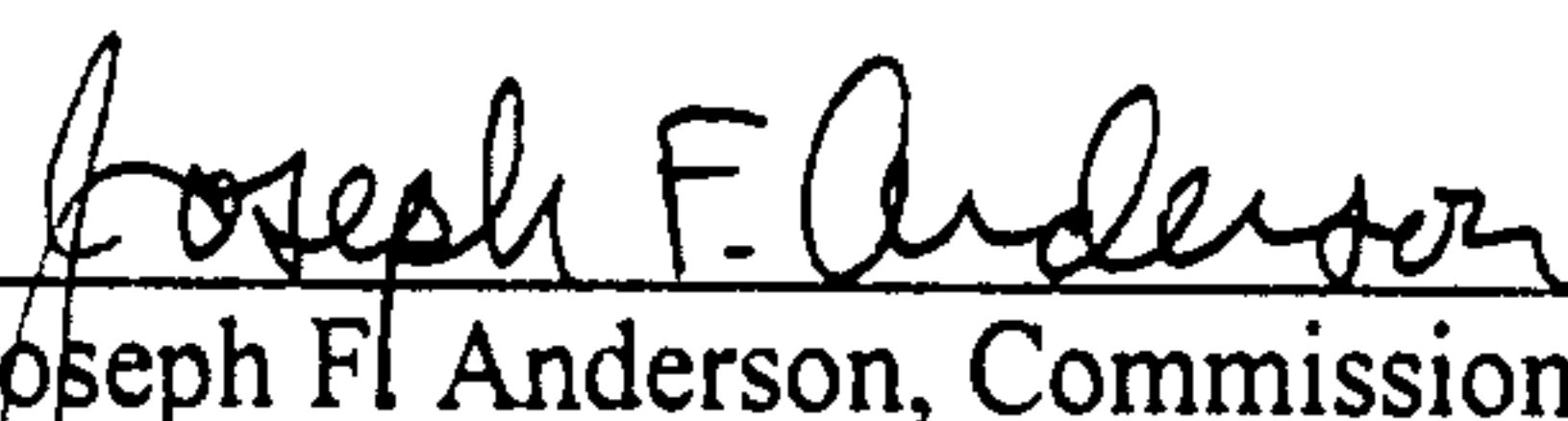


Alfred A. Lacer,
County Administrator

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

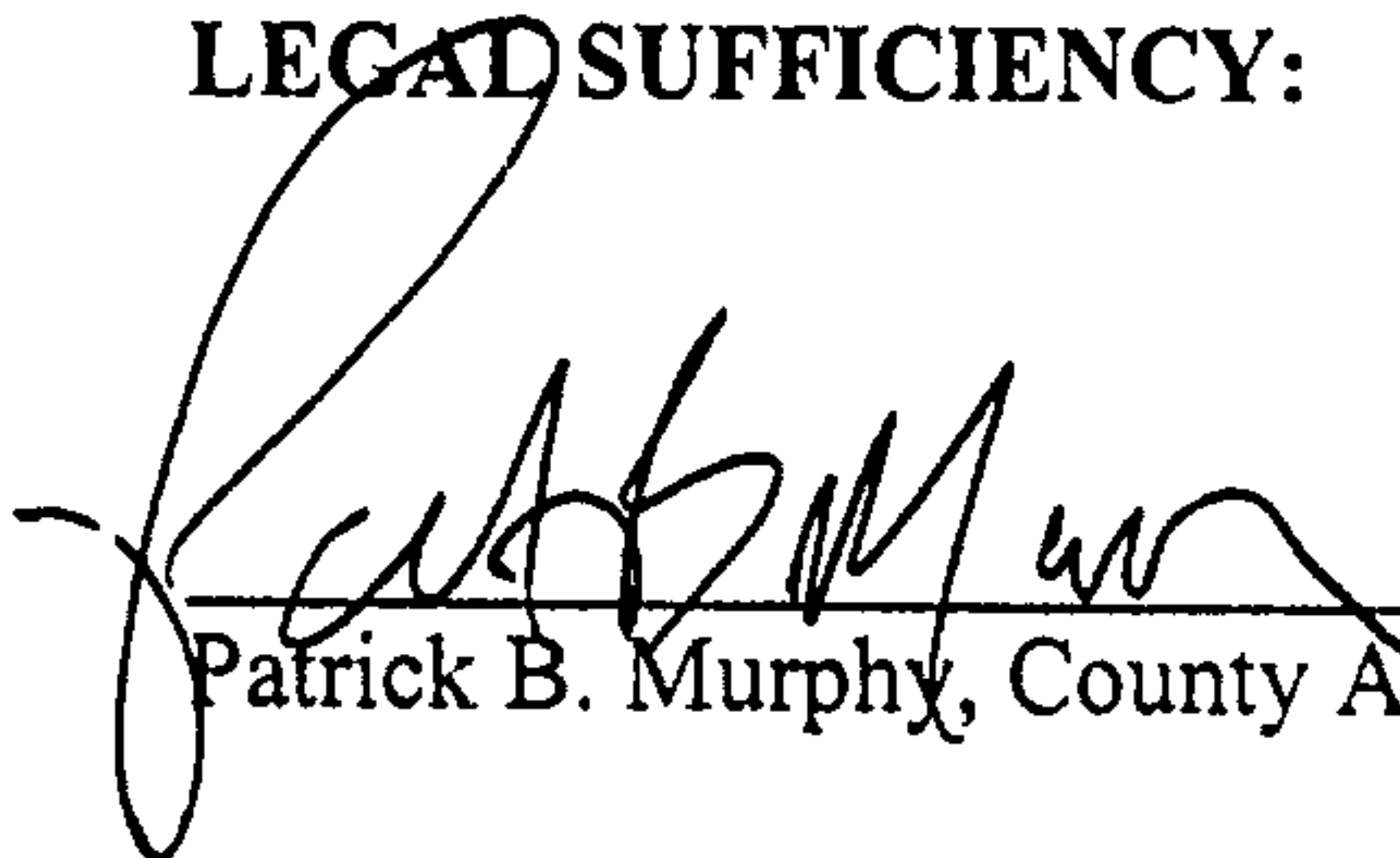


Julie B. Randall, President



Joseph F. Anderson, Commissioner

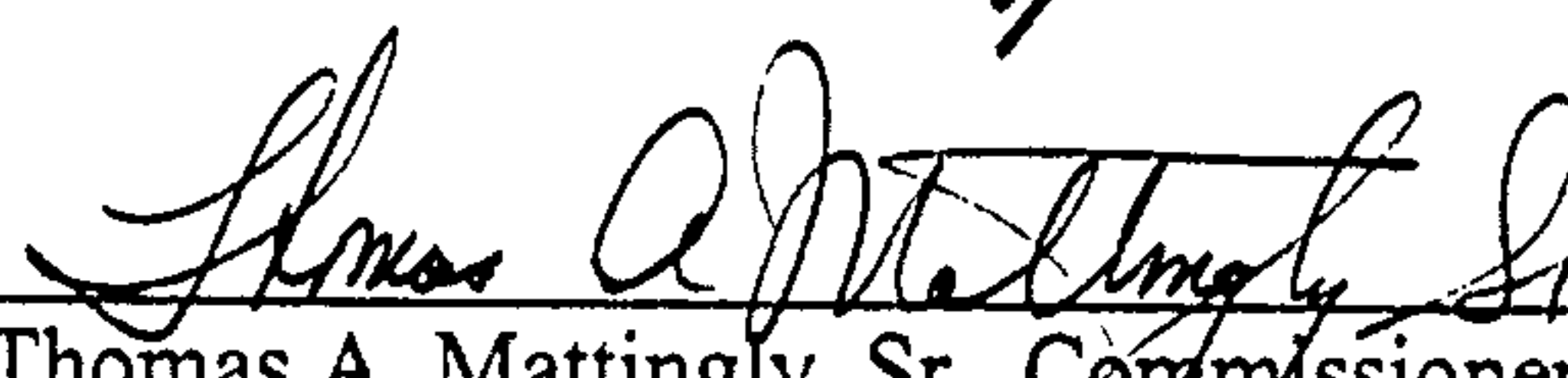
APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



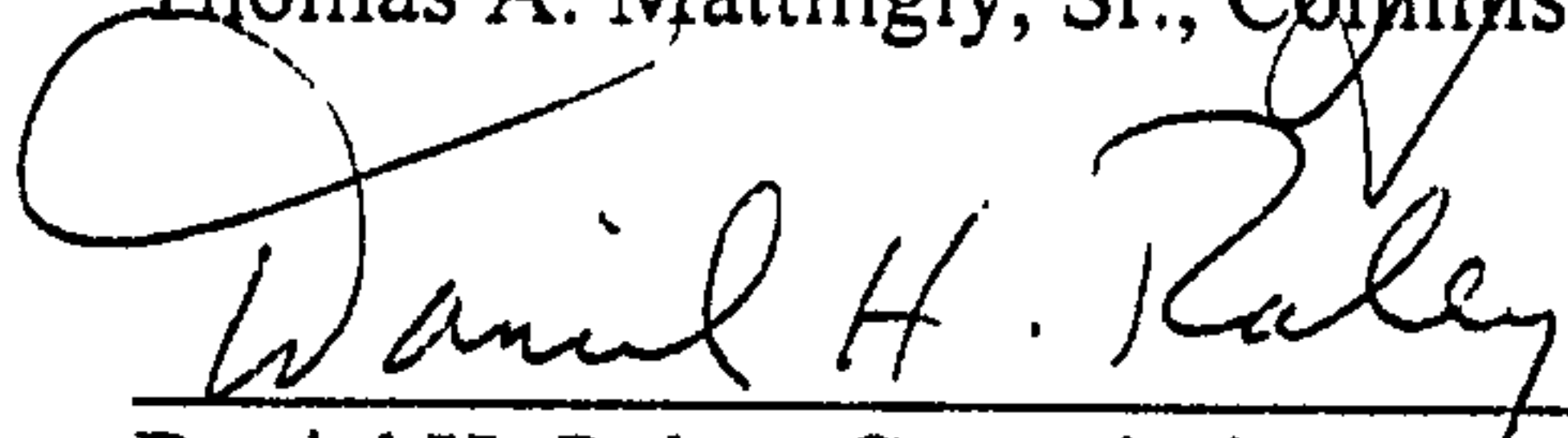
Patrick B. Murphy, County Attorney



Shelby P. Guazzo, Commissioner



Thomas A. Mattingly, Sr., Commissioner



Daniel H. Raley, Commissioner

LIBERO 020 PAGE023

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND**

FOR THE PURPOSE OF creating the St. Mary's County Watershed Committee to oversee and protect the natural and aesthetic character, beauty, heritage and health of the waterways of St. Mary's County, Maryland through public education regarding watershed preservation, protection and enhancement and advise the Board of County Commissioners for St. Mary's County, Maryland regarding the same.

WHEREAS, pursuant to public discussion held at the December 5, 2000, January 16, 2001, February 6, 2001 and May 1, 2001 regular meetings of the Board of County Commissioners for St. Mary's County, Maryland in the Public Meeting Room of the Governmental Center, 23115 Leonard Hall Drive, Leonardtown, Maryland, the Board of County Commissioners for St. Mary's County, Maryland, (the "Commissioners"), considered the creation of a committee to: (1) investigate, analyze and make recommendations regarding the effect of current and proposed land use legislation and policy upon St. Mary's County watersheds; (2) consider and advise the County Commissioners regarding the availability of grant funding for preserving, protecting and enhancing the character, beauty, health, heritage, aesthetic and economic values of the surface watercourses of St. Mary's County; and (3) educate the public regarding the necessity and benefits of watershed preservation, protection and enhancement; and

WHEREAS, the Commissioners may create such a commission pursuant to Section 152-1, *et seq.* of Article 19 (St. Mary's County), of the Public Local Laws of Maryland; and

WHEREAS, the Commissioners find it to be in the best interest of the citizens of St. Mary's County to provide adequate stewardship of the County watersheds to protect the character, health, heritage and beauty of the surface watercourses of St. Mary's County as important natural and economic resources; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR ST. MARY'S COUNTY, MARYLAND, hereby establishes and decrees that there shall be a Committee known as the "St. Mary's County Watershed Committee", (the "Committee"), created as follows and with the following goals and purposes:

Membership and Terms

RECORDING FEE 0.00
TOTAL 0.00
Rest#SK02 Rcpt#999999
EMA NB Bll#4269
Nov 05, 2001 11:39 am

1. The Committee shall consist of a total of seven (7) members, comprising a balanced representation of all segments of the St. Mary's County community, assuring especially that woman and minorities are not under represented.
2. Each County Commissioner shall appoint one (1) member of the Committee. The remaining two (2) members of the Committee must be current members of the St. Mary's County Commission

on the Environment and shall be appointed by a majority vote of the Board of County Commissioners for St. Mary's County, Maryland.

3. The term of the members of the Committee shall be four years. No member shall serve more than two consecutive terms.
4. Vacancies shall be shall be filled in accordance with Section 152-1(B), *Article 19 (St. Mary's County)*, of the Code of Public Local Laws of Maryland (as amended).

Meetings, Support Services and Compensation

1. The Committee shall establish regular meeting dates and select a Chairperson and Vice-Chairperson from its membership.
2. Regular and special meetings of the Committee shall come to order upon the call of the Chairperson, or, in his or her absence, the Vice-Chairperson. The Committee shall conduct all its meetings consistent with the St. Mary's County Open Meetings Act, Md. Ann. Code, Article 24, §4-201, et seq.
3. The Committee shall create its own by-laws and submit the same to the Commissioners for approval pursuant to Section 152-1(B), *Article 19 (St. Mary's County)*, of the Code of Public Local Laws of Maryland.
4. The Department of Planning and Zoning, the Department of Public Works and Transportation, the Office of the County Attorney and other affected agencies and consultants to the County shall provide all necessary support staff, services and materials required by the Committee.
5. The members of the Committee shall serve without compensation.

Goals and Purposes

The Committee shall serve in an advisory capacity to the Board of County Commissioners for St. Mary's County, Maryland by addressing the following issues:

1. Investigate, analyze and make recommendations regarding the impact of current and proposed land use legislation and policy upon St. Mary's County watersheds as requested by the Board of County Commissioners for St. Mary's County, Maryland; and
2. Consider and advise the Board of County Commissioners for St. Mary's County, Maryland regarding resource protection and historic preservation grant funds available to achieve the goals of preserving, protecting and enhancing the character, beauty, health, heritage, aesthetic and economic values of the surface watercourses in St. Mary's County; and

- 3. Assist in the education of the public regarding the necessity and benefits of watershed preservation, protection and enhancement; and
- 4. Perform other duties as directed by the Board of County Commissioners for St. Mary's County, Maryland.

BE IT FURTHER RESOLVED, by the Board of County Commissioners for St. Mary's County, Maryland that this RESOLUTION shall be effective at the date written below.

Date of Adoption: October 30, 2001

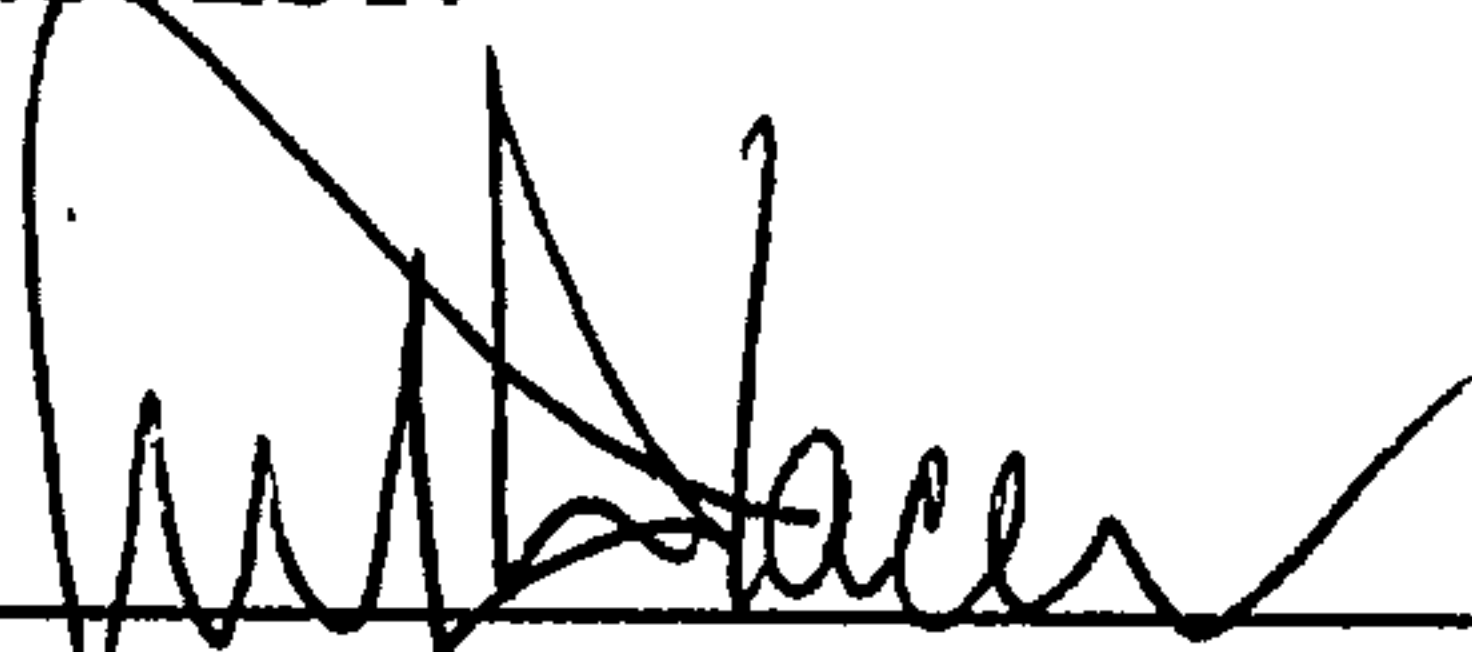
Ayes: Commissioners Randall, Anderson & Mattingly

Nays: Commissioners Guazzo & Raley

Effective Date: 10/30/01

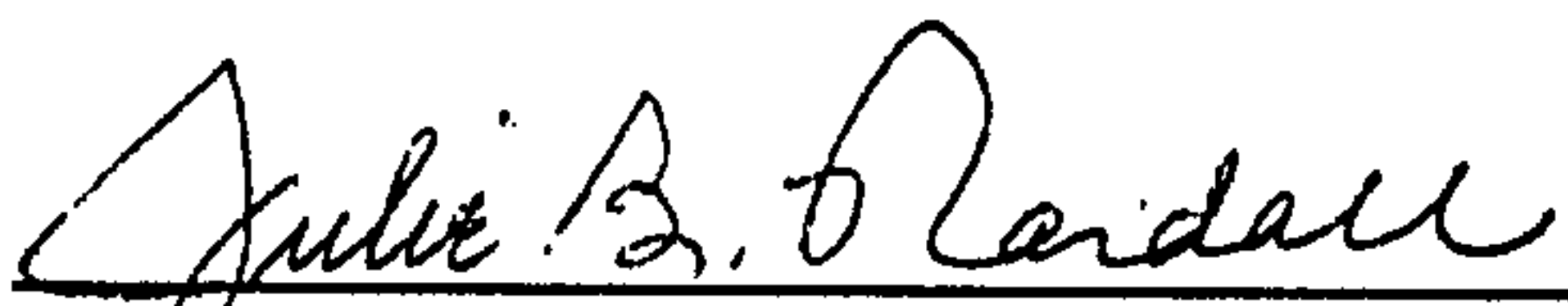
Abstain: None

ATTEST:



 Alfred A. Lacer
 County Administrator

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

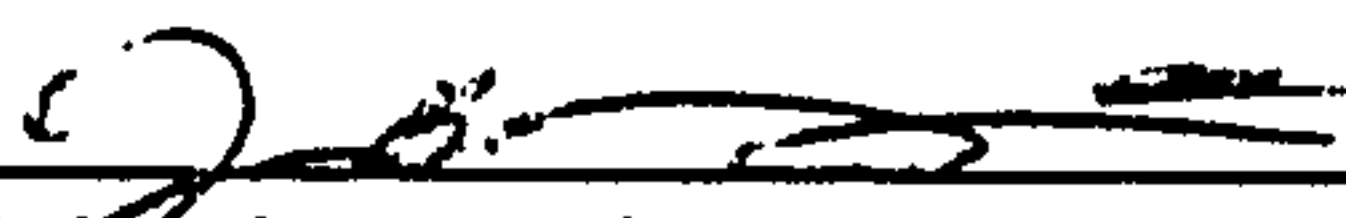


 Julie B. Randall, President



 Joseph F. Anderson, Commissioner

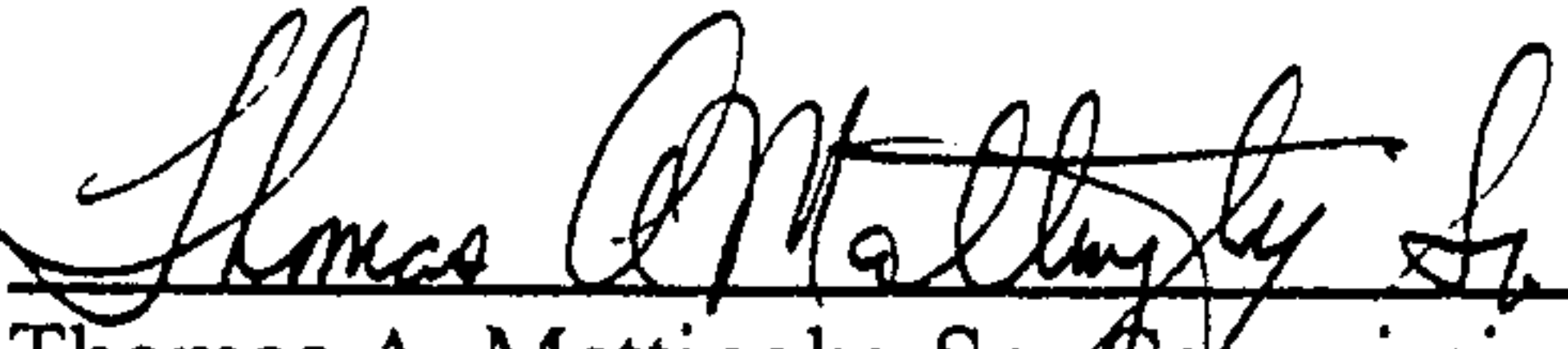
**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:**



 John B. Norris, III
 Deputy County Attorney

NAY

 Shelby P. Guazzo, Commissioner



 Thomas A. Mattingly, Sr., Commissioner

NAY

 Daniel H. Raley, Commissioner

NO.: 01-53
SUBJECT: Adoption of Oriole Drive, Goldfinch Drive, Blue Jay Court, Purple Martin Court, and Wren Court Victoria's Grant Subdivision, Section 3

RESOLUTION

WHEREAS, pursuant to Section 109-2(B)(1) of Article 19 of the Code of Public Local Laws of Maryland, the Board of County Commissioners for St. Mary's County, Maryland, is authorized to accept new subdivision streets in accordance with the applicable provisions of the County Subdivision Regulations; and

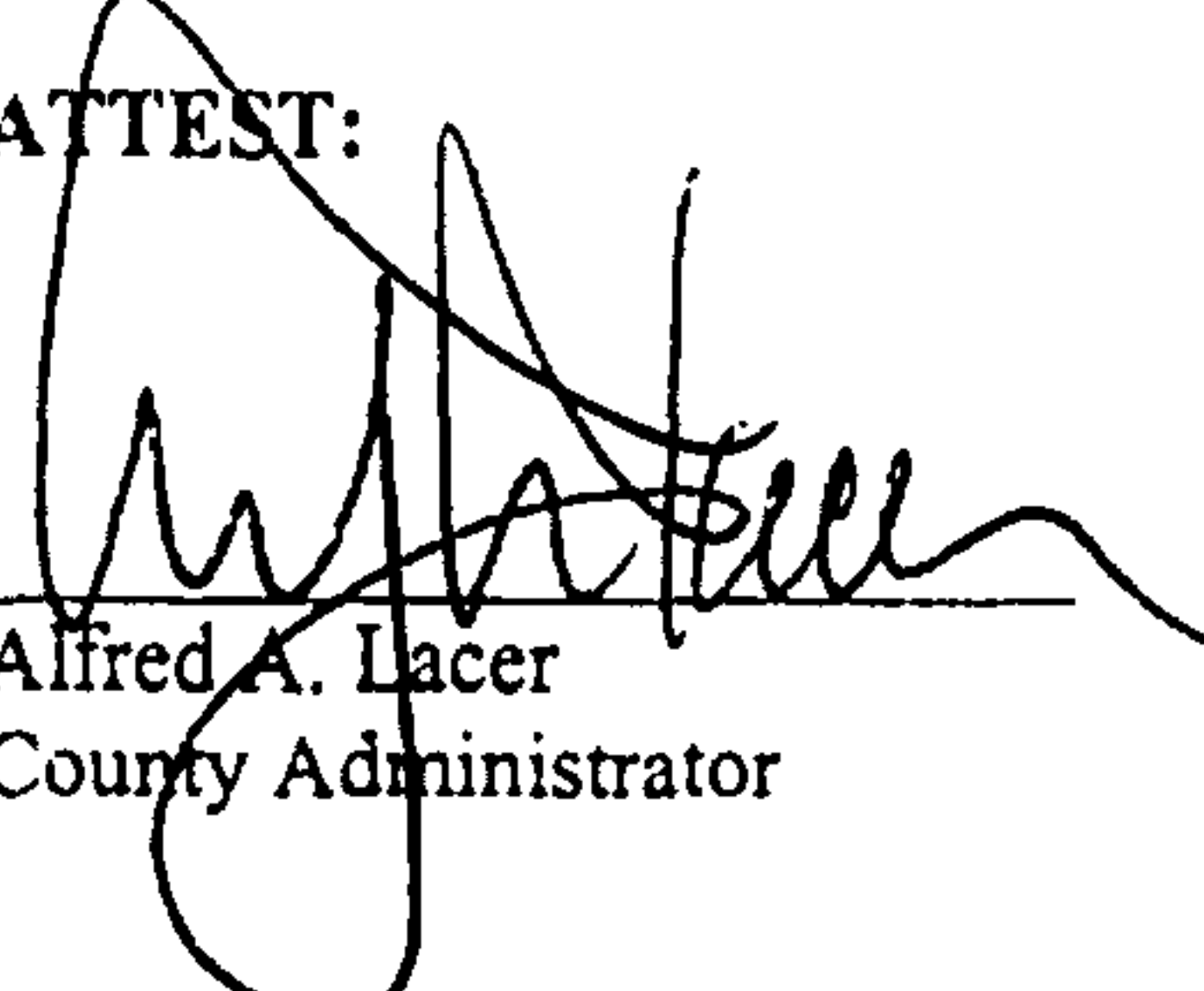
WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has advised the Board of County Commissioners for St. Mary's County, Maryland, that all work has been satisfactorily completed in accordance with the County Subdivision Regulations, Public Works Agreement dated July 30, 1998, and Record Plat recorded at EWA 46, Page 111, for Oriole Drive, County Route 31325, Goldfinch Drive, County Route 31326, Blue Jay Court, County Route 31327; Purple Martin Court, County Route 31328; and Wren Court, County Route 31329.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners for St. Mary's County, Maryland, finding that Oriole Drive, County Route 31325, from Station 0+11 to Station 10+05; Goldfinch Drive, County Route 31326, from Station 0+20 to Station 2+32; Blue Jay Court, County Route 31327, from Station 0+12 to Station 3+17; Purple Martin Court, County Route 31328, from Station 0+15 to Station 4+84; and Wren Court, County Route 31329, from Station 0+12 to Station 2+10, located in Section 3 of the Victoria's Grant Subdivision, Eighth (8th) Election District, St. Mary's County, Maryland (Plat Reference: EWA 46, Page 111) meet the applicable requirements of the St. Mary's County Subdivision Ordinance (1978), as amended, and hereby accepts Oriole Drive, County Route 31325, Goldfinch Drive, County Route 31326, Blue Jay Court, County Route 31327; Purple Martin Court, County Route 31328; and Wren Court, County Route 31329, into the County's Highway Maintenance System.


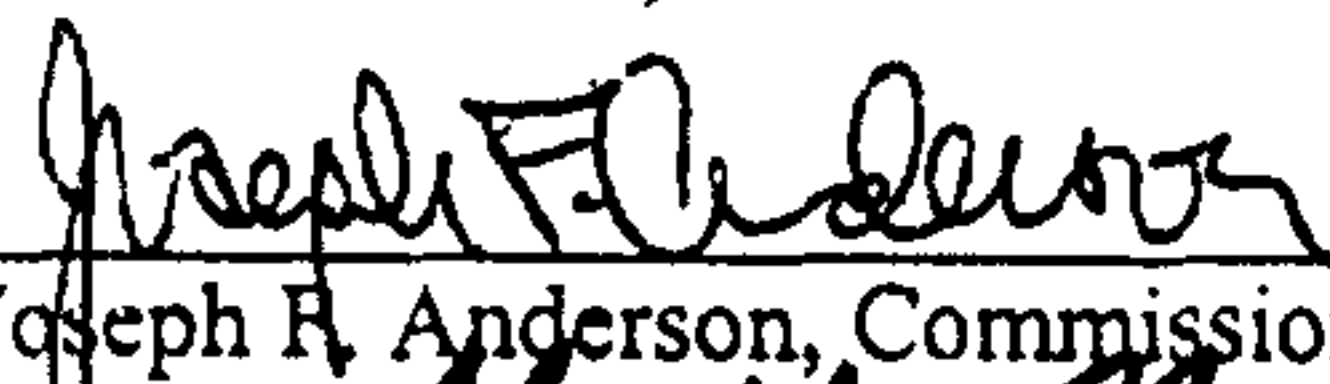



Those voting aye: ALL
Those voting nay:
Those abstaining or absent:
Date of Adoption:
Effective Date:

RECORDING FEE 0.00
TOTAL 0.00
Res#SMB2 Rcp:#999999
EWA NB Bk#836
Nov 13, 2001 11:13 am

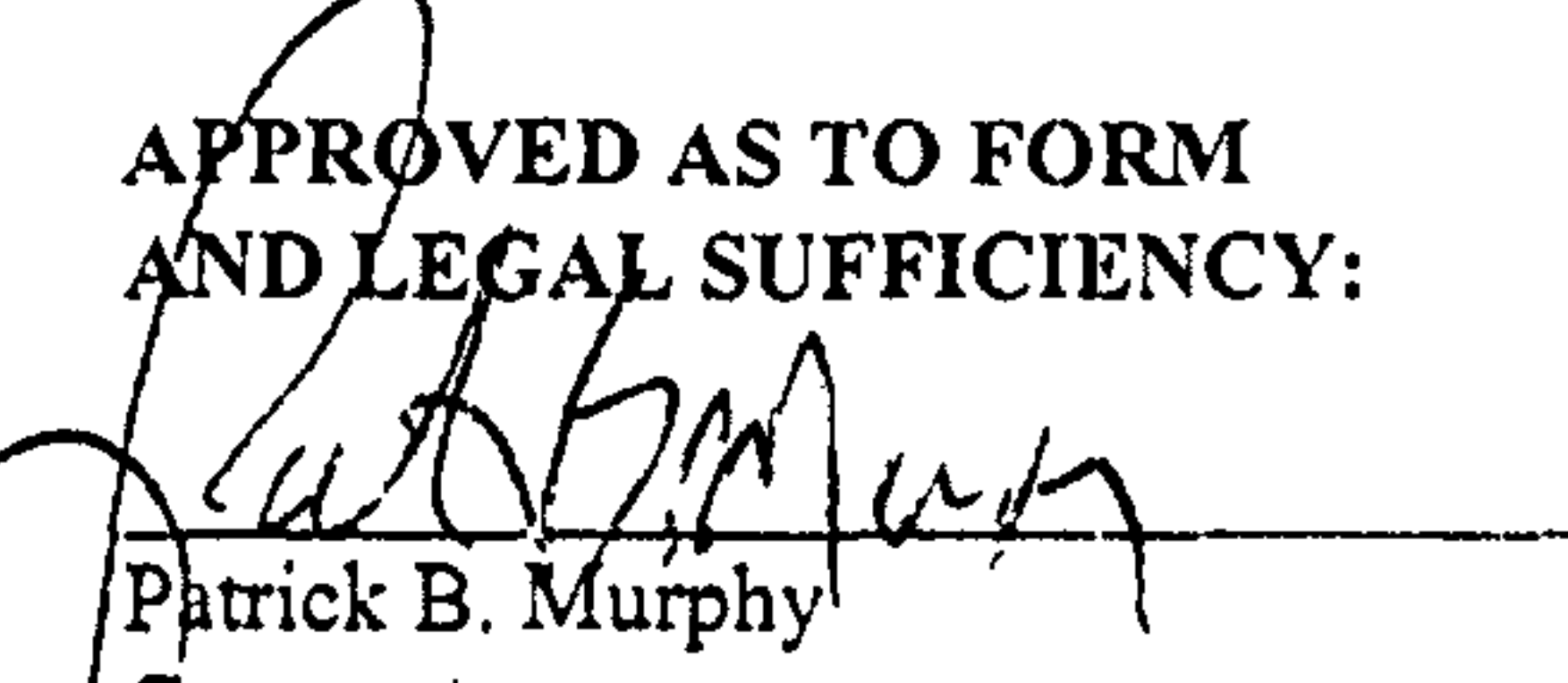
ATTEST:


Alfred A. Lacer
County Administrator

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


Julie B. Randall, President

Joseph R. Anderson, Commissioner

Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley, Commissioner

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


Patrick B. Murphy
County Attorney

NO.: 01- 54
SUBJECT: Oriole Drive, Goldfinch Drive, Blue Jay Court, Purple Martin Court, and Wren Court - Speed Limit
Victoria's Grant Subdivision, Section 3

LIBERO 020 PAGE 27

RESOLUTION

WHEREAS, pursuant to the authority granted under Section 25-102 (a) (10) and Section 21-803 of the Maryland Annotated Code, Transportation Article, the Board of County Commissioners for St. Mary's County, Maryland, may alter the speed upon a public road within the County; and

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has advised that the maximum speed limit set forth in Subtitle 21 of the Transportation Article of the Maryland Annotated Code for Oriole Drive, County Route 31325, Goldfinch Drive, County Route 31326, Blue Jay Court, County Route 31327, Purple Martin Court, County Route 31328, and Wren Court, County Route 31328, located in Section 3, of the Victoria's Grant Subdivision, Eighth (8th) Election District, St. Mary's County, Maryland, as per Record Plat recorded at EWA 46, Page 111, is greater than reasonable or safe under existing conditions of road design, motor vehicle traffic and pedestrian safety; and

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has advised that 25 miles per hour is a reasonable and safe maximum speed for Oriole Drive, County Route 31325, Goldfinch Drive, County Route 31326, Blue Jay Court, County Route 31327, Purple Martin Court, County Route 31328, and Wren Court, County Route 31328.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for St. Mary's County, Maryland finds the maximum speed limit set forth for roads of the type of Oriole Drive, County Route 31325, Goldfinch Drive, County Route 31326, Blue Jay Court, County Route 31327, Purple Martin Court, County Route 31328, and Wren Court, County Route 31328, is greater than reasonable or safe, and that Oriole Drive, County Route 31325, Goldfinch Drive, County Route 31326, Blue Jay Court, County Route 31327, Purple Martin Court, County Route 31328, and Wren Court, County Route 31328, located in Section 3, of the Victoria's Grant Subdivision, Eighth (8th) Election District, St. Mary's County, Maryland (Plat Reference: EWA 46, Page 111) be posted at 25 miles per hour as per the recommendation of the St. Mary's County Department of Public Works and Transportation.

BE IT FURTHER RESOLVED, that the Director of the Department of Public Works and Transportation is directed to install the signage necessary to implement this Resolution in accordance with Section 21-801.1(f) and 21-803 (c) of the Maryland Annotated Code, Transportation Article.

Those voting aye: ALL

Those voting nay: _____

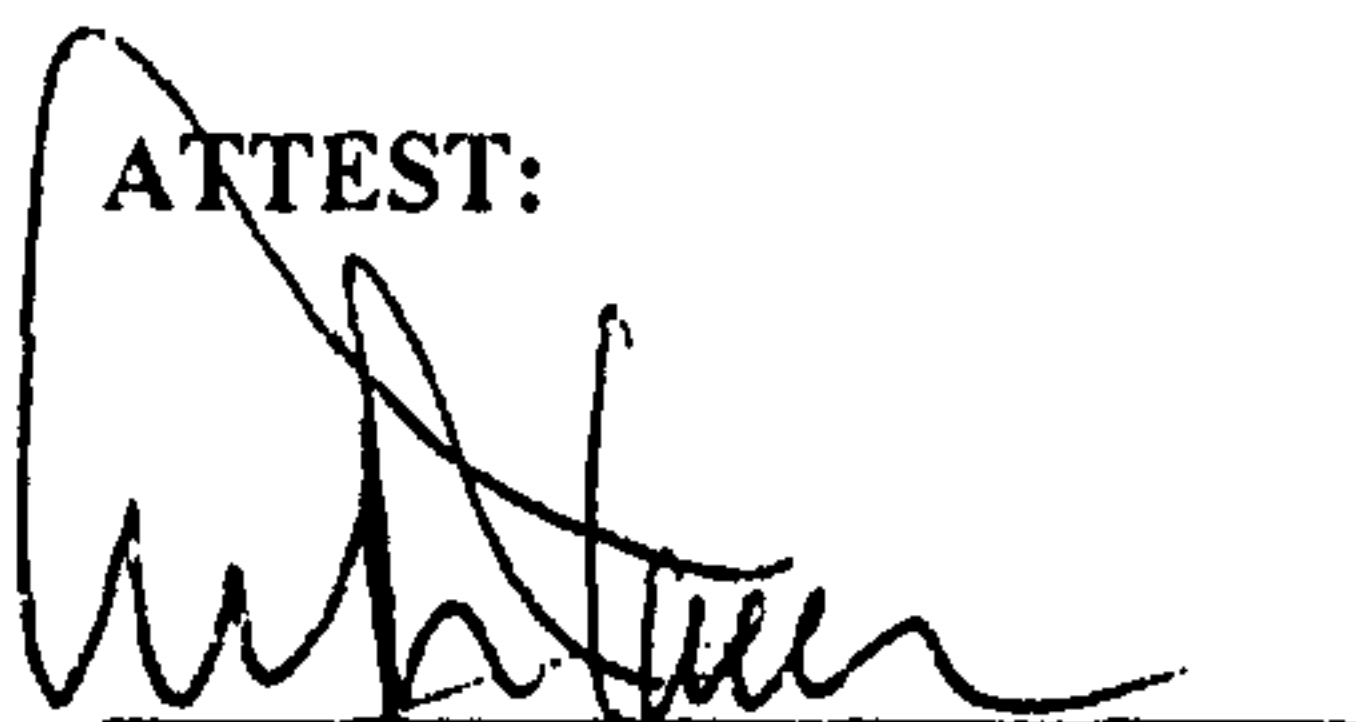
Those abstaining or absent: _____

Date of Adoption: _____


Effective Date: _____

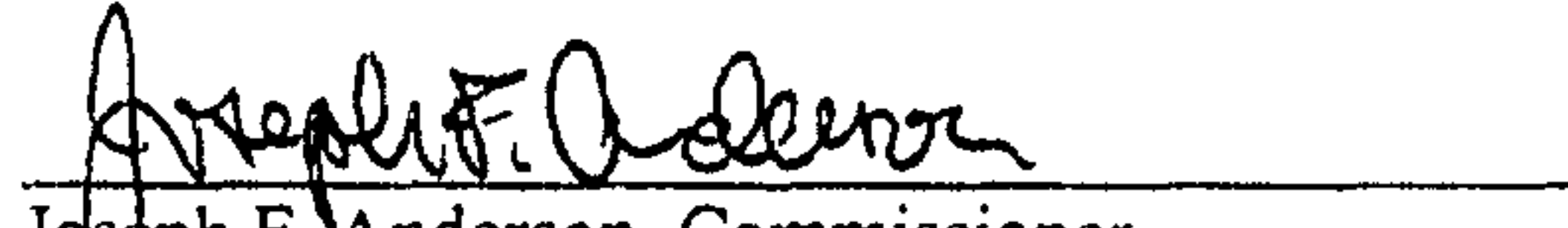
RECORDING FEE 0.00
TOTAL 0.00
Res#SM02 Ref#999999
EWA NB Bk#836
Nov 13, 2001 11:14 am

ATTEST:



Alfred A. Lacer
County Administrator

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


Julie B. Randall, President

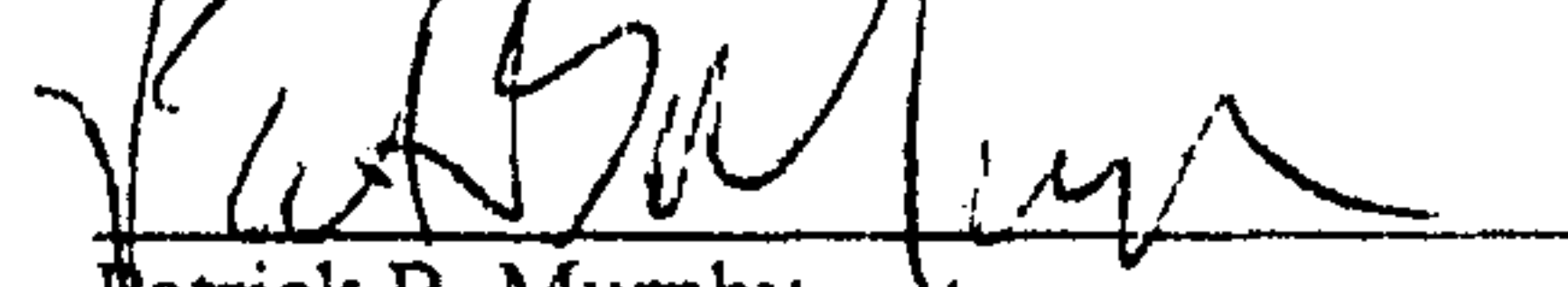

Joseph F. Anderson, Commissioner


Shelby P. Guazzo, Commissioner


Thomas A. Mattingly, Sr., Commissioner


Daniel H. Raley, Commissioner

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:


Patrick B. Murphy
County Attorney

NO.: 01- 5.5
SUBJECT: Oriole Drive, Goldfinch Drive, Blue Jay Court, Purple Martin Court and Wren Court - Stop Signs
Victoria's Grant Subdivision, Section 3

LIBERO 020 PAGE028
RESOLUTION

WHEREAS, pursuant to Section 25-102 of the Transportation Article of the Maryland Annotated Code, the Board of County Commissioners for St. Mary's County, Maryland, is authorized and empowered to regulate traffic by means of a traffic control device, and to designate any intersection as a stop intersection, or yield intersection.

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has identified the intersections of Oriole Drive, County Route 31325, and Buck Hewitt Road; Goldfinch Drive, County Route 31326, and Oriole Drive; Blue Jay Court, County Route 31327, and Oriole Drive; Purple Martin Court, County Route 31328, and Goldfinch Drive; and Wren Court, County Route 31329, and Oriole Drive; located in Section 3 of the Victoria's Grant Subdivision, Eighth (8th) Election District, St. Mary's County, Maryland, as per Record Plat recorded at EWA 46, Page 111, as a threat to public safety and a hazardous condition due to the absence of traffic control devices at these intersections; and

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has, therefore, recommended that the Board of County Commissioners for St. Mary's County, Maryland, exercise its authority to regulate traffic at these intersections by means of traffic control devices, specifically, stop signs on Oriole Drive, County Route 31325, and Buck Hewitt Road; Goldfinch Drive, County Route 31326, and Oriole Drive; Blue Jay Court, County Route 31327, and Oriole Drive; Purple Martin Court, County Route 31328, and Goldfinch Drive; and Wren Court, County Route 31329, and Oriole Drive.


NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for St. Mary's County, Maryland, finds that, upon the advice of the Director of the Department of Public Works and Transportation, a hazardous condition currently exists at the intersections of Oriole Drive, County Route 31325, at the intersection with Buck Hewitt Road; Goldfinch Drive, County Route 31326, at the intersection with Oriole Drive; Blue Jay Court, County Route 31327, at the intersection with Oriole Drive; Purple Martin Court, County Route 31328, at the intersection with Goldfinch Drive; and Wren Court, County Route 31329, at the intersection with Oriole Drive; further identified as being located in Section 3 of the Victoria's Grant Subdivision, Eighth (8th) Election District, St. Mary's County, Maryland (Plat Reference: EWA 46, Page 111) shall be designated as Stop Streets, which is a reasonable exercise of this Board's police powers; and

BE IT FURTHER RESOLVED, that the Board of County Commissioners for St. Mary's County, Maryland, directs and instructs the Director of the Department of Public Works and Transportation to erect traffic control devices, specifically stop signs, on Oriole Drive, County Route 31325, at the intersection with Buck Hewitt Road; Goldfinch Drive, County Route 31326, at the intersection with Oriole Drive; Blue Jay Court, County Route 31327, at the intersection with Oriole Drive; Purple Martin Court, County Route 31328, at the intersection with Goldfinch Drive; and Wren Court, County Route 31329, at the intersection with Oriole Drive; as Stop Streets.

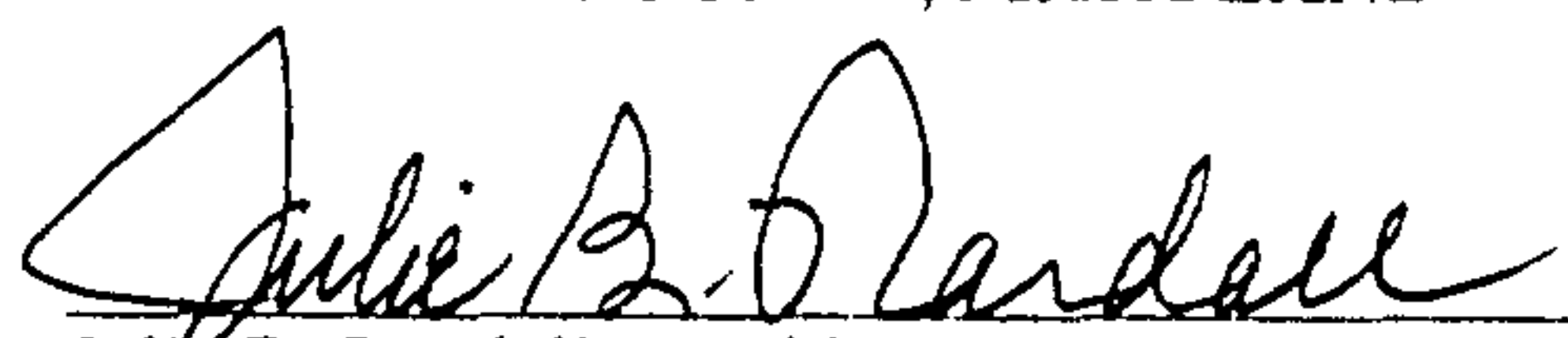
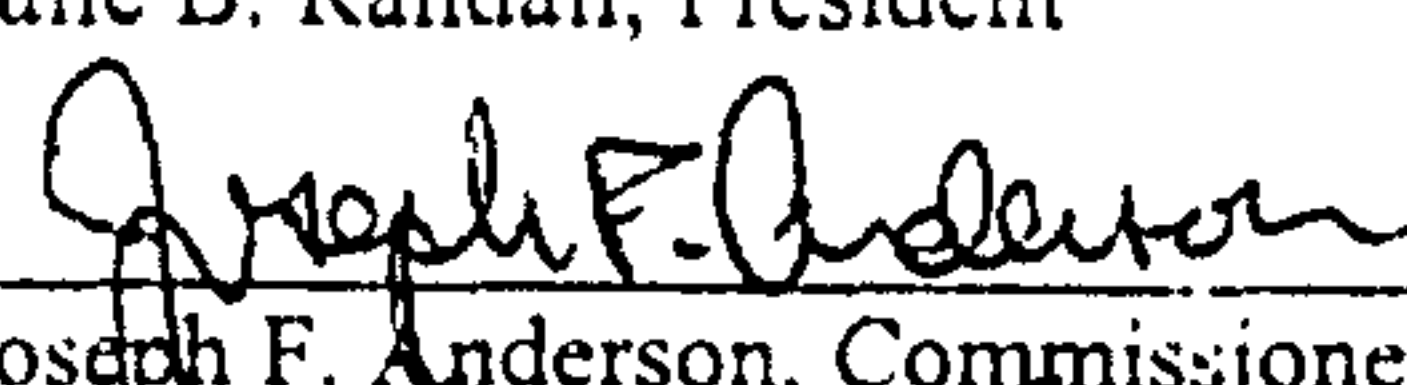
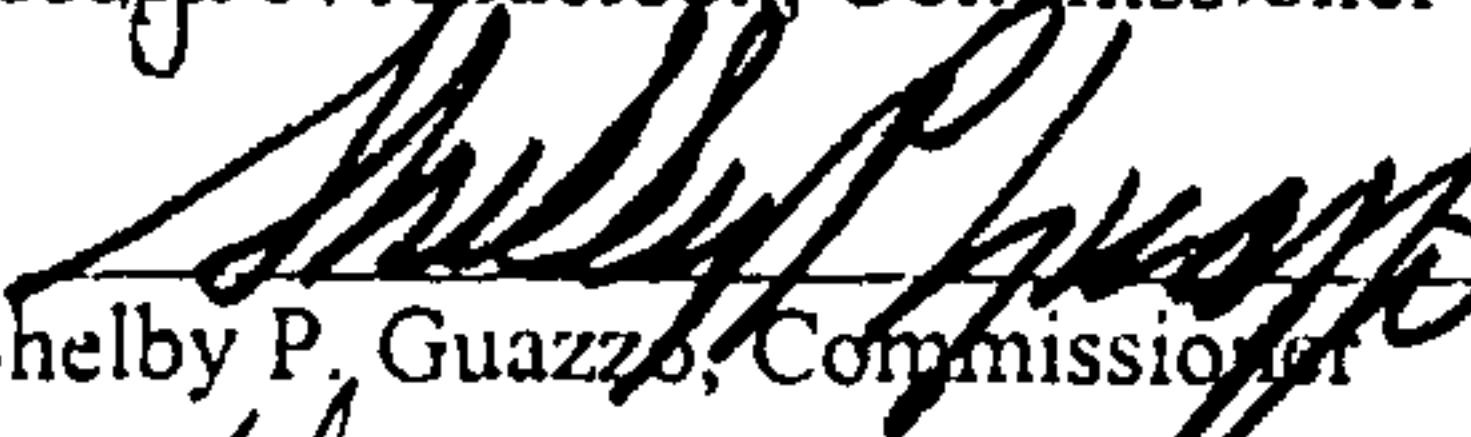

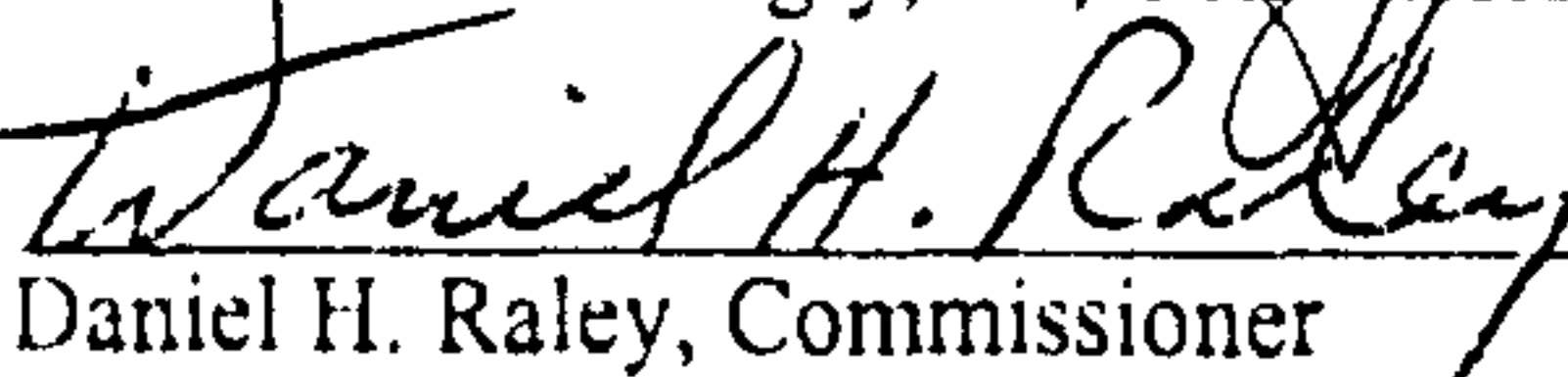
Those voting aye: ALL
Those voting nay: _____
Those abstaining or absent: _____
Date of Adoption: _____
Effective Date: _____

RECORDING FEE 0.00
TOTAL 0.00
Res#SH02 Rcft#999999
EWA NB Bk#836
Nov 13, 2001 11:14 am

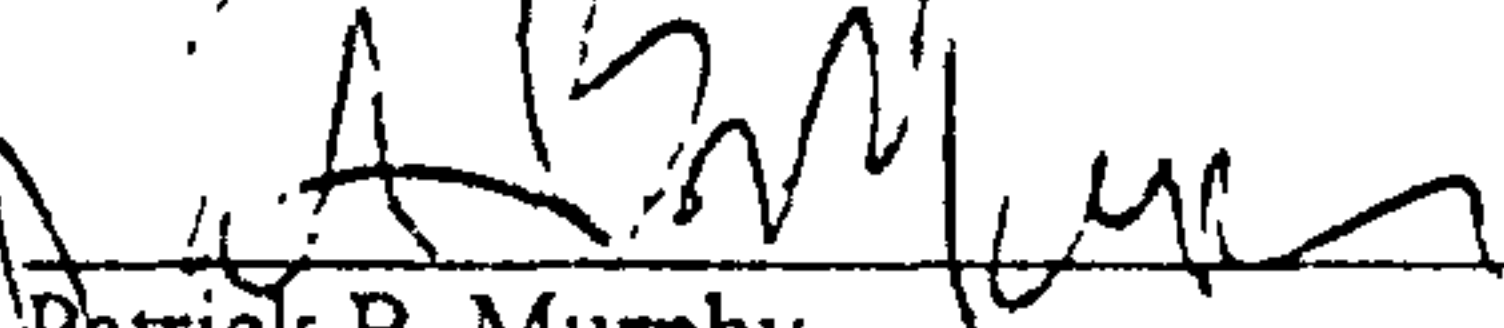
ATTEST:


Alfred A. Lacer
County Administrator

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


Julie B. Randall, President

Joseph F. Anderson, Commissioner

Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


Patrick B. Murphy
County Attorney

NO.: 01-56
SUBJECT: Adoption of
Clearfields Court
Clearfields of Breton Bay
Subdivision

RESOLUTION

WHEREAS, pursuant to Section 109-2(B)(1) of Article 19 of the Code of Public Local Laws of Maryland, the Board of County Commissioners for St. Mary's County, Maryland, is authorized to accept new subdivision streets in accordance with the applicable provisions of the County Subdivision Regulations; and

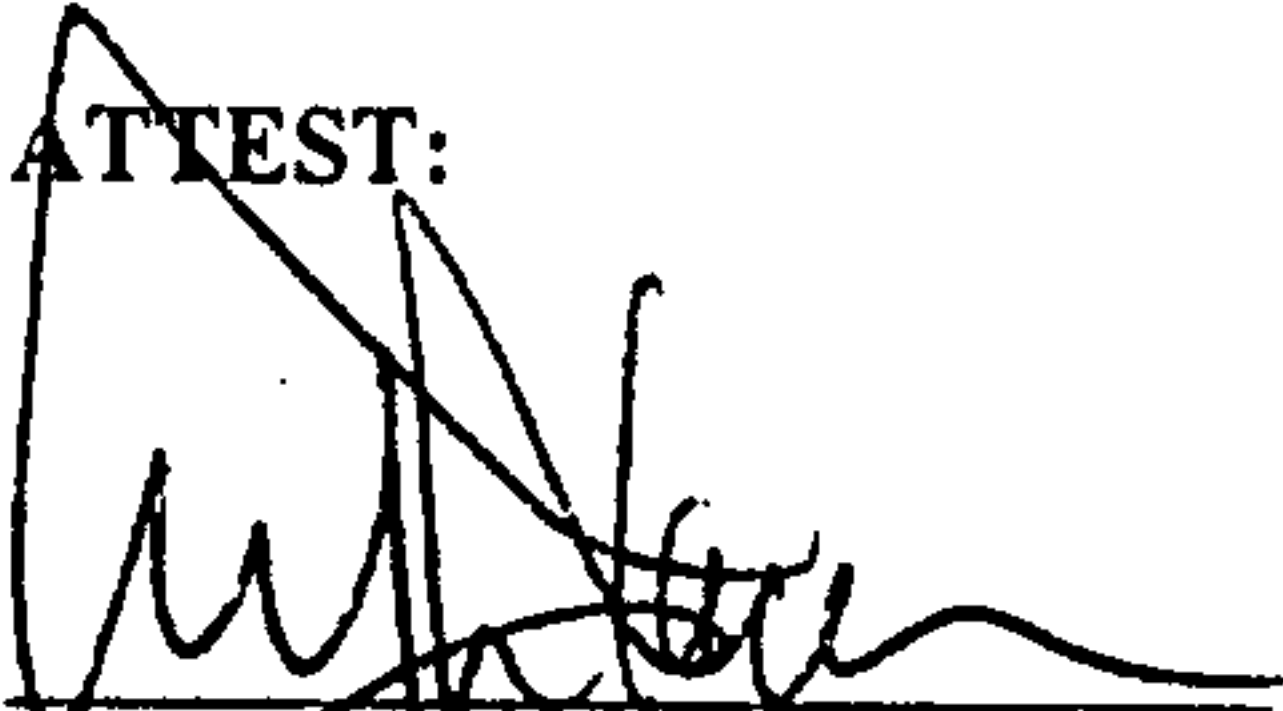
WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has advised the Board of County Commissioners for St. Mary's County, Maryland, that all work has been satisfactorily completed in accordance with the County Subdivision Regulations, Public Works Agreement dated April 28, 2000 and Record Plat recorded at EWA 50, Page 108, for Clearfields Court, County Route 31331.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners for St. Mary's County, Maryland, finding that Clearfields Court, County Route 31331, from Station 0+10 to Station 14+75, located in the Clearfields of Breton Bay Subdivision, Third (3rd) Election District, St. Mary's County, Maryland (Plat Reference: EWA 50, Page 108) meets the applicable requirements of the St. Mary's County Subdivision Ordinance (1978), as amended, and hereby accepts Clearfields Court, County Route 31331, into the County's Highway Maintenance System.

Those voting aye: ALL
Those voting nay: _____
Those abstaining or absent: _____
Date of Adoption: _____
Effective Date: _____


RECORDING FEE 0.00
TOTAL 0.00
Res#SM02 Rcr#999999
EWA NB Blk#836
Nov 13, 2001 11:15 am

ATTEST:

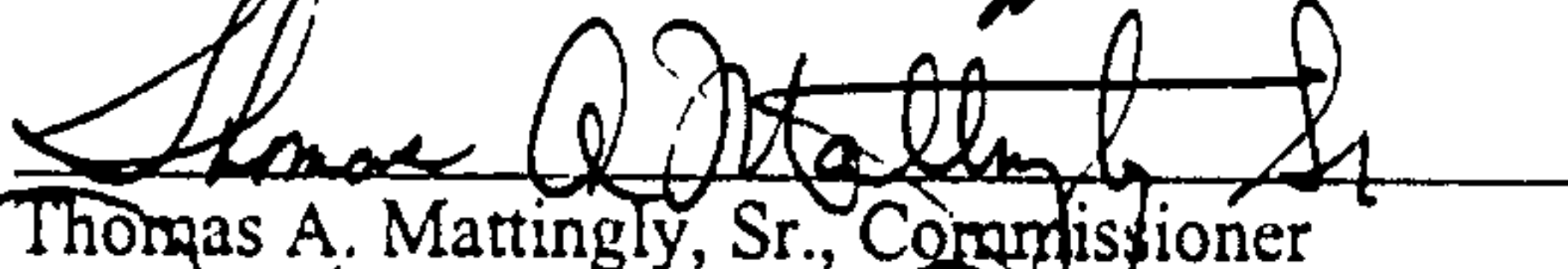

Alfred A. Lacer
County Administrator

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


Julie B. Randall, President

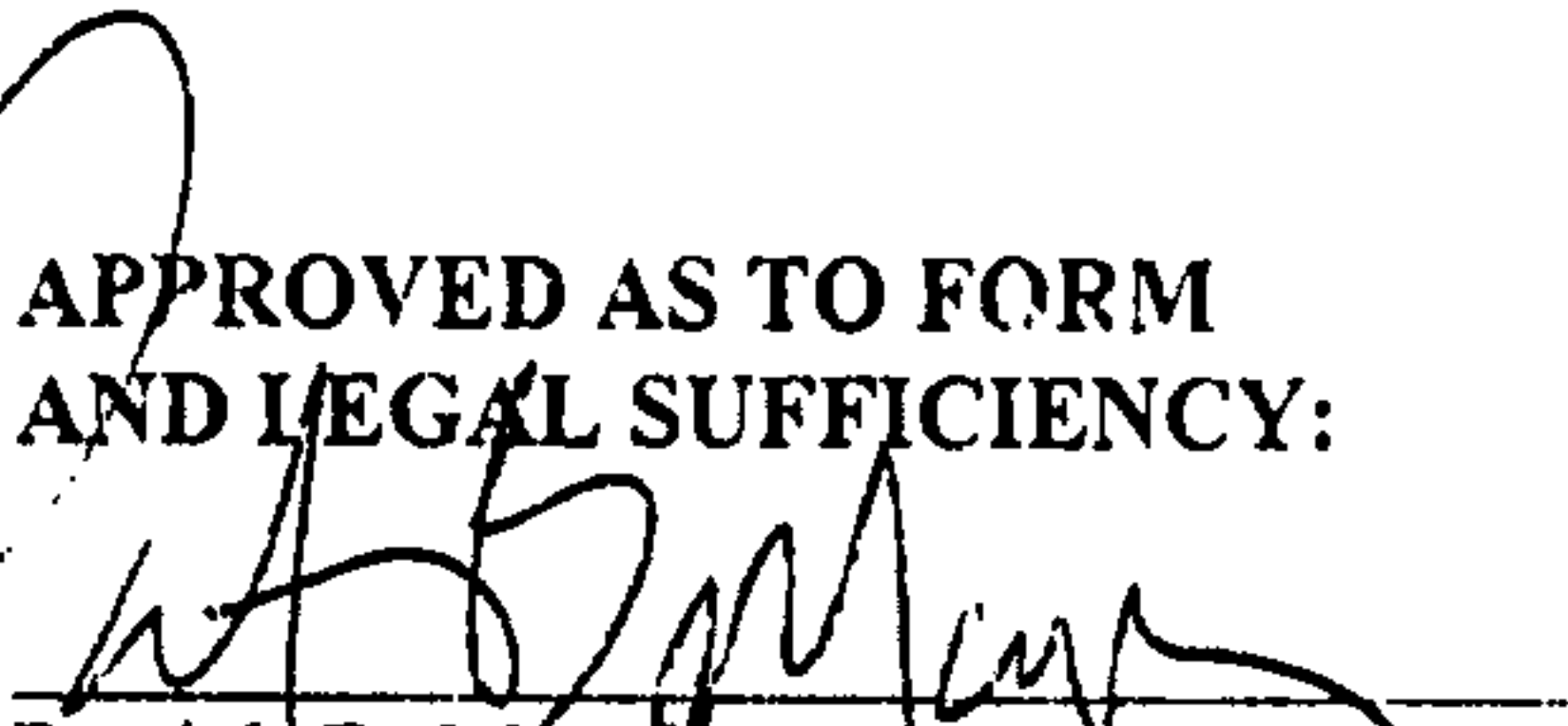

Joseph F. Anderson, Commissioner


Shelby P. Guazzo, Commissioner


Thomas A. Mattingly, Sr., Commissioner


Daniel H. Raley, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


Patrick B. Murphy
County Attorney

NO.: 01-5, 1
SUBJECT: Clearfields Court
Speed Limit
Clearfields of Breton Bay Subdivision

LIBERO 020 PAGE 30 RESOLUTION

WHEREAS, pursuant to the authority granted under Section 25-102 (a) (10) and Section 21-803 of the Maryland Annotated Code, Transportation Article, the Board of County Commissioners for St. Mary's County, Maryland, may alter the speed upon a public road within the County; and

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has advised that the maximum speed limit set forth in Subtitle 21 of the Transportation Article of the Maryland Annotated Code for Clearfields Court, County Route 31331, located in the Clearfields of Breton Bay Subdivision, Third (3rd) Election District, St. Mary's County, Maryland, as per Record Plat recorded at EWA 50, Page 108, is greater than reasonable or safe under existing conditions of road design, motor vehicle traffic and pedestrian safety; and

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has advised that 25 miles per hour is a reasonable and safe maximum speed for Clearfields Court, County Route 31331

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for St. Mary's County, Maryland finds the maximum speed limit set forth for roads of the type of Clearfields Court, is greater than reasonable or safe, and that Clearfields Court, County Route 31331, located in the Clearfields of Breton Bay Subdivision, Third (3rd) Election District, St. Mary's County, Maryland (Plat Reference: EWA 50, Page 108) be posted at 25 miles per hour as per the recommendation of the St. Mary's County Department of Public Works and Transportation.

BE IT FURTHER RESOLVED, that the Director of the Department of Public Works and Transportation is directed to install the signage necessary to implement this Resolution in accordance with Section 21-801.1(f) and 21-803 (c) of the Maryland Annotated Code, Transportation Article.

Those voting aye: ALL

Those voting nay: _____

Those abstaining or absent: _____

Date of Adoption: _____

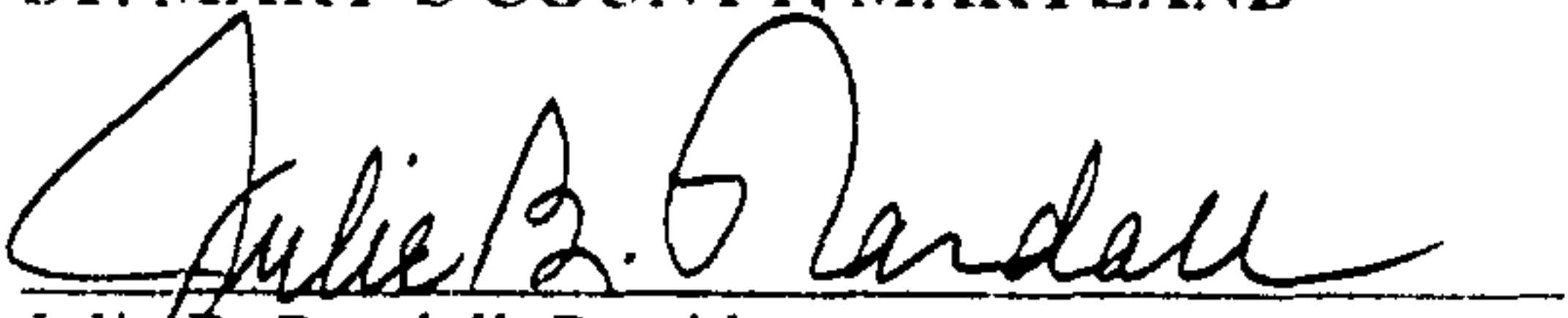
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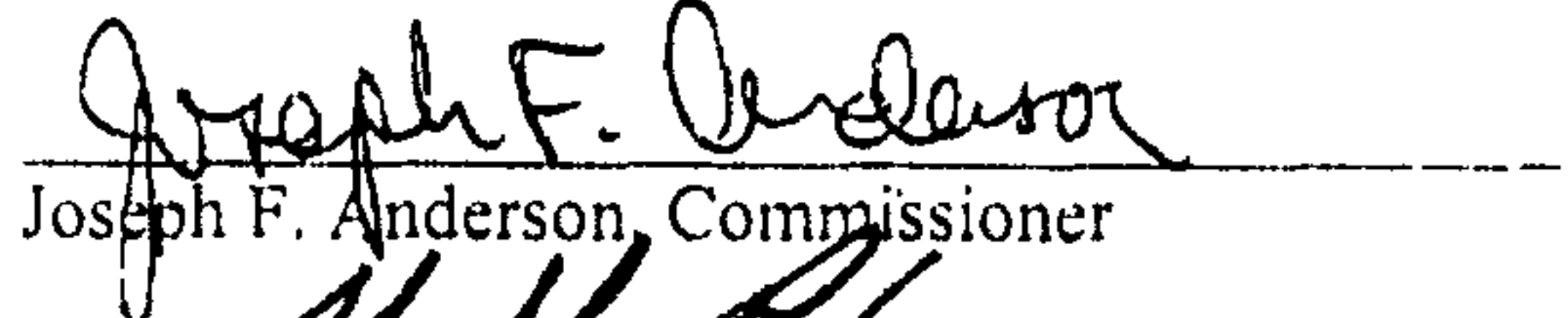
RECORDING FEE 0.00
TOTAL 0.00
Reg#SM02 Rc#t#999999
EWA NB Rlk#836
Nov 13, 2001 11:15 am

ATTEST:


Alfred A. Lacer
County Administrator

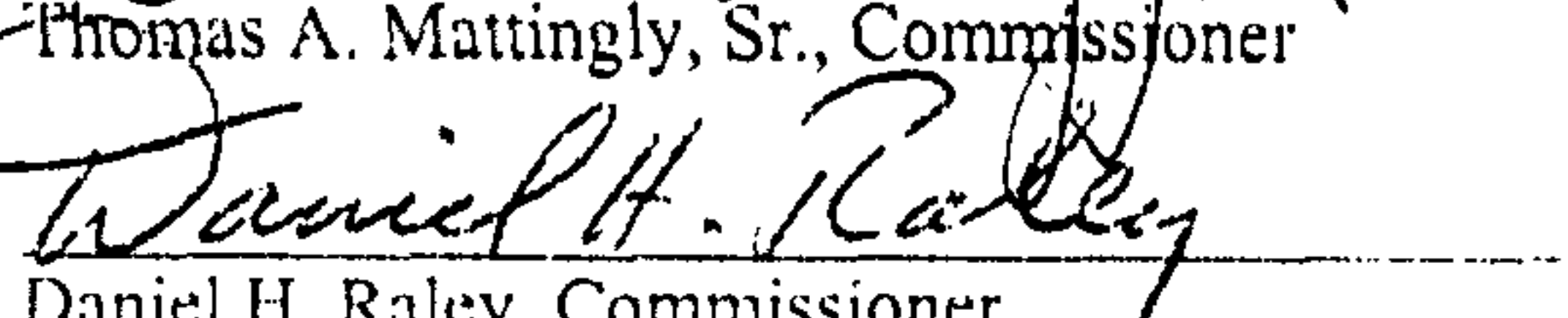
BOARD OF COUNTY COMMISSIONERS FOR
ST. MARY'S COUNTY, MARYLAND


Julie B. Randall, President

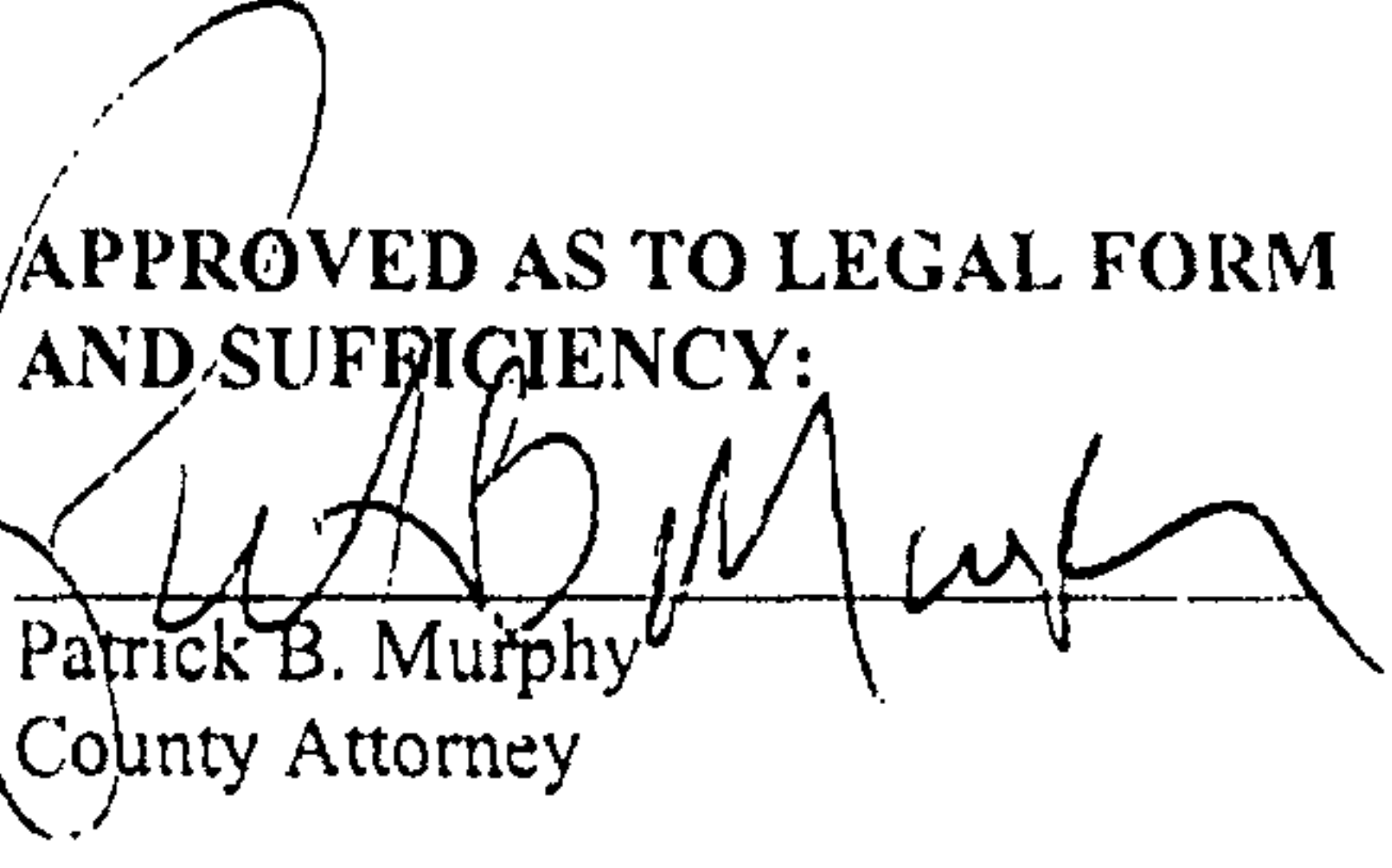

Joseph F. Anderson, Commissioner


Shelby P. Guazzo, Commissioner


Thomas A. Mattingly, Sr., Commissioner


Daniel H. Raley, Commissioner

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:


Patrick B. Murphy
County Attorney

O:\DPWC\PILKERTRES-Clearfields-Speed

RESOLUTION

WHEREAS, pursuant to Section 25-102 of the Transportation Article of the Maryland Annotated Code, the Board of County Commissioners for St. Mary's County, Maryland, is authorized and empowered to regulate traffic by means of a traffic control device, and to designate any intersection as a stop intersection, or yield intersection.

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has identified the intersection of Clearfields Court, County Route 31331, and Monterey Place, located in the Clearfields of Breton Bay Subdivision, Third (3rd) Election District, St. Mary's County, Maryland, as per Record Plat recorded at EWA 50, Page 108, as a threat to public safety and a hazardous condition due to the absence of a traffic control device at this intersection; and

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has, therefore, recommended that the Board of County Commissioners for St. Mary's County, Maryland, exercise its authority to regulate traffic at this intersection by means of a traffic control device, specifically, a stop sign on Clearfields Court, Route 31331, at the intersection with Monterey Place.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for St. Mary's County, Maryland, finds that, upon the advice of the Director of the Department of Public Works and Transportation, a hazardous condition currently exists at the intersection of Clearfields Court, County Route 31331, at the intersection with Monterey Place, and that in the interest of public safety and to eliminate a hazardous condition, Clearfields Court, County Route 31331, as further identified as being located in the Clearfields of Breton Bay Subdivision, Third (3rd) Election District, St. Mary's County, Maryland (Plat Reference: EWA 50, Page 108) shall be designated as a Stop Street, which is a reasonable exercise of this Board's police powers; and

BE IT FURTHER RESOLVED, that the Board of County Commissioners for St. Mary's County, Maryland, directs and instructs the Director of the Department of Public Works and Transportation to erect a traffic control device, specifically a stop sign, on Clearfields Court, County Route 31331, at the intersection with Monterey Place, as necessary to identify Clearfields Court as a Stop Street.

Those voting aye: ALL

Those voting nay: _____

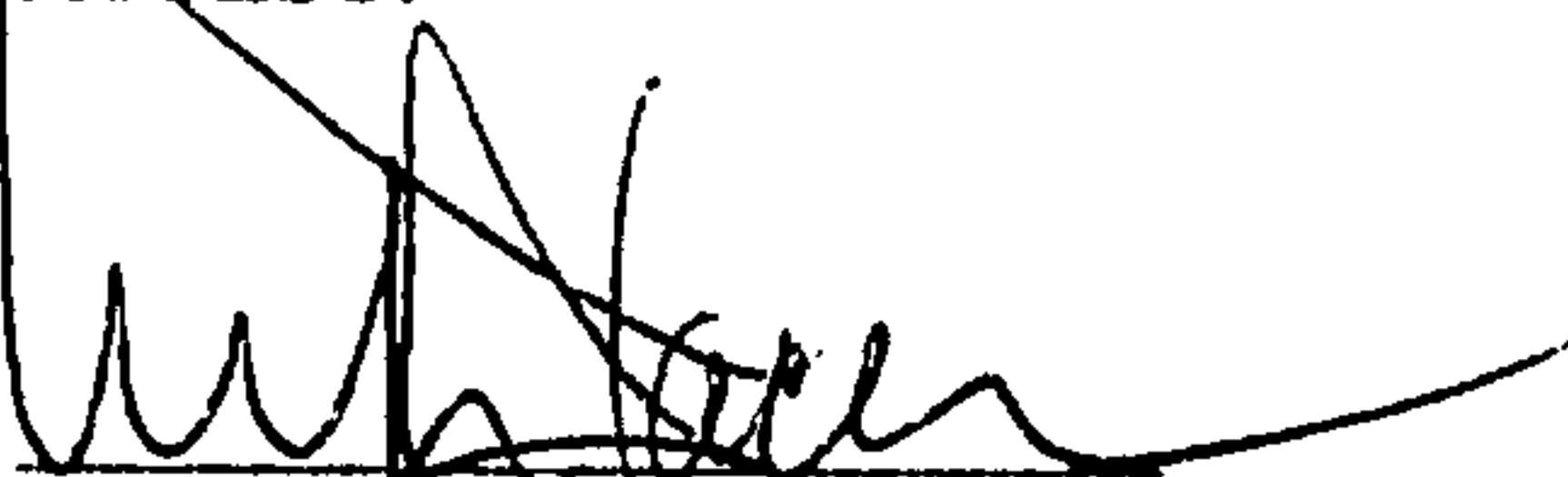
Those abstaining or absent: _____

Date of Adoption: _____

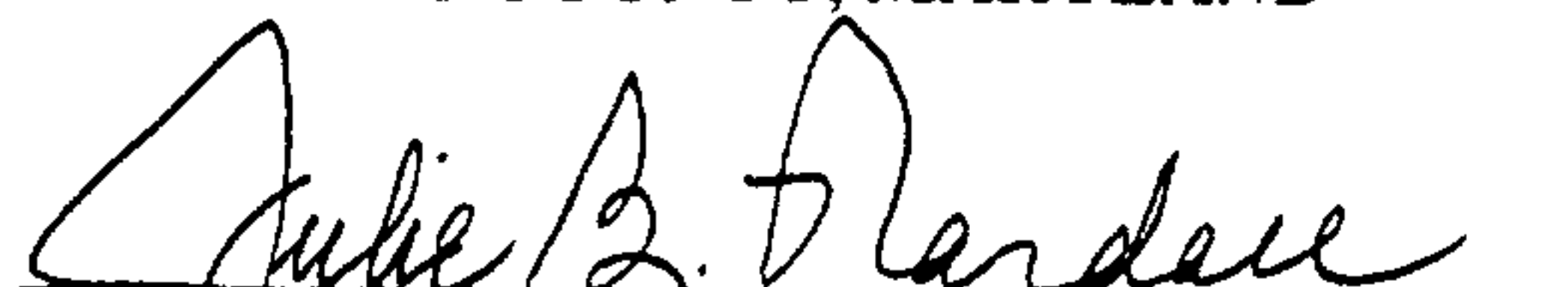
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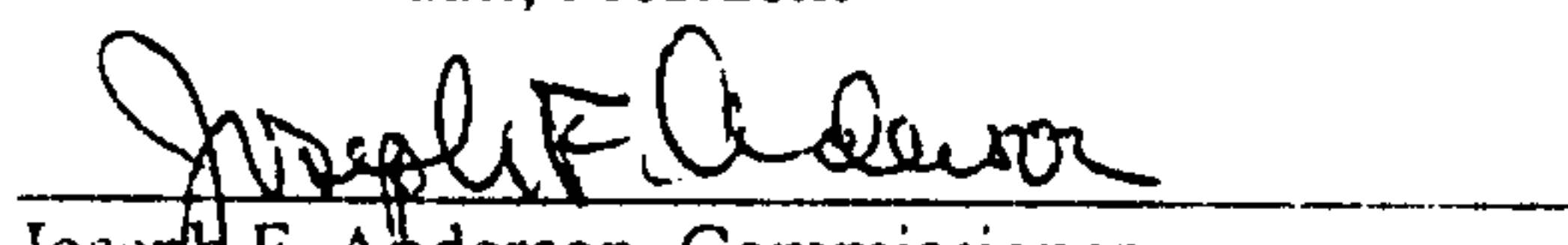
RECORDING FEE 0.00
TOTAL 0.00
Res#SM02 Rec#999999
EWA NB Bk#836
Nov 13, 2001 11:16 am

ATTEST:

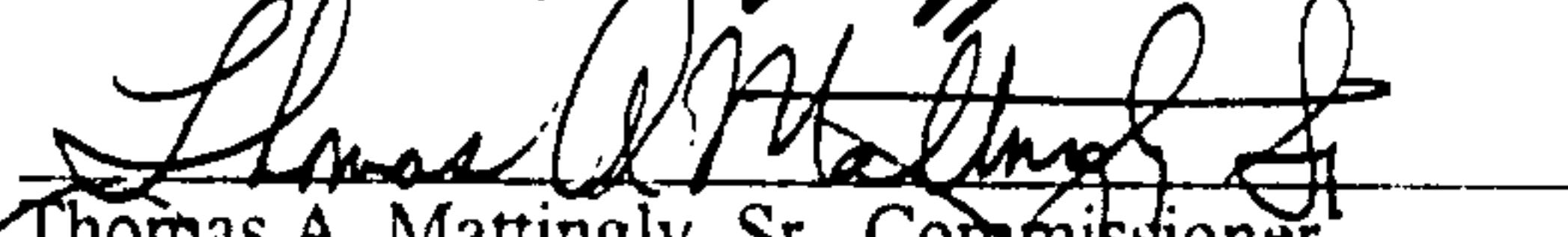

Alfred A. Lacer
County Administrator

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


Julie B. Randall, President

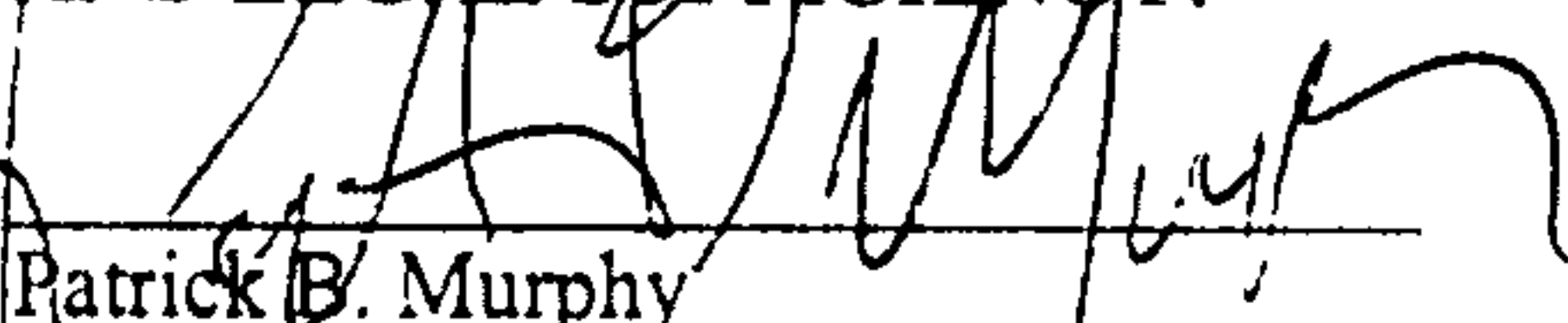

Joseph F. Anderson, Commissioner


Shelby P. Guazzo, Commissioner


Thomas A. Mattingly, Sr., Commissioner


Daniel H. Raley, Commissioner

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


Patrick B. Murphy
County Attorney

NO: 2001-30

SUBJ: FY 2002 Supplemental Appropriation
Office on Aging

LIBERO 020 PAGE 032

ORDINANCE

WHEREAS, the Board of County Commissioners believes it is in the best interest of the County to amend the Fiscal Year 2002 General Fund Operating Budget to increase the appropriation for the Office on Aging for St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$19,333.00 in Federal funds and \$48,902.00 in State funds are available for the purpose of providing supplemental funds to implement a consumer directed care model to improve the responsiveness, efficiency and quality of care for people with dementia and their families.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on Tuesday, October 9, 2001 pursuant to Notice published on or about September 28, 2001 and October 5, 2001 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on October 9, 2001 to present and explain the requirements to increase the Fiscal Year 2002 Budget in the amount of \$68,235.00 (Sixty Eight Thousand Two Hundred & Thirty Five Dollars), and such increase is hereby approved this 6th day of November, 2001, by the Board of County Commissioners for St. Mary's County, Maryland.

Those voting Aye: ALL
Those voting Nay: _____
Those Absent: _____

RECORDING FEE 0.00
TOTAL 0.00
Res#SM02 Acct#999999
EWA NB BIK#836
Nov 13, 2001 11:18 am

Date of Adoption: 11/06/01

Effective Date: 11/06/01

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

Julie B. Randall
Julie B. Randall, President

Joseph F. Anderson
Joseph F. Anderson, Commissioner

Shelby P. Guazzo
Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr. Commissioner

Daniel H. Raley
Daniel H. Raley, Commissioner

ATTEST:

Alfred A. Lacer
Alfred A. Lacer
County Administrator

Elaine M. Kramer
Elaine M. Kramer
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Patrick B. Murphy
Patrick B. Murphy
County Attorney

**CERTIFICATION OF FUNDS AVAILABILITY
DIRECTOR OF FINANCE
SUPPLEMENTAL OR EMERGENCY APPROPRIATION**

LIBERO 020 PAGED 33

Section 27-9 of the St. Mary's County Code states that the County Commissioners may make additional, supplementary or emergency appropriations during any fiscal year only if the Chief Financial Officer certifies in writing that funds are available for appropriation.

DATE: October 30, 2001

TO: Board of County Commissioners

**ORDINANCE
NUMBER:**

PURPOSE: For the purpose of providing supplemental funds to implement a consumer directed care model to improve the responsiveness, efficiency and quality of care for people with dementia and their families.

FUNDS CERTIFICATION:

<u>Amount</u>	<u>Source</u>
\$19,333.00	Federal notification of grant award dated September 7, 2001
\$48,902.00	State notification of grant award dated September 7, 2001



Elaine M. Kramer
Director of Finance

NO.: 2001-31

SUBJECT: FY 2002 Supplemental Appropriation
Office of the Sheriff

ORDINANCE

WHEREAS, the Board of County Commissioners believes it is in the best interest of the County to amend the Fiscal Year 2002 General Fund Operating Budget to increase the appropriation for the Office of the Sheriff for St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$17,500.00 are available in state funds for the purpose of providing additional funds to coordinate enforcement efforts on identifying and taking appropriate action against drivers violating the laws of passing stopped school buses.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on Tuesday, October 23, 2001 pursuant to Notice published on or about October 12, 2001 and October 19, 2001 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on Tuesday, October 23, 2001 to present and explain the requirements to increase the Fiscal Year 2002 Budget in the amount of \$17,500.00 (Seventeen Thousand Five Hundred), and such increase is hereby approved this 6th day of November, 2001 by the Board of County Commissioners for St. Mary's County, Maryland.

Those voting Aye: All
Those voting Nay: _____
Those Absent: _____

RECORDING FEE 0.00
TOTAL 0.00
Res#SM02 Rec#1999999
EWA NB WIK#836
Nov 13, 2001 11:19 am

Date of Adoption: 11/6/01
Effective Date: 11/6/01

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

Julie B. Randall
Julie B. Randall, President

Joseph F. Anderson
Joseph F. Anderson, Commissioner

Shelby P. Guazzo
Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley
Daniel H. Raley, Commissioner

ATTEST:
Alfred A. Lacer
Alfred A. Lacer
County Administrator

FUNDING AVAILABILITY VERIFIED:
Elaine M. Kramer
Elaine M. Kramer
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
Patrick B. Murphy
Patrick B. Murphy
County Attorney

CERTIFICATION OF FUNDS AVAILABILITY
DIRECTOR OF FINANCE
SUPPLEMENTAL OR EMERGENCY APPROPRIATION
LIBER 0020 PAGE 35

Section 27-9 of the St. Mary's County Code states that the County Commissioners may make additional, supplementary or emergency appropriations during any fiscal year only if the Chief Financial Officer certifies in writing that funds are available for appropriation.

DATE: October 30, 2001

TO: Board of County Commissioners

ORDINANCE
NUMBER:

PURPOSE: Office of the Sheriff
For the purpose of providing additional funds to coordinate enforcement efforts on identifying and taking appropriate action against drivers violating the laws of passing stopped school buses.

FUNDS CERTIFICATION:

<u>Amount</u>	<u>Source</u>
\$17,500.00	Per Notice of grant award from Department of State Police dated March 30, 2001.



Elaine M. Kramer
Director of Finance

NO.: 2001-32

LIBERO 020 PAGE 3 b

SUBJECT: FY 2002 Supplemental Appropriation
Office of the Sheriff

ORDINANCE

WHEREAS, the Board of County Commissioners believes it is in the best interest of the County to amend the Fiscal Year 2002 General Fund Operating Budget to increase the appropriation for the Office of the Sheriff for St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$10,000.00 in Donations have been received, with no stated restriction placed by the donor on the utilization of the funds. The Sheriff's office requested \$5,000.00 to crime prevention efforts and \$5,000.00 for an awards program for the agency.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on Tuesday, October 23, 2001 pursuant to Notice published on or about October 12, 2001 and October 19, 2001 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on Tuesday, October 23, 2001 to present and explain the requirements to increase the Fiscal Year 2002 Budget in the amount of \$10,000.00 (Ten Thousand Dollars), and such increase is hereby approved this 16th day of November, 2001 by the Board of County Commissioners for St. Mary's County, Maryland.

Those voting Aye: ALL
Those voting Nay: _____
Those Absent: _____

RECORDING FEE 0.00
TOTAL 0.00
Res#SM02 Rec#4999999
EWA NB 014836
Nov 13, 2001 11:19 am

Date of Adoption: 11/6/01
Effective Date: 11/06/01

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

Julie B. Randall
Julie B. Randall, President

Joseph F. Anderson
Joseph F. Anderson, Commissioner

Shelby P. Guazzo
Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley
Daniel H. Raley, Commissioner

ATTEST:
Alfred A. Lacer
Alfred A. Lacer
County Administrator

FUNDING AVAILABILITY VERIFIED:
Elaine M. Kramer
Elaine M. Kramer
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
Patrick B. Murphy
Patrick B. Murphy
County Attorney

CERTIFICATION OF FUNDS AVAILABILITY
DIRECTOR OF FINANCE
SUPPLEMENTAL OR EMERGENCY APPROPRIATION
LIBERO 020 PAGE 31

Section 27-9 of the St. Mary's County Code states that the County Commissioners may make additional, supplementary or emergency appropriations during any fiscal year only if the Chief Financial Officer certifies in writing that funds are available for appropriation.

DATE: October 30, 2001

TO: Board of County Commissioners

ORDINANCE
NUMBER:

PURPOSE: Office of the Sheriff
Donation with no stated restriction placed by the donor on the utilization of the funds. The Sheriff's office requested \$5,000.00 for crime prevention efforts and \$5,000.00 for an awards program for the agency.

FUNDS CERTIFICATION:

<u>Amount</u>	<u>Source</u>
\$10,000.00	Anonymous Donor



Elaine M. Kramer
Director of Finance

RESOLUTION

WHEREAS Section 1.5 of the St. Mary's County Comprehensive Water and Sewerage Plan (CWSP) sets forth the procedures for amending the plan; and

WHEREAS, pursuant to those procedures, certain amendments to the text and maps of the plan described in ATTACHMENT A hereto were considered following the posting of notice on the subject property, publication of notice, and written notification of all contiguous property owners by certified mail, the St. Mary's County Planning Commission conducted a public hearing on November 27, 2000 and was recommended for APPROVAL by the Planning Commission on December 11, 2000; and

WHEREAS, the Board of County Commissioners, following the posting of notice on the subject property, publication of notice, and written notification of all contiguous property owners by certified mail held a public hearing on the application on May 8, 2001; and

WHEREAS, on June 12, 2001, after serious consideration of input from staff and the public comment, it was determined that it was and is in the County's best interest to accept the recommendation and findings of the Planning Commission for the amendment of the St. Mary's County Comprehensive Water and Sewerage Plan.

NOW THEREFORE BE IT RESOLVED THAT THE BOARD OF COUNTY COMMISSIONERS FOR ST. MARY'S COUNTY, MARYLAND that the St. Mary's County Comprehensive Water and Sewerage Plan shall be amended as set forth in Attachment A hereto, being the same as those amendments recommended for approval by the Planning Commission on December 11, 2000.

BE IT FURTHER RESOLVED, by the Board of County Commissioners for St. Mary's County, Maryland that the recitals above are hereby incorporated and adopted as if fully written herein.

BE IT FURTHER RESOLVED, by the Board of County Commissioners for St. Mary's County, Maryland that this enactment shall be effective on the date written below.

Date of adoption: 11/03/01

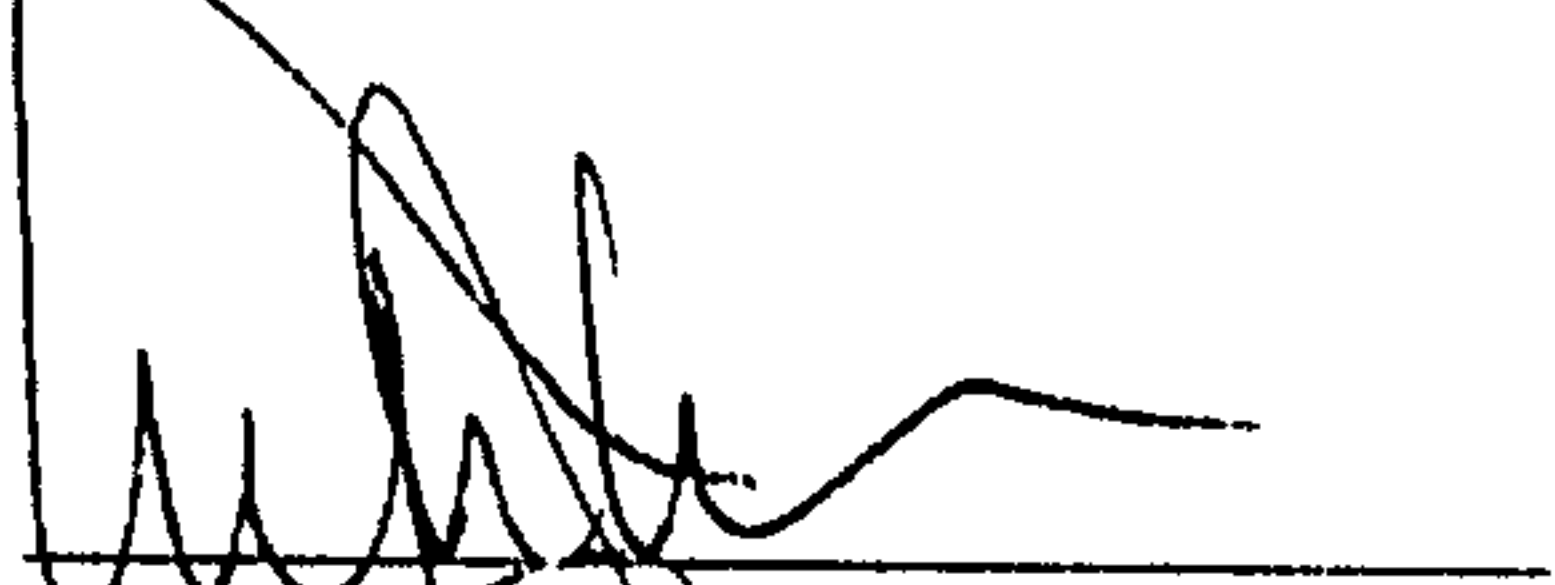
Ayes: ALL

Nays: _____

Effective date: June 12, 2001

Abstain: _____


ATTEST:

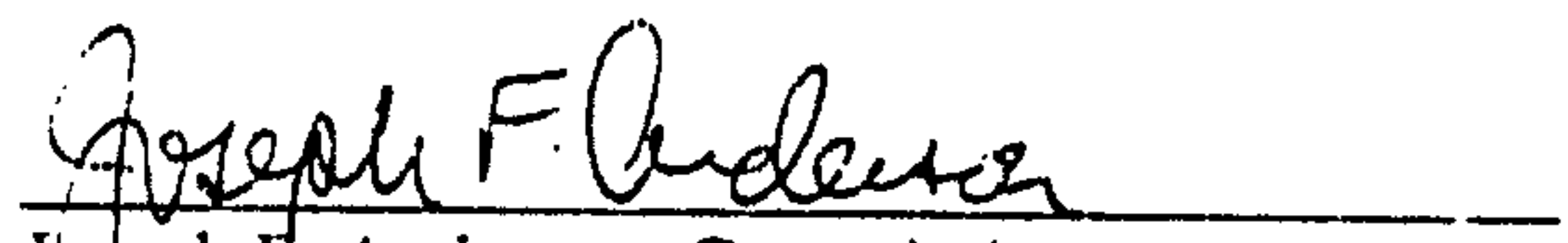

Alfred A. Lacer
County Administrator

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

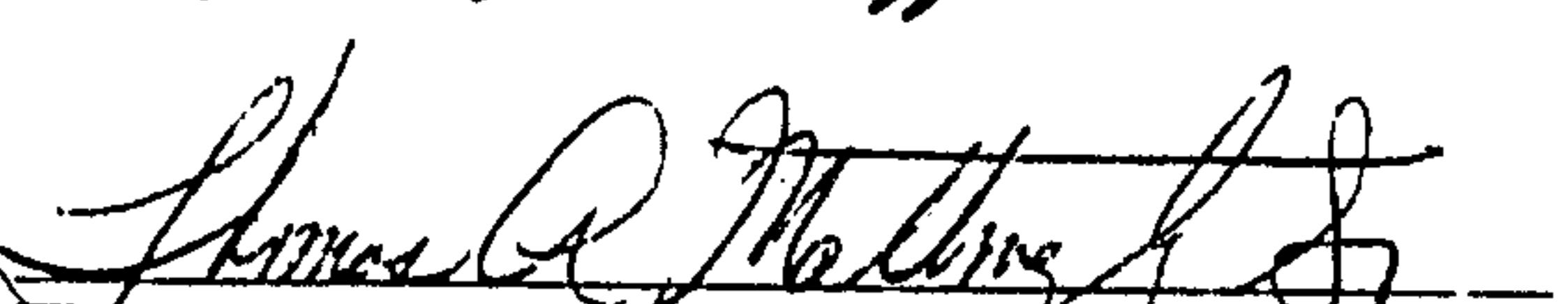

John B. Norris, III
Deputy County Attorney

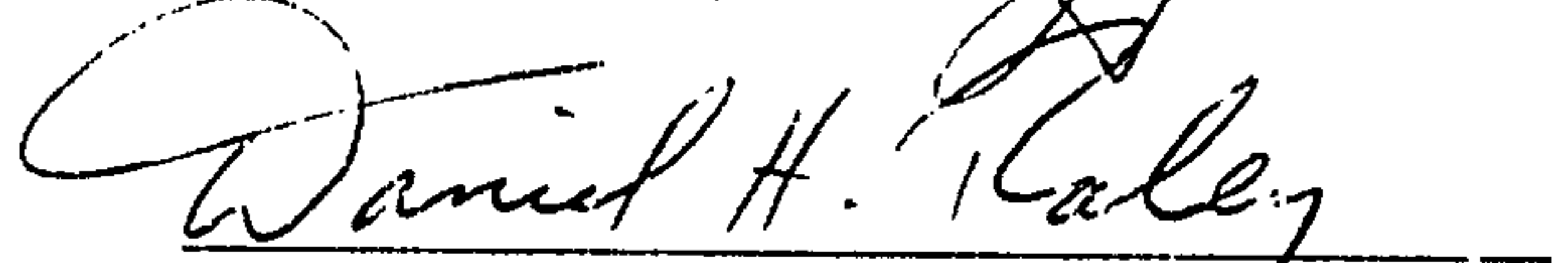
BOARD OF COUNTY COMMISSIONERS FOR ST. MARY'S COUNTY, MARYLAND


Julie B. Randall, President


Joseph H. Anderson, Commissioner


Shelby P. Guazzo, Commissioner

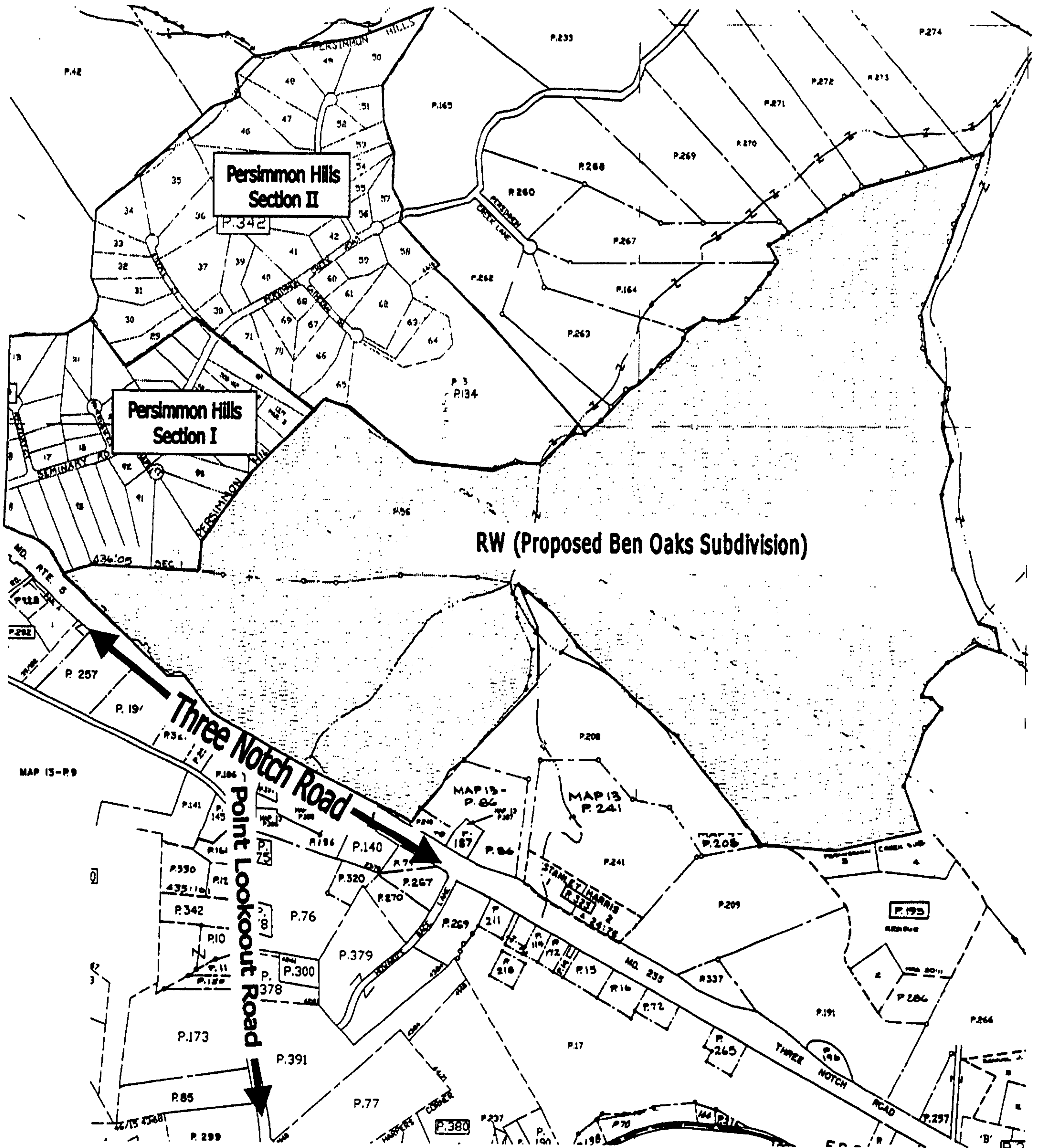

Thomas A. Mattingly, Sr. Commissioner


Daniel H. Raley, Commissioner

RECORDING FEE 0.00
TOTAL 0.00
RECEIVED NOV 14 2001
EVA LP BUREAU
NOV 29 2001 10:46 AM

ATTACHMENT A

CWSP #00-120-028 BEN OAKS SUBDIVISION (a.k.a Persimmon Hills Section III)
AMEND SERVICE AREA MAPS III-9 AND III-13 TO CHANGE FROM NPS (No
Planned Service) TO RW (Rural Water System) SERVICE CATEGORY FOR AREA
DESCRIBED AS PARCELS 56 AND 9 OF GRIDS 15 AND 3 OF TAX MAPS 9 AND
13.



ORDINANCE

FOR THE PURPOSE OF IMPLEMENTING THE PROVISIONS OF THE SEPTEMBER 20, 2001 CONSENT DECREE WITH THE CHESAPEAKE BAY CRITICAL AREA COMMISSION; AND FOR THE PURPOSES OF ALLOCATING 13.5 ACRES OF ST. MARY'S COUNTY'S CHESAPEAKE BAY CRITICAL AREAS GROWTH ALLOCATION FOR THE SUBDIVISION AND DEVELOPMENT OF LOTS WITHIN THE CHESAPEAKE BAY CRITICAL AREAS; AND THEREBY AMENDING THE CHESAPEAKE BAY CRITICAL AREA MAP OVERLAY DESIGNATION FOR THESE SITES FROM RESOURCE CONSERVATION AREA (RCA) TO LIMITED DEVELOPMENT AREA (LDA) TO REFLECT THE GROWTH ALLOCATIONS.

RECORDING FEE 8.00
 TOTAL 0.00
 RES#5402 Rcpt#999999
 LP 31K#2148
 Nov 28, 2001 10:47 am

WHEREAS, after due processing and consideration by the Planning Commission, and a public hearing held by the Board of County Commissioners on March 19, 1990, the following requests for growth allocation for Lores Landing (CSUB 90-1725), Maydell Manor (CSUB 90-1724), and Eppard Subdivision (CSUB 88-0775) were recommended for approval by the Board of County Commissioners on May 14, 1991, and

WHEREAS, on October 2, 1991, the Chesapeake Bay Critical Area Commission denied approval of the three projects because the acreage to be deducted from the County's growth allocation based on the County's Ordinance was contrary to the Chesapeake Bay Critical Area Commission's policy for deduction of growth allocation dated February 3, 1993; and

WHEREAS, the denial was appealed by the Board of County Commissioners, the appeals consolidated in April 1993 and a Joint Motion to Stay further proceedings was filed as the parties agreed to work toward an administrative resolution of the issues raised in each appeal; and

WHEREAS, the applicants in Maydell Manor thereafter revised their application to comply with the Chesapeake Bay Critical Area Commission's policy for deduction of growth allocation dated February 3, 1993 and received subsequent approval; and

WHEREAS, a growth allocation application was submitted by applicants for St. Clements Woods, which was the subject of a public hearing before the Board of County Commissioners on February 15, 1994, and approved on March 1, 1994, without a deduction of the residue acreage upon certain terms and conditions, that was again alleged by the Chesapeake Bay Critical Area Commission as inconsistent with the Chesapeake Bay Critical Area Commission's policy for deduction of growth allocation dated February 3, 1993; and

WHEREAS, in 1995, a settlement agreement in the matter of the appeals of Lores Landing and Eppard Subdivision and the then-pending application of St. Clements Woods was proposed; and for reasons outside the control of the current Board of County Commissioners and Judge North, Chairman of the Critical Area Commission, resolution of the appeal was not consummated; and

WHEREAS, the County, on September 21, 2001, entered into a Consent Decree between the Board of County Commissioners of St. Mary's County and Judge John C. North, II, Chairman, Chesapeake Bay Critical Area Commission, (the "Consent Decree"), for the purposes of disposing of the pending application of St. Clements Woods and the appeals arising from denial by the Critical Area Commission of Growth Allocation of approval for Lores Landing and Eppard Subdivision as a result of reinitiating settlement negotiations in May 2000; and

WHEREAS, the terms and conditions of said Consent Decree require amendment of the Growth Allocation deduction provisions of Section 38.02.19, paragraphs (a) through (c) of the current St. Mary's County Zoning Ordinance to conform to the Chesapeake Bay Critical Area Commission policy on Growth Allocation dated February 3, 1993; and

WHEREAS, revised provisions of the St. Mary's County Zoning Ordinance comporting with the requirements of the Chesapeake Bay Critical Area Commission's policy on Growth Allocation dated February 3, 1993, were included as Section 42.9.6 "Computing the Use of Growth Allocation" of the proposed Unified Land Development Code; and

WHEREAS, the St. Mary's County Planning Commission, after holding a public hearing on June 26 and June 27, 2000, forwarded to the Board of County Commissioners for St. Mary's County, Maryland, a recommendation by Planning Commission Resolution 00-01, dated October 23, 2000, that the entire proposed Unified Land Development Code, including these revisions to "Computing the Use of Growth Allocation" be adopted; and

WHEREAS, by authority of the Board of County Commissioners for St. Mary's County, Maryland, notice of a public hearing was published in The Enterprise, a newspaper of general circulation in St. Mary's County, on June 29, 2001, July 6, 2001 and July 13, 2001, in accordance with the statutory provisions of Sections 3 (r) of *Article 25* of the Annotated Code of Maryland, and which notice provided that the provisions that were the subject of the public hearing may be modified in whole, or in part, either substantively or procedurally as a result of the hearing; and

WHEREAS, upon due notice, the Board of County Commissioners for St. Mary's County, Maryland conducted public hearings on July 17 and 18, 2001 regarding the adoption of these revisions to "Computing the Use of Growth Allocation" and other amendments to the St. Mary's County Zoning Ordinance as set forth in the draft Unified Land Development Code; and

WHEREAS, at the public hearings, the public and Board of County Commissioners were presented the County's revised Critical Areas Program, which included the provision related to "Computing the Use of Growth Allocation", as a revision to the County's current Critical Areas Program and drafted to comply with the Chesapeake Bay Critical Area Commission's on Growth Allocation dated February 3, 1993; and

WHEREAS, the Board of County Commissioners directed, based on public comment taken at the hearings, that extensive revision to and reorganization of the proposed Unified Land Development Code in areas unrelated to the County's Critical Area Program is needed; and

WHEREAS, said proposed language of the to "Computing the Use of Growth Allocation", as set forth and presented at the aforementioned public hearings as Section 42.9.6 of the draft Unified Land Development Code conforms to the requirements of the Consent Decree and was the subject of a public hearing as part of the Unified Land Development Code; and

WHEREAS, the Board of County Commissioners, having considered all of the public testimony and staff comments, has determined that it is in the best interest of the citizens of St. Mary's County to adopt the provisions of Section 42.9.6 of the draft Unified Land Development Code as a revision to the St. Mary's County Critical Areas Program by repealing and readopting with amendment Section 38.02.19, paragraphs (a) through (c) of the St. Mary's County Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, to repeal the language of Section 38.02.19(a)-(c), "Growth Allocation Mapping", of the St. Mary's County Zoning Ordinance and adopt new Section 38.02.19(a)-(c), "Computing the Use of Growth Allocation", as presented at public hearing as Section 42.9.6 draft Unified Land Development Code and as amended and set forth below:

19. COMPUTING THE USE OF THE GROWTH ALLOCATION. Growth Allocation acreage shall be computed as follows:
- a. Parcels of land that were recorded as of December 1, 1985 and classified as RCA or LDA, where all or part of the parcel is identified by the County as a growth allocation area, shall result in the acreage of the entire parcel not in State wetlands being deducted from St. Mary's County's Growth Allocation allotment, unless the development envelope concept outlined below is used.
 - b. On an RCA parcel proposed for use of growth allocation, a single development envelope may be specified, whereupon the acreage of the development envelope, rather than the entire parcel, shall be deducted from the County's Growth Allocation allotment if the development meets the following criteria:
 - (1) The development envelope shall include individually owned lots, required buffers (including the 100-foot Critical Area Buffer, 25 foot nontidal wetlands buffers, and any zoning buffers), impervious surfaces, roads, utilities, stormwater management measures, on-site sewage disposal measures, any areas subject to human use such as active recreation areas, and any additional acreage needed to meet the development requirements of this Code; and
 - (2) Only one development envelope is established per parcel of land; and
 - (3) If less than 20 acres remains outside the development envelope, the residue is contiguous to a 20 acre or larger area of land with an RCA designation under the St. Mary's County Critical Areas Program that is permanently protected from development by an easement.
 - c. For growth allocation areas proposed in the RCA, a 300-foot naturally vegetated Buffer provided on a Growth allocation site is not required to be deducted from the County's allocated Growth Allocation, even if the Buffer does not meet the 20-acre requirement. If the 300-foot Buffer area is not deducted, a deed restriction and easement identifying the activities and management practices, if

any, allowed in the Buffer area must be approved as a condition of growth allocation award by the County and recorded in the land records and on the subdivision plat.

BE IT FURTHER ORDAINED, BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND that 13.5 acres (total) of the County's available Growth Allocation shall be awarded, in accordance with the Consent Decree, to the projects identified below, and that the Official Zoning Maps shall be amended to reflect such an award of Growth Allocation as identified below. The award of Growth Allocation for each project shall be subject to the conditions of approval, if any, set forth by the Board of County Commissioners at the time of original request to the Chesapeake Bay Critical Area Commission for approval of award for:

Lores Landing (CSUB 90-1725) for 6 acres of the County's Growth Allocation and to map the 6 acre area as Limited Development Area (LDA);

Eppard Subdivision (CSUB 88-0775) for 6 acres of the County's Growth Allocation and to map the 6 acre area as Limited Development Area (LDA); and

St. Clements Woods (CSUB 90-1724) for 1.5 acres of the County's Growth Allocation and to map the 1.5 acre area as Limited Development Area (LDA).

BE IT FURTHER ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND that the foregoing recitals are hereby adopted as written above.

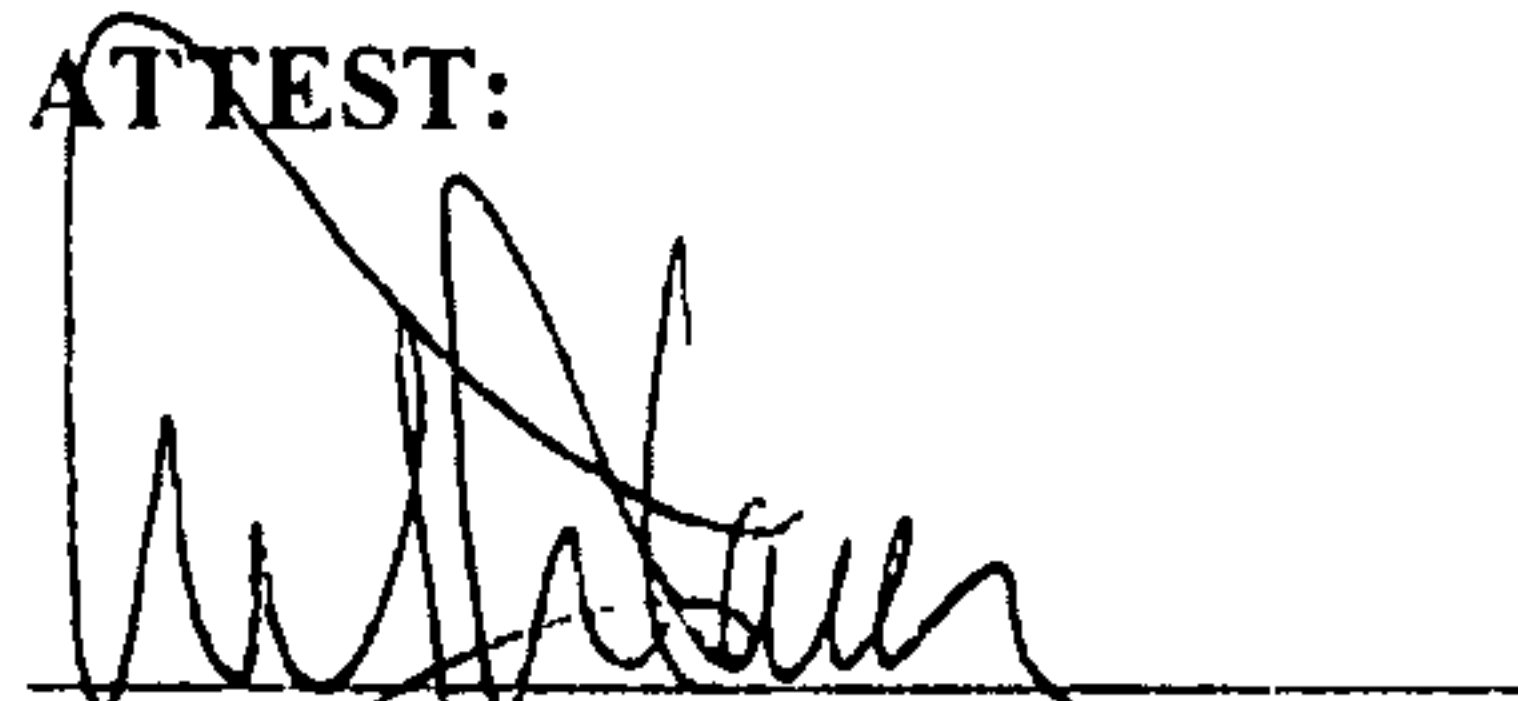
BE IT FURTHER ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND that this ORDINANCE shall be effective at the date written below.

Date of Adoption: 11/13/01 Ayes: ALL

Nays: _____


Effective Date: 11/13/01 Abstain: _____

ATTEST:




Alfred A. Lacer
County Administrator

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



Julie B. Randall, President


**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:**



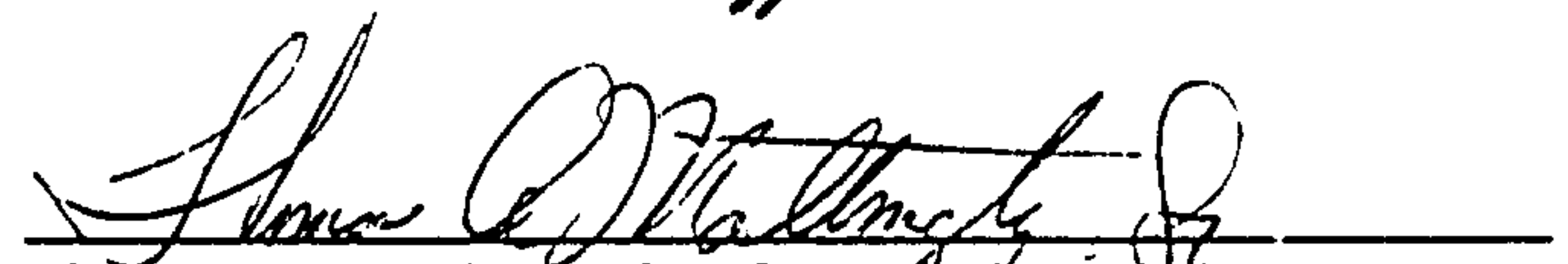
John B. Norris, III
Deputy County Attorney



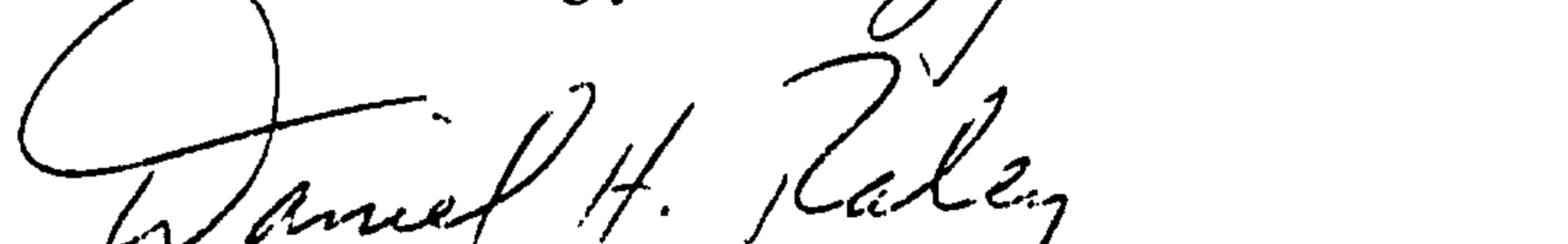
Joseph F. Anderson, Commissioner



Shelby P. Guazzo, Commissioner



Thomas A. Mattingly, Sr., Commissioner



Daniel H. Raley, Commissioner

Subject: Delegating authority to the Director of the Lexington Park Plan to submit letters in support of Business Development Program Project applicants

0020 PAGE 43

RESOLUTION OF THE BOARD COUNTY COMMISSIONERS FOR ST. MARY'S COUNTY, MARYLAND

PURPOSE

To name the Director of the Lexington Park Plan as an authorized designee of the County Commissioners for St. Mary's County, Maryland for the purpose of submitting letters to the Department of Housing and Community Development expressing local support of appropriate applications for financial assistance under the Business Development Program pursuant to Maryland Annotated Code, Article 83B, §4-204(d)(4).

RECITALS

WHEREAS, the Maryland Department of Housing and Community Development has established the Business Development Program for the purposes of providing financial assistance to qualified projects; and

WHEREAS, an applicant to the Maryland Department of Housing and Community Development for financial assistance through the Business Development Program must, pursuant to Maryland Annotated Code, Article 83B, §4-204(d)(4), demonstrate local support for that project to qualify for financial assistance; and

WHEREAS, pursuant to Maryland Annotated Code, Article 83B, §4-204(d)(4), local support may be provided in the form of a letter expressing such support from an authorized designee of the Commissioners for St. Mary's County, Maryland to the Business Development Program.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for St. Mary's County that:

1. The Director of the Lexington Park Plan, currently Robin A. Finnaconi, is hereby delegated authority to notify the Maryland Department of Housing and Community Development that applications for financial assistance under the Business Development Program have local support where such applications are consistent with the Lexington Park Master Plan, as amended; and
2. The Director of the Lexington Park Plan shall track the applications for financial assistance under the Business Development Program for which support is sought and report whether support was given and whether the application was approved by the Maryland Department of Housing and Community Development; and
3. The foregoing recitals are hereby adopted as if written fully herein; and
4. This Resolution shall take effect from the date set forth below as the "Effective Date."

Those voting Aye:
Those voting Nay:
Those Absent:

ALL

RECORDING FEE 0.00
TOTAL 0.00

ADOPTED:

11/13/01

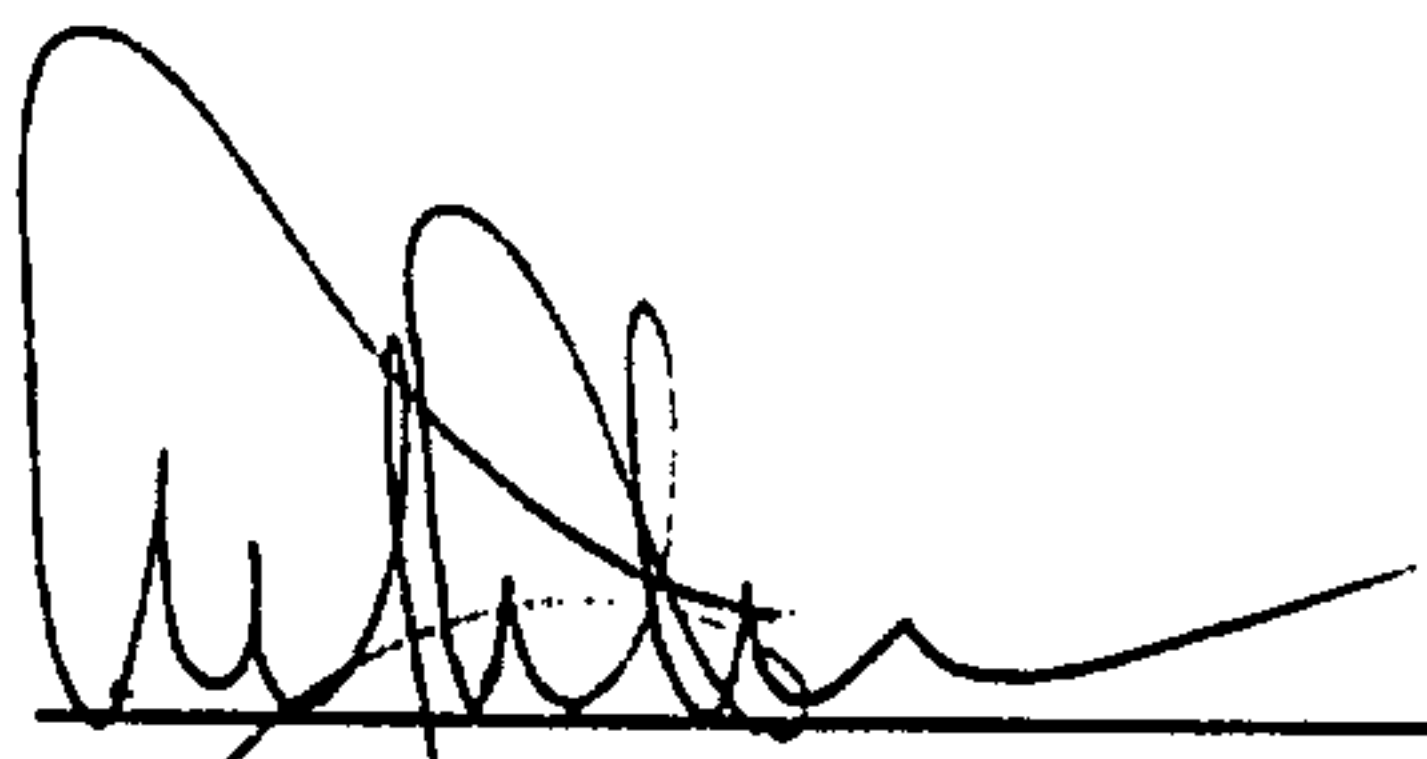
EFFECTIVE DATE:

11/13/01

Reg#SM02 Rcpt#999999
EMA LP B.k#2148
Nov 28, 2001 10:48 am

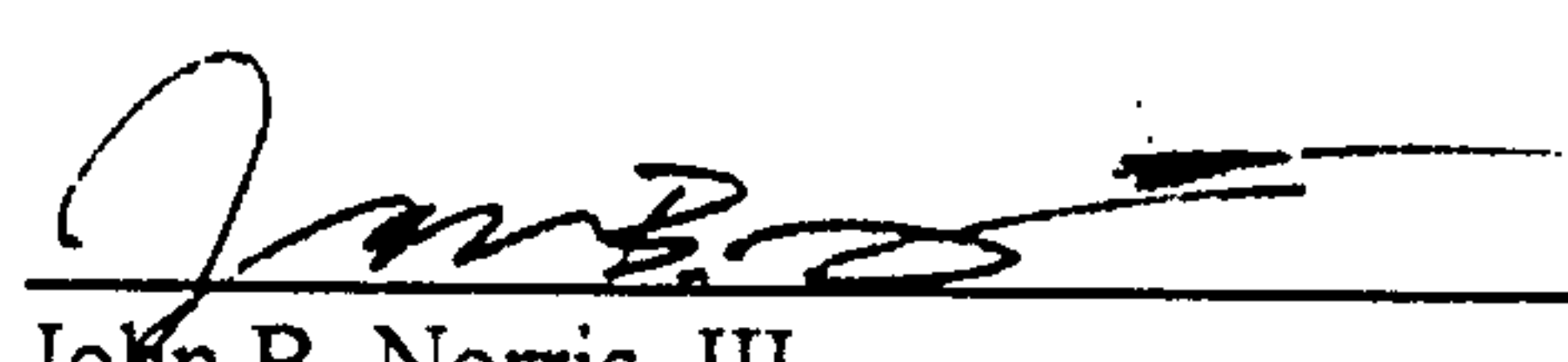
Subject: Delegating authority to the Director of the Lexington Park Plan to submit letters in support of Business Development Program Project applicants

ATTEST:



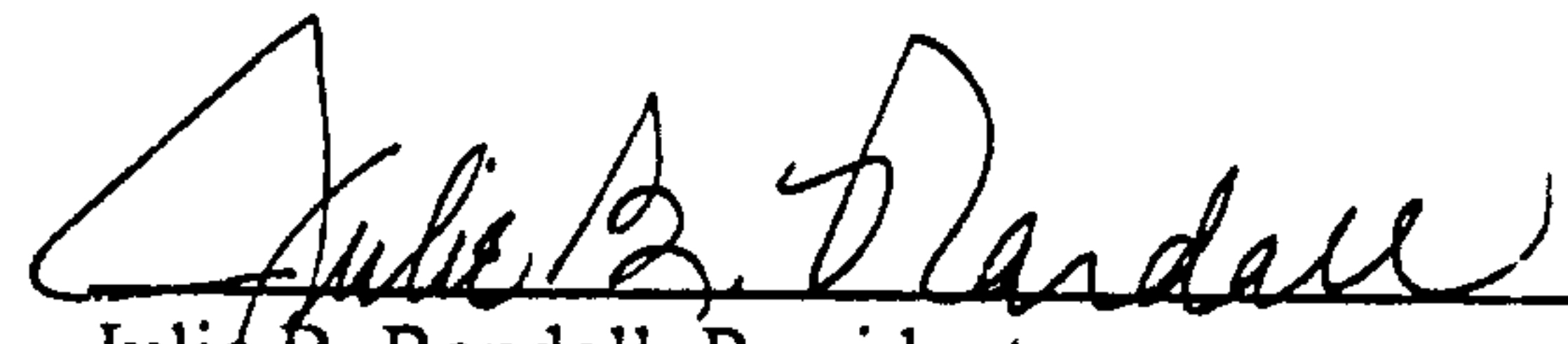
Alfred A. Lacer,
County Administrator

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:




John B. Norris, III,
Deputy County Attorney

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



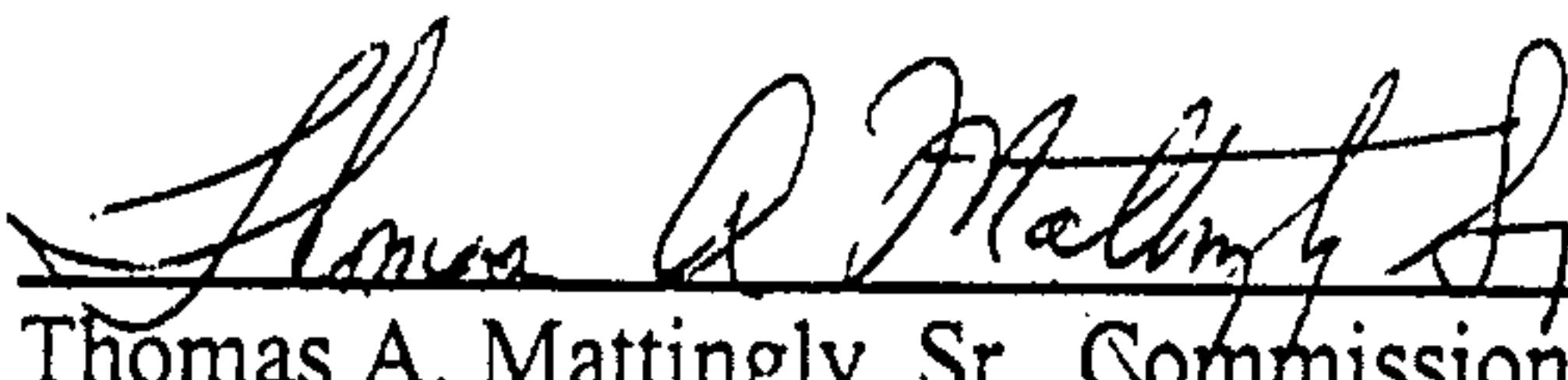
Julie B. Randall, President



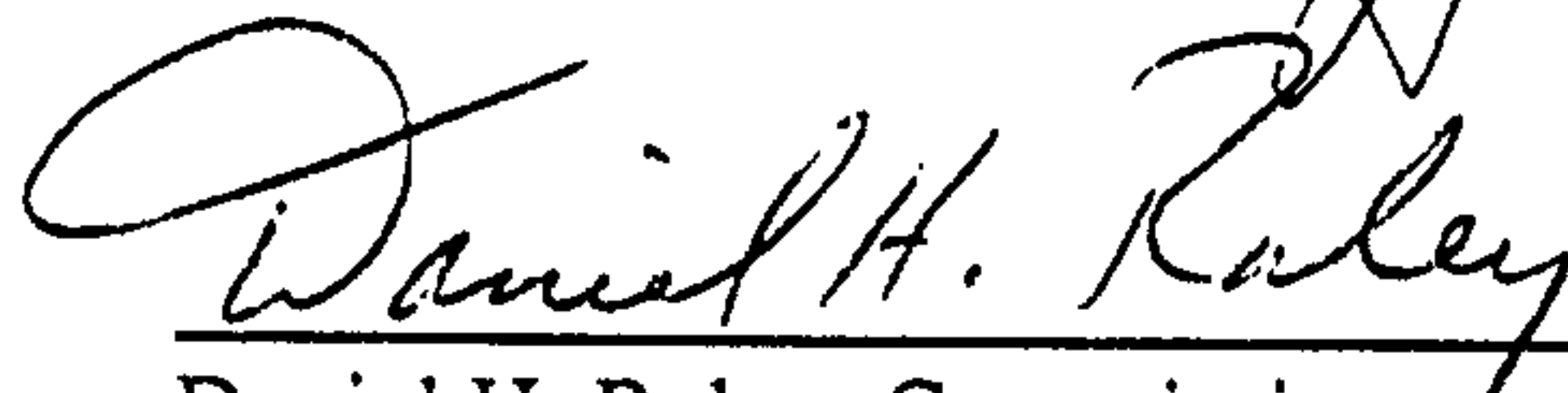
Joseph F. Anderson, Commissioner



Shelby P. Guazzo, Commissioner



Thomas A. Mattingly, Sr., Commissioner



Daniel H. Raley, Commissioner

LIBERO 0 2 0 PAGE 4 5 RESOLUTION

WHEREAS, pursuant to the authority granted under Section 25-102 (a) (10) and Section 21-803 of the Maryland Annotated Code, Transportation Article, the Board of County Commissioners for St. Mary's County, Maryland, may alter the speed upon a public road within the County; and

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has advised that the existing speed limit of 40 miles per hour between mile point 1.15 and 1.65 for Charlotte Hall Road, County Route 30001, located in the Fifth (5th) Election District, St. Mary's County, Maryland, is greater than reasonable or safe under existing conditions of road design, motor vehicle traffic and pedestrian safety; and

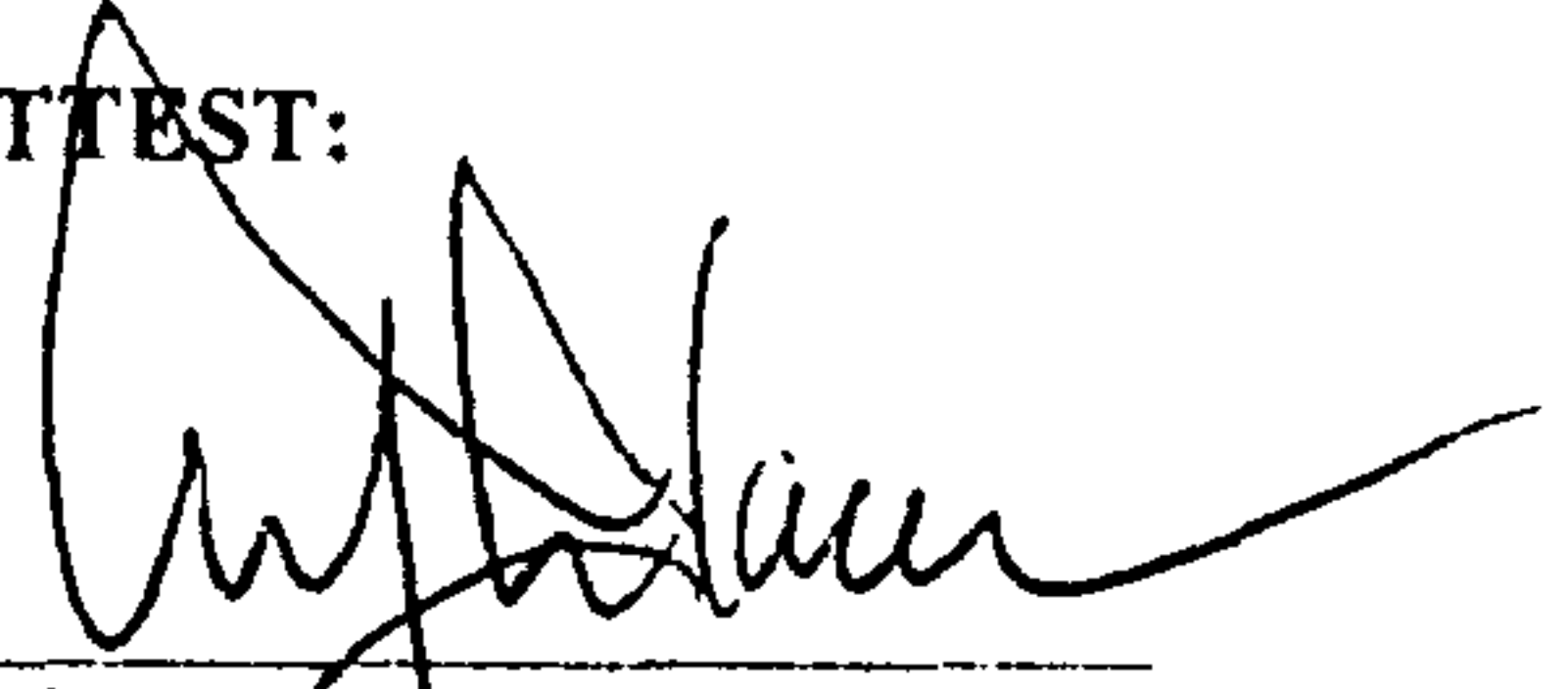
WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has advised that 35 miles per hour is a reasonable and safe maximum speed for Charlotte Hall Road, County Route 30001, between mile point 1.15 and mile point 1.65.

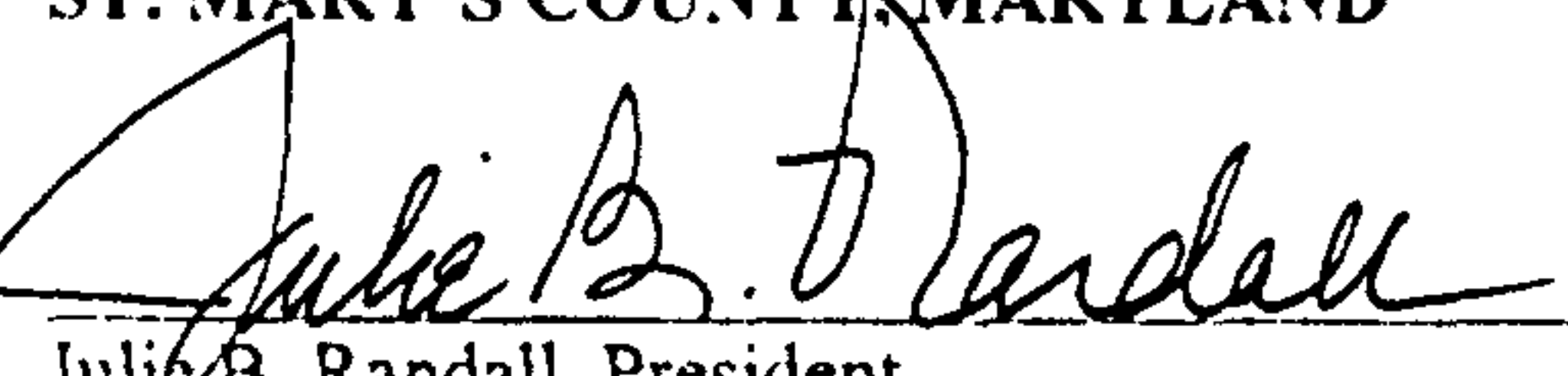
NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for St. Mary's County, Maryland finds the existing speed limit set forth for Charlotte Hall Road is greater than reasonable or safe, and that Charlotte Hall Road, County Route 30001, located in the Fifth (5th) Election District, St. Mary's County, Maryland be posted at 35 miles per hour, from mile point 1.15 to mile point 1.65, as per the recommendation of the St. Mary's County Department of Public Works and Transportation.

BE IT FURTHER RESOLVED, that this Resolution Supercedes Resolution No. 79-1, dated July 18, 1978, and that the Director of the Department of Public Works and Transportation is directed to install the signage necessary to implement this Resolution in accordance with Section 21-801.1(f) and 21-803 (c) of the Maryland Annotated Code, Transportation Article.

Those voting aye: ALL
Those voting nay: _____
Those abstaining or absent: _____
Date of Adoption: 11/27/01
Effective Date: 11/27/01

RECORDING FEE 0.00
TOTAL 0.00
Res#SK02 Rcpt#999999
EWA LP BIK#2426
Nov 29, 2001 03:09 PM

ATTEST:

Alfred A. Lacer
County Administrator

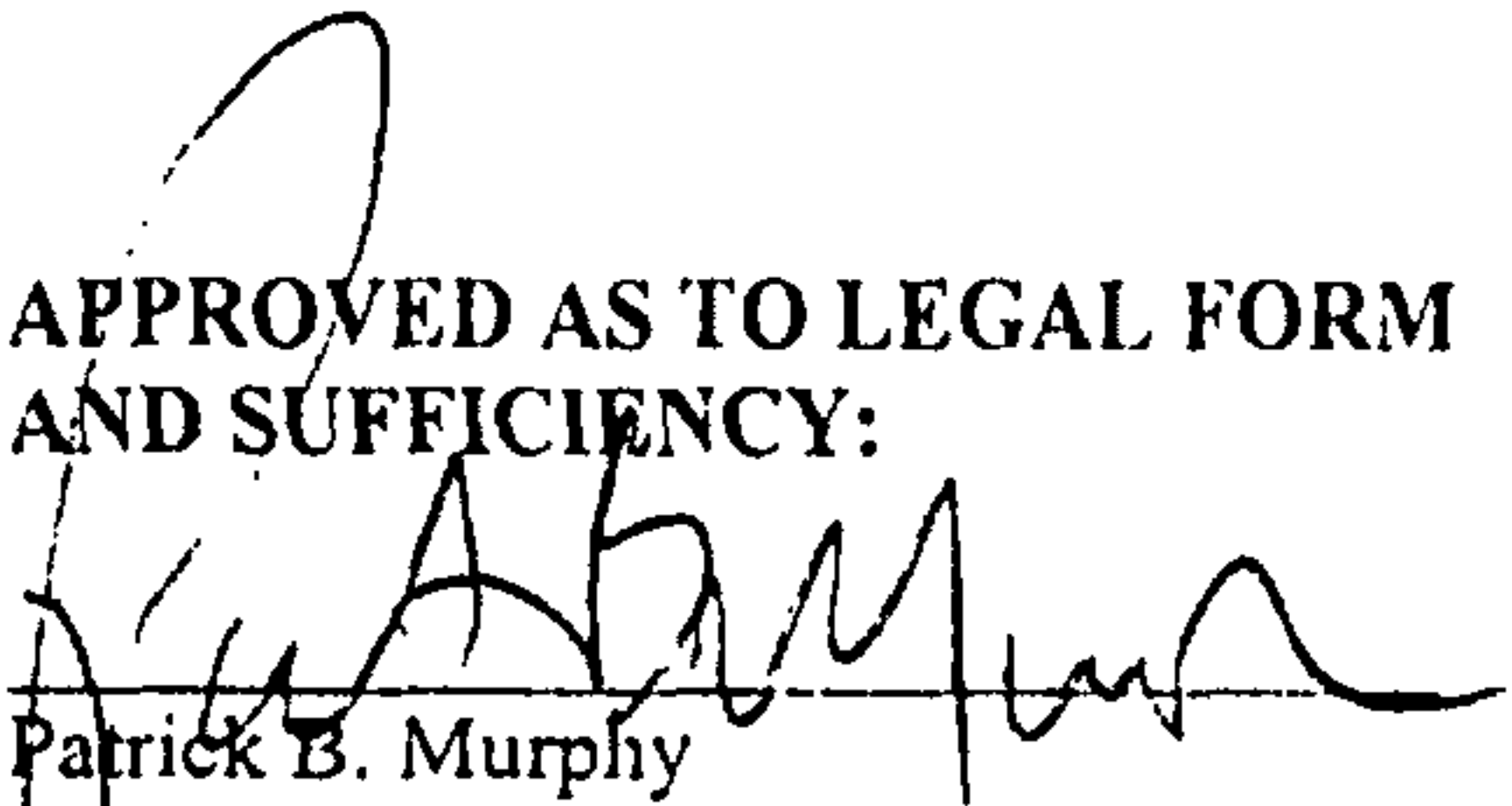
BOARD OF COUNTY COMMISSIONERS FOR
ST. MARY'S COUNTY, MARYLAND

Julie B. Randall, President

Joseph F. Anderson, Commissioner

Shelby P. Guanzo, Commissioner

Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley, Commissioner

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:

Patrick B. Murphy
County Attorney

Please re-record. This ordinance was assigned the wrong number. *JH*

LIBERO 0 2 0 PAGE 1 LIBERO 0 2 0 PAGE 4 b

ORDINANCE NO. 01-29 ³⁴

SUBJECT: HUMAN RELATIONS COMMISSION

AN ORDINANCE TO REPEAL AND RE-ENACT WITH AMENDMENTS CHAPTER 162A OF THE CODE OF ST. MARY'S COUNTY, MARYLAND "ST. MARY'S COUNTY HUMAN RELATIONS COMMISSION" AND TO AUTHORIZE THE ST. MARY'S COUNTY HUMAN RELATIONS COMMISSION TO ENGAGE IN ALTERNATIVE DISPUTE RESOLUTIONS (ADR) AND TO HOLD CLOSED OR EXECUTIVE SESSIONS WHEN DEALING WITH AN ALTERNATIVE DISPUTE RESOLUTION (ADR), GRIEVANCE OR COMPLAINT OF DISCRIMINATION AND TO KEEP CERTAIN MATTERS CONFIDENTIAL.

RECITALS

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland, established a Human Relations Commissions pursuant to the authority granted by the 1963 Laws of Maryland, Chapter 572 and 1994 Laws of Maryland, Chapter 67 which were previously codified as Section 162A of the Code of St. Mary's County, Maryland;

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland, desires to repeal Article XV, Chapter 162A of the Code of St. Mary's County, Maryland, and reenact in its entirety, with amendments as noted in the 1997 Laws of Maryland, Chapter 543 (Md. Code Ann., Article 49B, §44 to 51);

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland, held a public hearing on October 16, 2001 pursuant to Article 25, Section 3(r) of the Annotated Code of Maryland, after due notice was published in The Enterprise, a newspaper of general circulation in St. Mary's County, on October 3, 2001 and October 10, 2001, in order to hear public comments concerning the repeal and reenactment with Amendments of Chapter 162A of the Code of St. Mary's County, Maryland; and

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners for St. Mary's County, Maryland, this 28 day of October, 2001, that Chapter 162A of the Code of St. Mary's County, Maryland, is repealed in its entirety and reenacted with amendments as follows:

§162A-1. Purpose.

The purpose of the Commission is to:

- (A) Promote understanding and harmony of relationship between the people of the county through the study of the nature and causes of social friction and prejudice;
- (B) Advance the means for the alleviation of social friction and prejudice; and
- (C) Otherwise further the American ideal for equality and justice.
- (D) The Commission shall use its influence and persuasion to direct the community's efforts to the solution of all those problems which many times are the basic reasons for racial tensions.
- (E) The Commission shall encourage and ensure equal treatment of all persons, without regard to race, color, religion, ancestry, natural origin, sex, age, marital status, or physical or mental handicap, in compliance with federal, state and local laws and regulations relating to housing, employment, and public accommodations.

(F) To accomplish its purpose the Commission may:

RECORDING FEE 0.00
 TOTAL 0.00
 Res#SM02 Rcpt#999999
 EWA NB Blk#269
 Nov 25, 2001 11:37 am

RE-RECORDED

RECORDING FEE 0.00
 TOTAL 0.00
 Res#SM02 Rcpt#999999
 EWA TLC Blk#172
 Dec 03, 2001 03:31 PM

- (1) Provide advice and assistance related to the filing and processing of grievances and complaints of discrimination with the appropriate federal and state agencies;
- (2) Educate the community to the rights and responsibilities of individuals in housing, employment, and public accommodations;
- (3) Advocate the removal of all vestiges of discrimination; and
- (4) Assist in nonbinding alternative dispute resolution.

§162A-2. Members, terms and officers.

- (A) The Commission shall consist of not than fewer eleven (11) members appointed by the Board of County Commissioners. Membership should consist of and reflect the broad diversity of the county's population.
- (B) The Commission members shall serve for terms of four (4) years. Membership on the Board is limited to two (2) consecutive staggered terms.
- (C) The officers of the Human Relations Commission shall be the Chairperson and Vice Chairperson, who shall be elected by the Commission for one-year terms. No officer shall serve for more than two (2) consecutive years.
- (D) All members shall serve without compensation.

§162A-3. Confidentiality.

- (A) *Confidentiality.* – (1) Subject to paragraph (2) of this subsection:

- (1) All activities of the Commission that relate to an alternative dispute resolution, grievance, or complaint of discrimination shall be conducted in confidence and without publicity; and
- (2) The Commission may meet in closed or executive sessions when dealing with an alternative dispute resolution, grievance, or complaint of discrimination.
- (3) If all parties involved in an alternative dispute resolution, grievance, or complaint of discrimination consent in writing, the Commission's activities related to that alternative dispute resolution, grievance, or complaint of discrimination may be conducted publicly.
- (4) Except as provided under § 162A-3 of the Code of St. Mary's County, the Commission shall hold confidential all information concerning an alternative dispute resolution, grievance, or complaint of discrimination, including the identities of the parties involved.

- (B). *Records of proceedings – Evidence in later litigation.* –

- (1) Information related to the activities or involvement of the Commission in an alternative dispute resolution, grievance, or complaint of discrimination may not be admitted as evidence in any administrative proceeding or litigation.
- (2) The records of the Commission may not be discovered in any administrative proceeding or litigation.

- (C). *Public inspection.* –

- (1) Except as provided under § 162A-3 of the Code of St. Mary's County, information or records related to the activities of the Commission or the involvement of the

Commission in an alternative dispute resolution, grievance, or complaint of discrimination are not subject to public inspection under the Maryland Public Information Act.

(2) Statistical information may be made available for public inspection under §10-624(c) of the State Government Article.

(D). *Confidentiality of earlier records.* – The Commission shall hold confidential any information and records obtained by a predecessor County body that was authorized to perform a function similar to that of the Commission before the effective date of this subtitle.

§162A-4. Commission activities report.

(A). *Annual report required.* – Subject to subsection (B) of this section, the Commission shall file with the Board of County Commissioners a comprehensive report of its activities at least once every 12 months.

(B). *Confidentiality.* – The Commission may not reveal any confidential information in its report to the Board of County Commissioners.

§162A-5. Administrative support.

The Board may appropriate funds for the administrative support of the Commission.

§162A-6. Request for Commission involvement.

(A). *Time limitations.* – A person seeking the involvement of the Commission in an alternative dispute resolution related to an incident within the Commission’s jurisdiction shall file a written report for alternative dispute resolution within 6 months after the date of the relevant incident.

(B). *Filing requirements.* –

(1) A person satisfying the time requirements under subsection (a) of this section shall be deemed to have complied with the requirements of §9A of Article 49B of the Annotated Code of Maryland.

(2) The Commission may provide a copy of a written request filed under subsection (a) of this section to the Maryland Commission on Human Relations to verify a party’s compliance with the requirements of §9 of Article 49B of the Annotated Code of Maryland.

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

Those voting aye: ALL

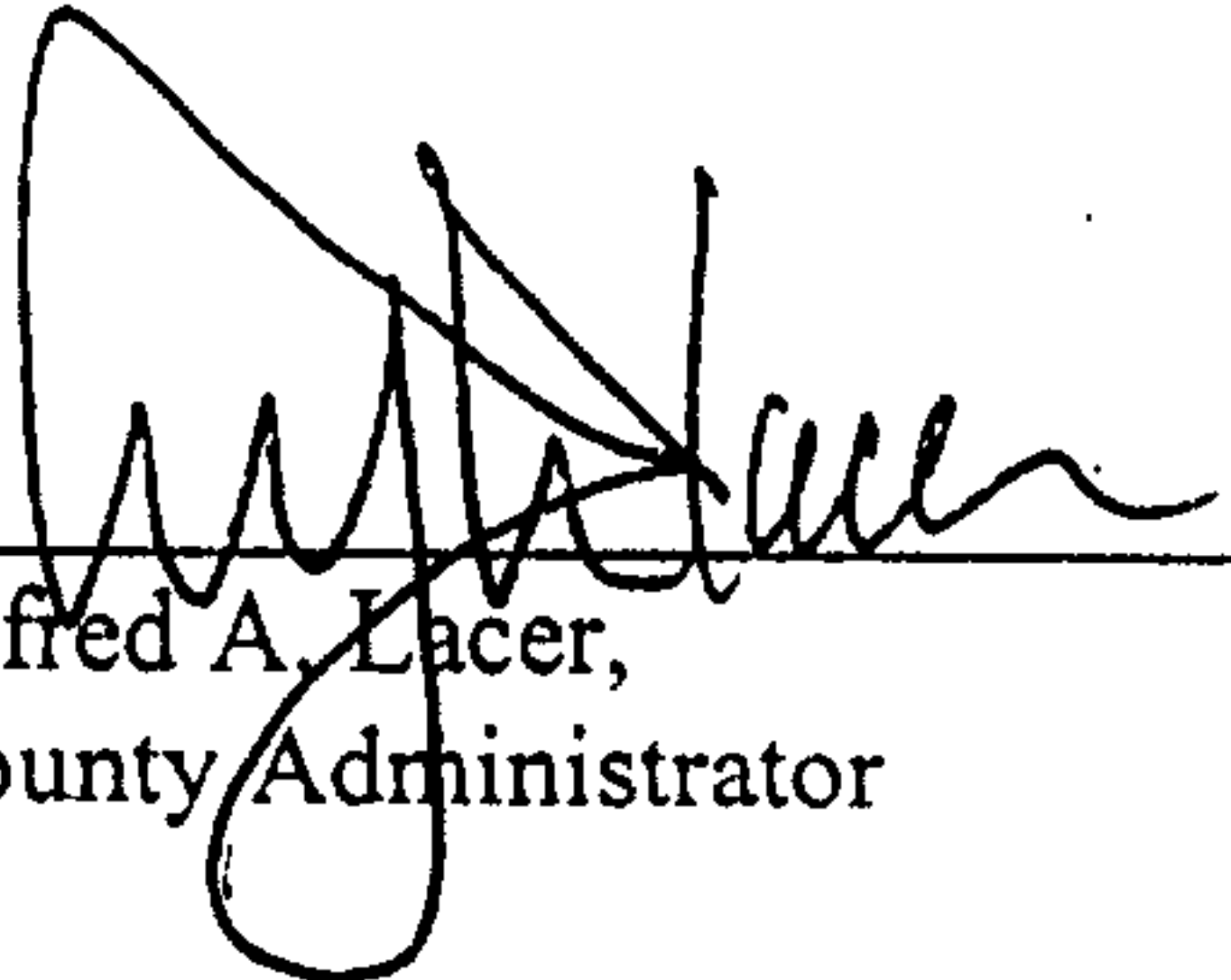
Those voting nay: _____

Those abstaining or absent: _____

DATE OF ADOPTION: 10/30/01

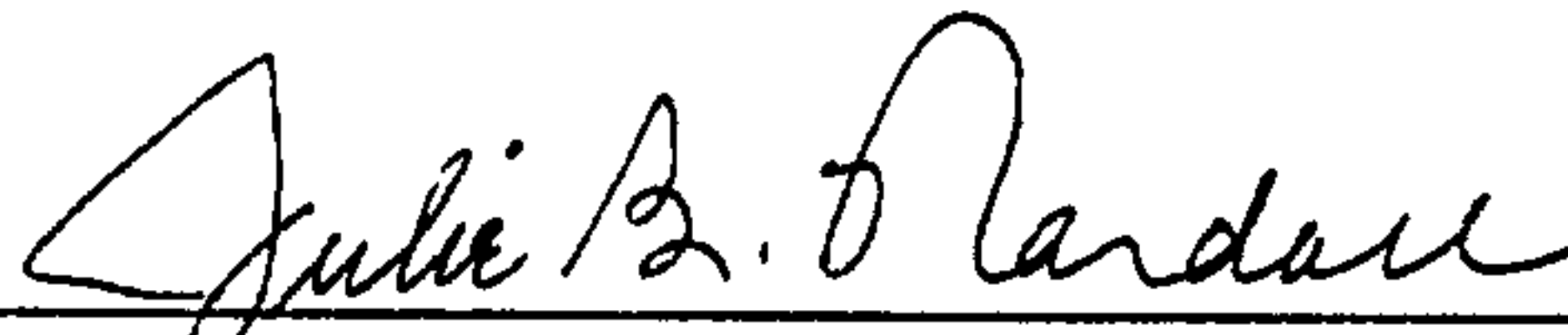
EFFECTIVE DATE: 10/30/01

ATTEST:

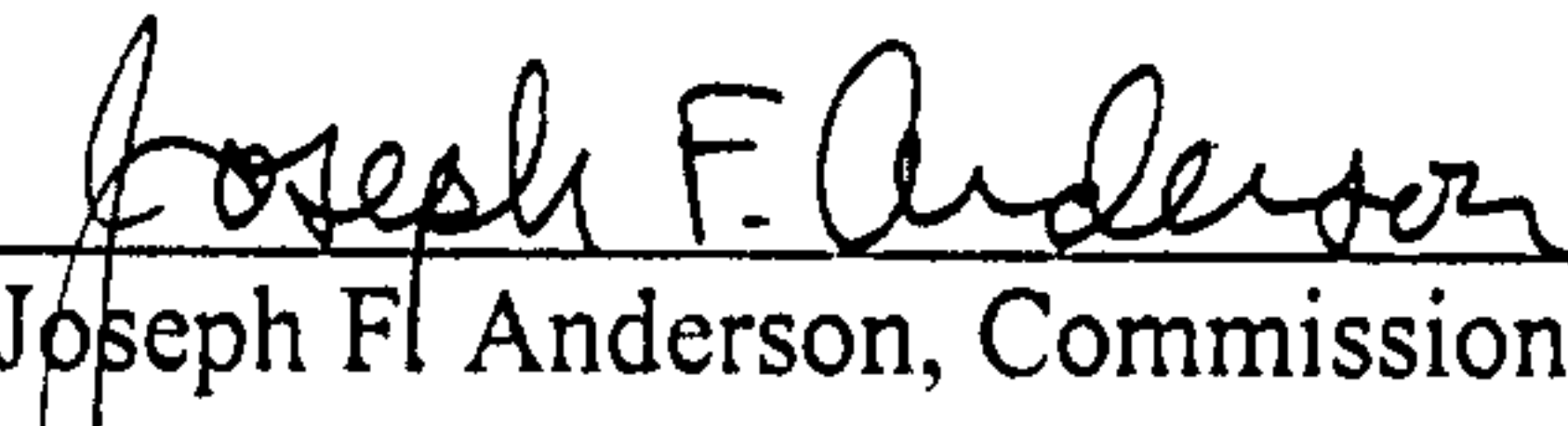


Alfred A. Lacer,
County Administrator

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

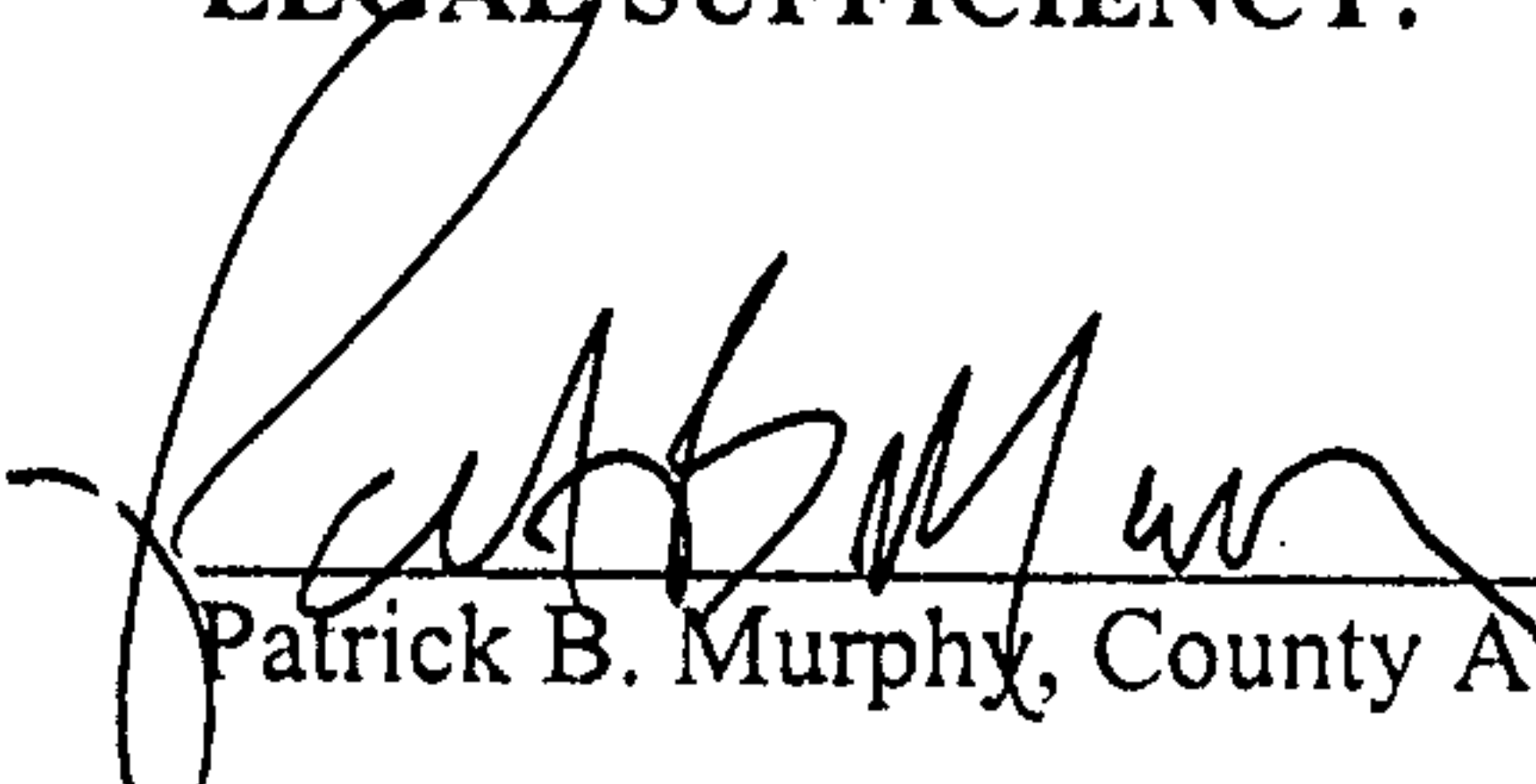


Julie B. Randall, President



Joseph F. Anderson, Commissioner


**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**



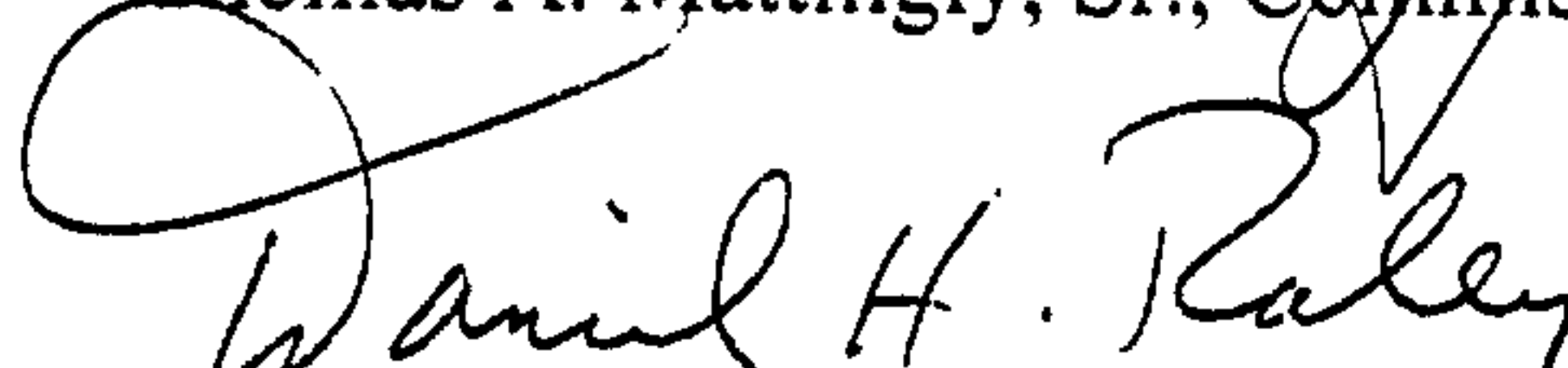
Patrick B. Murphy, County Attorney



Shelby P. Guazzo, Commissioner



Thomas A. Mattingly, Sr., Commissioner



Daniel H. Raley, Commissioner

RESOLUTION NO. 2001-61

LIBERO 020 PAGE 50

SUBJ: Public Facilities Bonds of 1997
Asphalt Overlay
Retrofit Sidewalks

Page 1 of 3

RECORDING FEE 0.00
TOTAL 0.00
Res#SN02 Rcpt#999999
EMA NB Bk#805
Dec 10, 2001 12:15 PM

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 August 26, 1997 authorizing the issuance of general obligation bonds of the County by designating certain new projects as additional projects authorized to be financed with the proceeds from the sale of such bonds.

RECITALS

On August 26, 1997, the County Commissioners of St. Mary's County (the "County") adopted its Resolution (the "Authorizing Resolution") authorizing the issuance and sale of \$26,555,000 County Commissioners of St. Mary's County Public Facilities Bonds of 1997 dated September 1, 1997 (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 1 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. 97-33, 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. 97-33.

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 \$133,431.00 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 360 of the Laws of Maryland of 1992, as amended, Chapter 52 of the Laws of Maryland of 1993, as amended, Chapter 439 of the Laws of Maryland of 1996, as amended, Section 46-2 of the St. Mary's County Code, as amended, and Sections 2C and 24 of Article 31 of the Annotated Code of Maryland, as amended, 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 August 26, 1997 (the "Authorizing Resolution") authorizing the issuance and sale of \$26,555,000 aggregate principal amount of County Commissioners of St. Mary's County Public Facilities Bonds of 1997, dated September 1, 1997 (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 \$133,431.00 from the proceeds of

SUBJ: **Public Facilities Bonds of 1997
Asphalt Overlay
Retrofit Sidewalks**

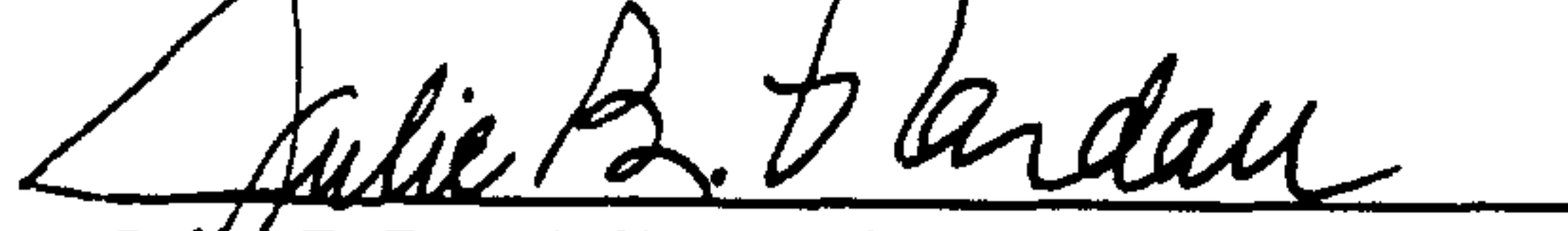
the sale of the Bonds to be used to finance the construction, improvement or development of the projects in the County set forth in Schedule A attached to and made a part of this Resolution. The designation of such additional projects authorized to be financed from the proceeds of the sale of the Bonds 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.

Date of Adoption: 12/04/01

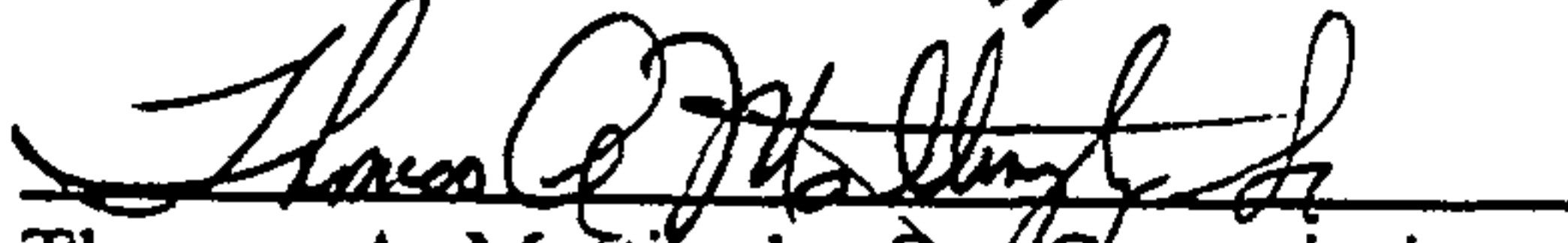
Effective Date: 12/04/01

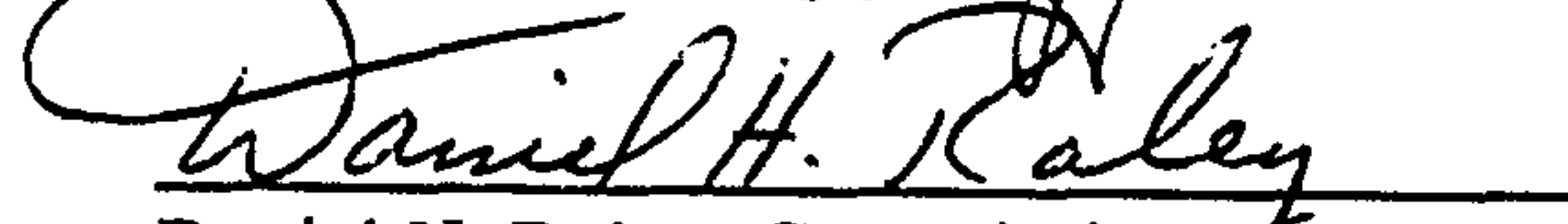
BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND

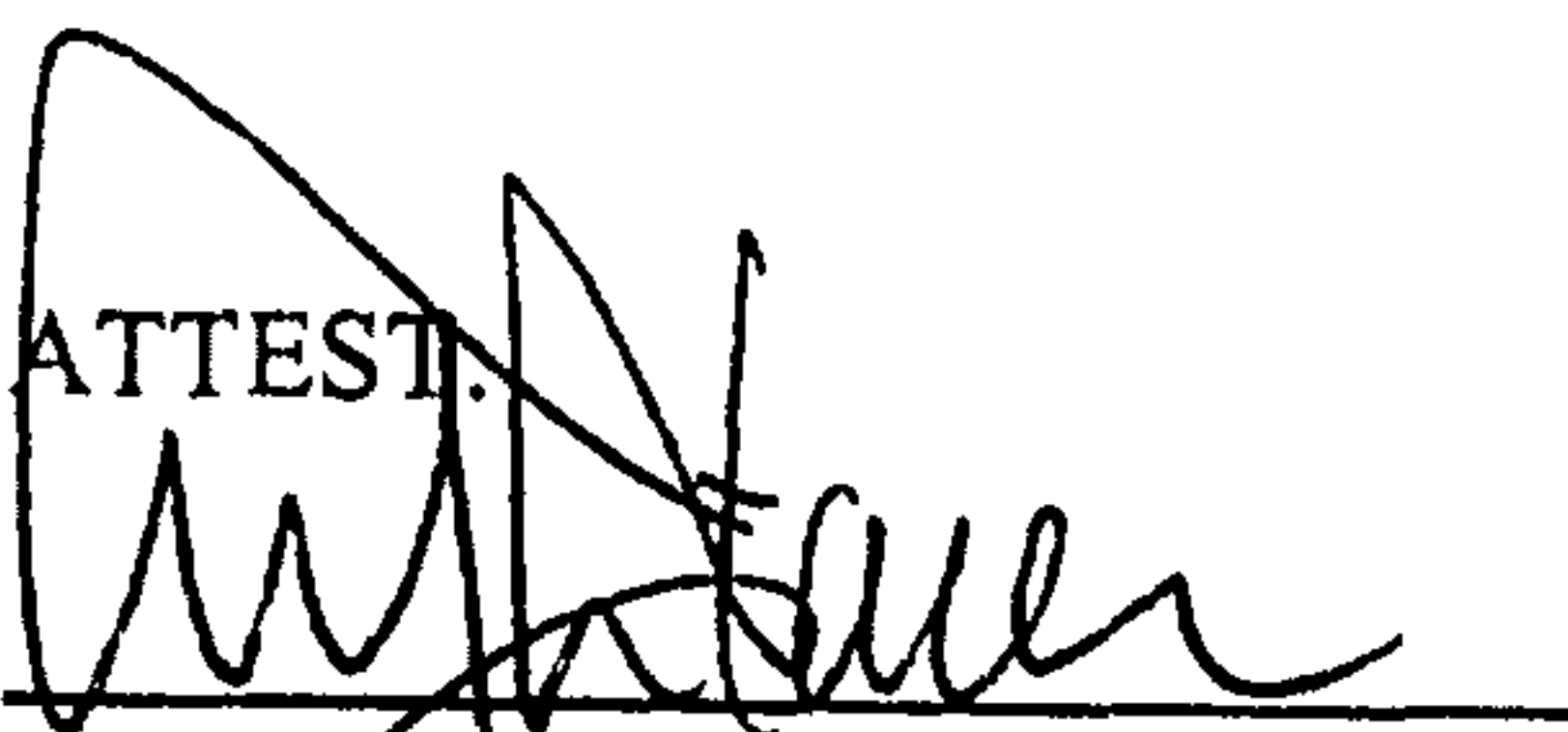

Julie B. Randall, President


Joseph F. Anderson, Commissioner


Shelby P. Guazzo, Commissioner


Thomas A. Mattingly, Sr., Commissioner


Daniel H. Raley, Commissioner

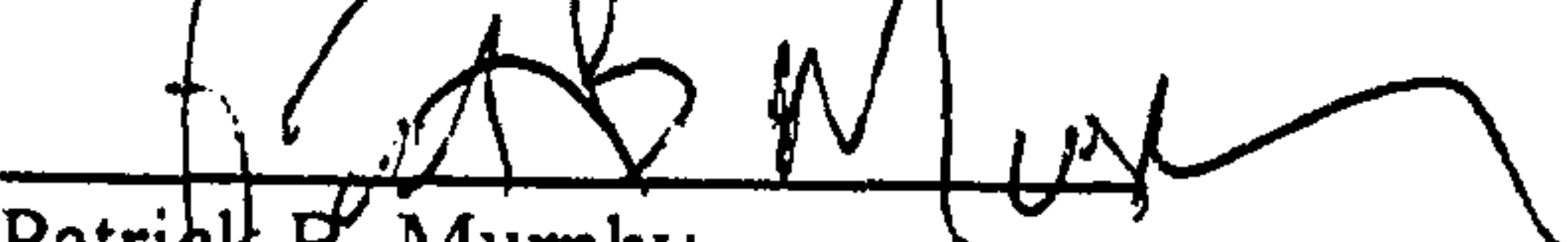
ATTEST:


Alfred A. Lacer
County Administrator



Elaine M. Kramer
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


Patrick B. Murphy
County Attorney

SUBJ: Public Facilities Bonds of 1997
Asphalt Overlay
Retrofit Sidewalks

Page 3 of 3

Description of Additional Projects Authorized to be Financed with
the Proceeds of the County Commissioners of St. Mary's County
Public Facilities Bonds of 1997.

Asphalt Overlay	\$100,784.00
Retrofit Sidewalks	\$ 32,647.00

RESOLUTION

WHEREAS, pursuant to Sections 109-1 and 109-2 of Article 19 of the Code of Public Local Laws of Maryland, the County Commissioners for St. Mary's County, Maryland, is authorized to accept new subdivision streets in accordance with the applicable provisions of the County Subdivision Regulations; and

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has advised the Board of County Commissioners for St. Mary's County, Maryland, that all work has been satisfactorily completed in accordance with the County Subdivision Regulations, Public Works Agreement dated May 21, 1999 and Record Plat recorded at EWA 49, Page 20, for Pembroke Drive, County Route 31314.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners for St. Mary's County, Maryland, finding that Pembroke Drive, County Route 31314, from Station 13+72 to Station 29+94, located in Section 2 of the Forrest Farm Subdivision, Third (3rd) Election District, St. Mary's County, Maryland (Plat Reference: EWA 49, Page 20) meets the applicable requirements of the St. Mary's County Subdivision Ordinance (1978), as amended, and hereby accepts Pembroke Drive, County Route 31314, into the County's Highway Maintenance System.

Those voting aye: ALL

Those voting nay: _____

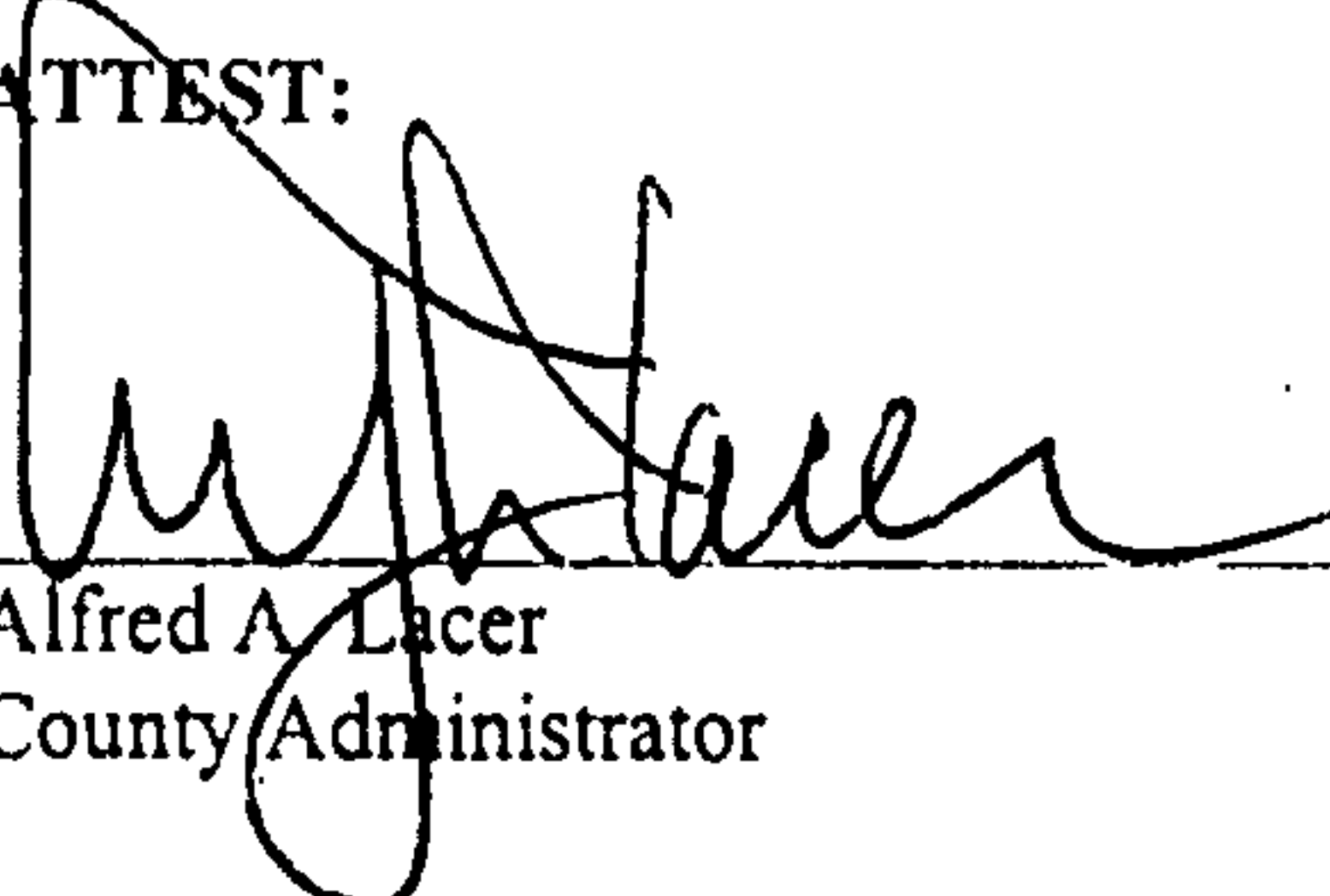
Those abstaining or absent: _____

Date of Adoption: 12/04/01

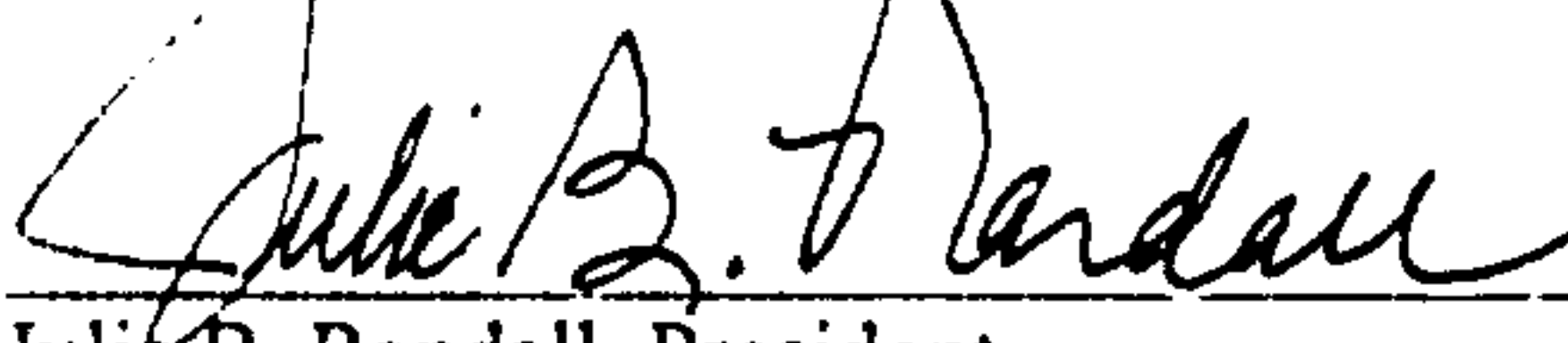
Effective Date: 12/04/01


RECORDING FEE 0.00
TOTAL 0.00
Res#SM02 Rcpt#999999
EWA NB Bk#805
Dec 10, 2001 12:16 PM

ATTEST:



Alfred A. Lacer
County Administrator

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


Julie B. Randall, President

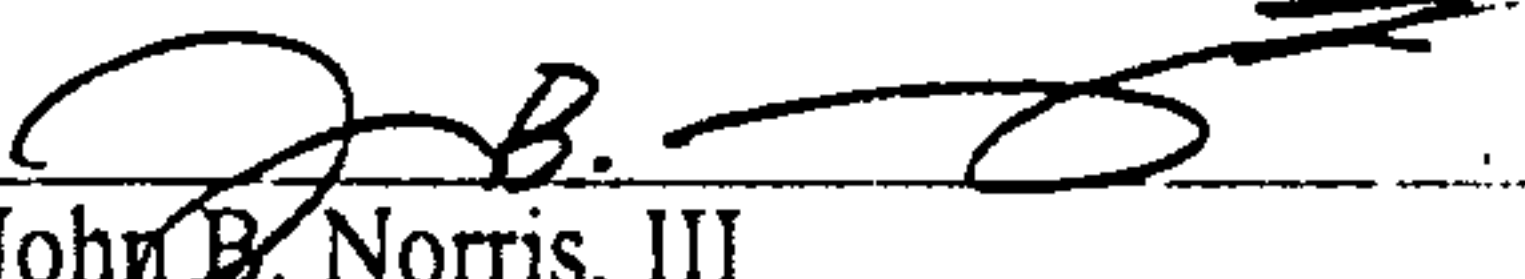

Joseph F. Anderson, Commissioner


Shelby P. Guazzo, Commissioner


Thomas A. Mattingly, Sr., Commissioner


Daniel H. Raley, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


John B. Norris, III
Deputy County Attorney

NO.: 01- 63
SUBJECT: Pembroke Drive
Speed Limit
Forrest Farm Subdivision

LIBERO 020 PAGE 54 RESOLUTION

WHEREAS, pursuant to the authority granted under Section 10-1 of Article 25 of the Maryland Annotated Code and Section 25-102 (a) (10) and Section 21-803 of the Maryland Annotated Code, Transportation Article, the County Commissioners for St. Mary's County, Maryland, may alter the speed upon a public road within the County; and

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has advised that the maximum speed limit set forth in Subtitle 21 of the Transportation Article of the Maryland Annotated Code for Pembroke Drive, County Route 31314, located in the Forrest Farm Subdivision, Third (3rd) Election District, St. Mary's County, Maryland, as per Record Plat recorded at EWA 45 Page 11 and EWA 49, Page 20, is greater than reasonable or safe under existing conditions of road design, motor vehicle traffic and pedestrian safety; and

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has advised that 25 miles per hour is a reasonable and safe maximum speed for Pembroke Drive, County Route 31314.

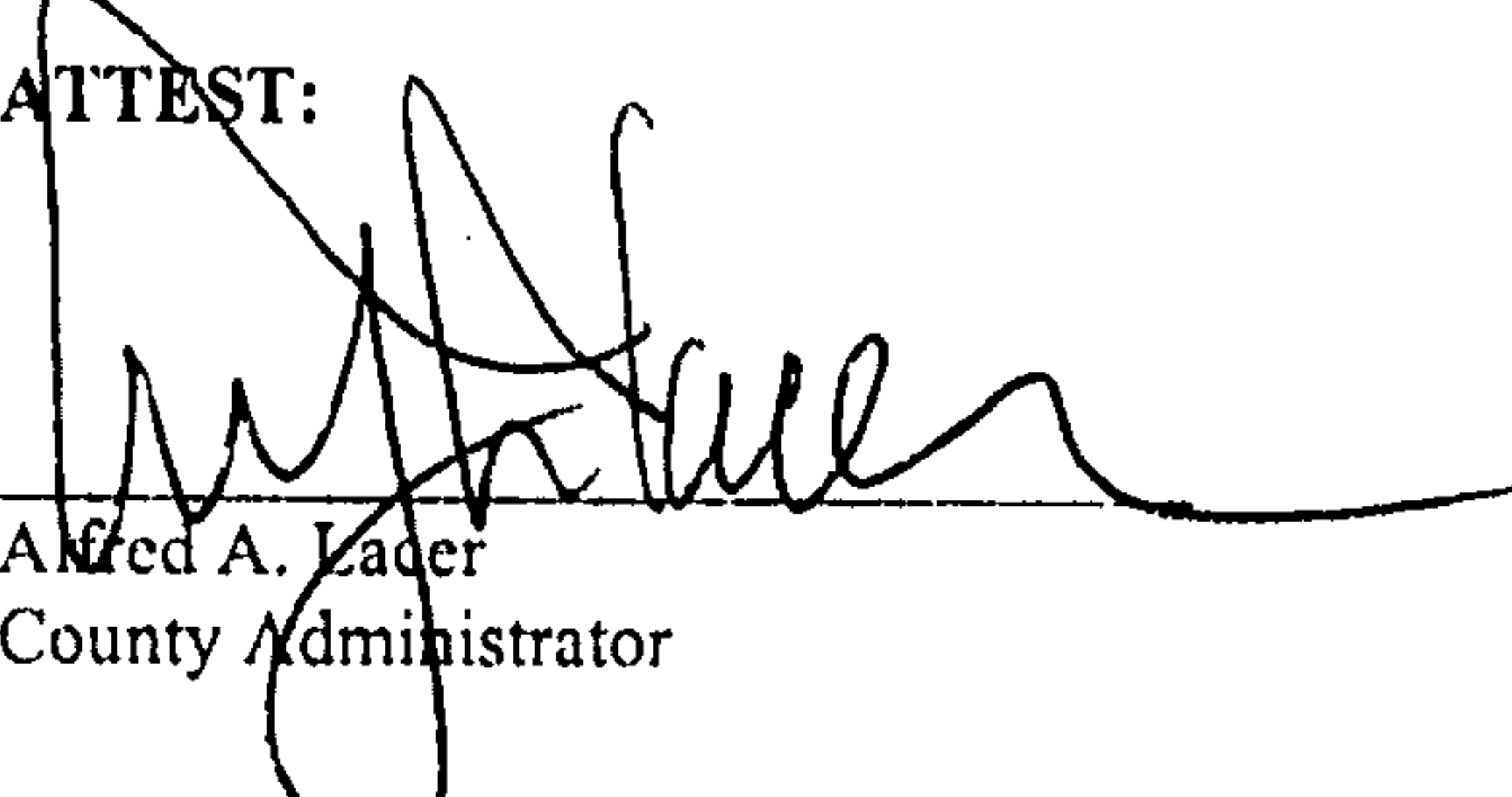
NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for St. Mary's County, Maryland finds the maximum speed limit set forth for roads of the type of Pembroke Drive is greater than reasonable or safe, and that Pembroke Drive, County Route 31314, located in the Forrest Farm Subdivision, Third (3rd) Election District, St. Mary's County, Maryland (Plat Reference: EWA 45 Page 11 and EWA 49, Page 20) be posted at 25 miles per hour as per the recommendation of the St. Mary's County Department of Public Works and Transportation.

BE IT FURTHER RESOLVED, that the Director of the Department of Public Works and Transportation is directed to install the signage necessary to implement this Resolution in accordance with Section 21-801.1(f) and 21-803 (c) of the Maryland Annotated Code, Transportation Article.

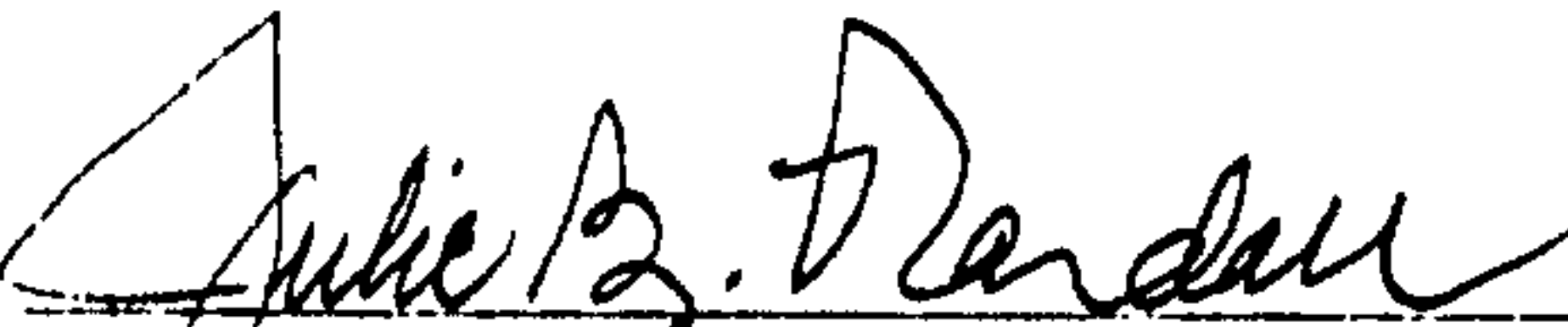
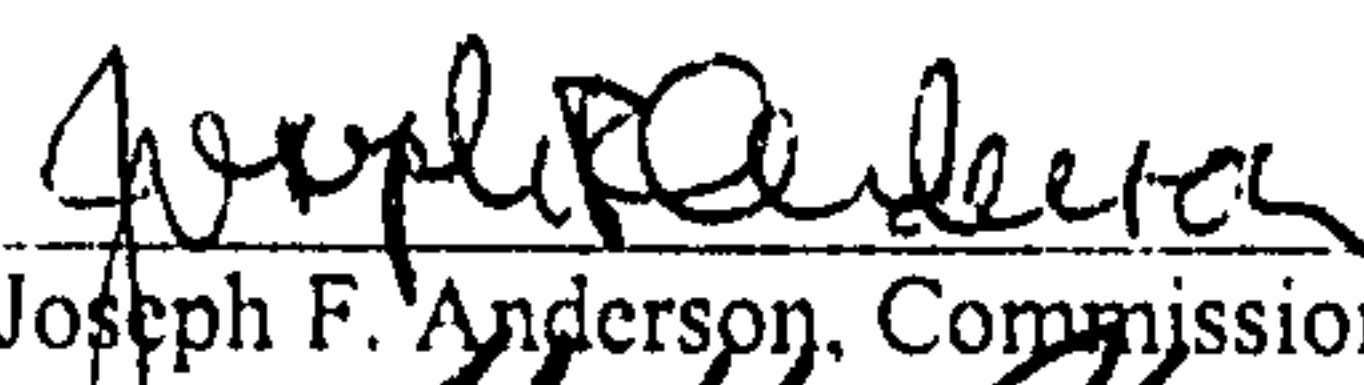
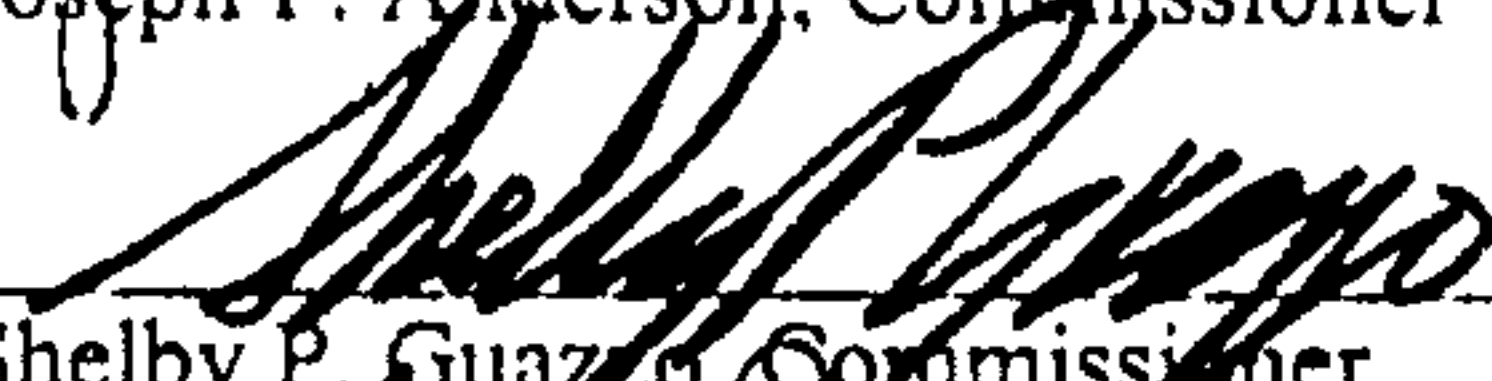
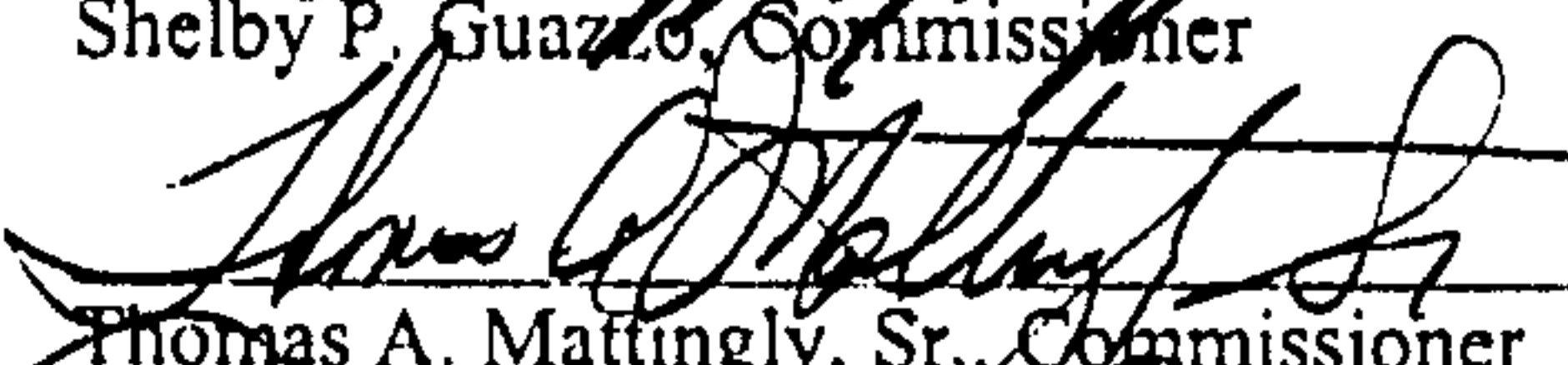
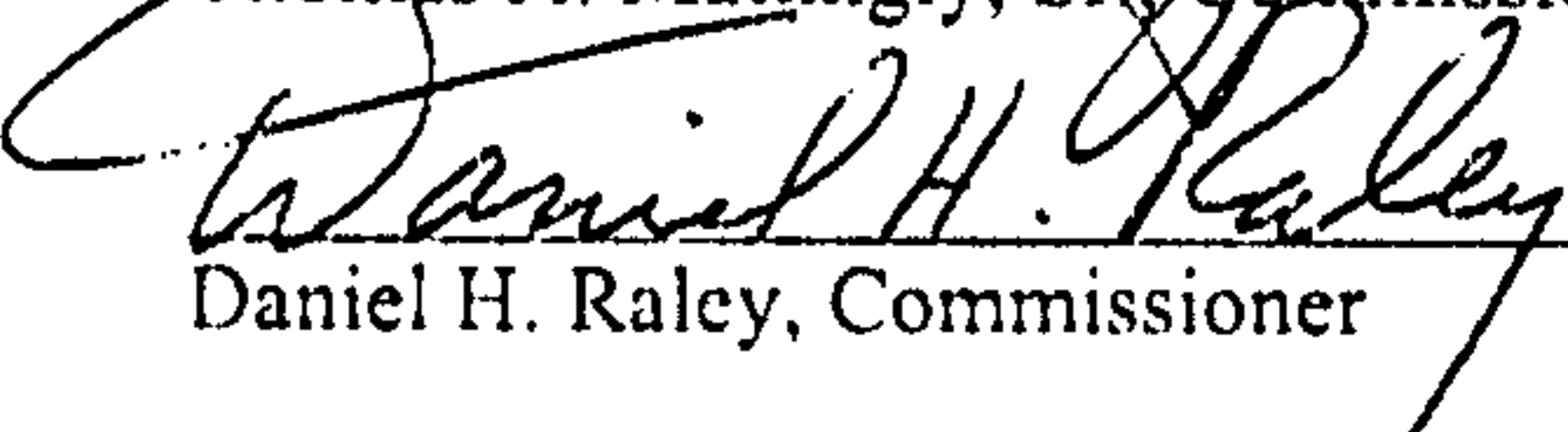
Those voting aye: ALL
Those voting nay: _____
Those abstaining or absent: _____
Date of Adoption: 12/04/01
Effective Date: 12/11/01

RECORDING FEE 0.00
TOTAL 0.00
Res#SM02 Rcp#333333
EWA NB Bk#805
Dec 10, 2001 12:17 PM


ATTEST:


Alfred A. Lacer
County Administrator

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


Julie B. Randall, President

Joseph F. Anderson, Commissioner

Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley, Commissioner

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:


John B. Norris, III
Deputy County Attorney

(DRAFT)

ORDINANCE

WHEREAS, by Board of County Commissioners for St. Mary's County, Maryland Ordinance No. 2001-15, adopted June 19, 2001 and recorded among the Land Records of St. Mary's County at Book Number 18, Page 94, the Comprehensive Solid Waste Management and Recycling Plan 2000 - 2001 ("the Plan") was approved and adopted, and direction given to the Director of the St. Mary's Department of Public Works and Transportation to submit the Plan to the Maryland Department of the Environment ("MDE") for approval pursuant to Section 9-503(c) of the Environment Article, Annotated Code of Maryland; and

WHEREAS, on October 3, 2001 and October 10, 2001, after receiving and reviewing the Plan approved by Ordinance 2001-15, MDE suggested that minor textual amendments be made; and

WHEREAS, the Solid Waste Advisory Committee ("SWAC") reviewed MDE's comments and recommended that the Plan be amended as shown on Exhibit A attached hereto. The SWAC recommendations were subsequently reviewed and tentatively approved by MDE; and

WHEREAS, by authority of the Board of County Commissioners for St. Mary's County, Maryland (the "Board"), notice of a public hearing to amend the Plan as established by Ordinance No. 2001-15 was published in the The Enterprise, a newspaper of general circulation in St. Mary's County, on November 14, 2001 and November 21, 2001, in accordance with Section 3(r) of article 25 of the Annotated Code of Maryland and Section 9-503(d) of the Environment Article of the Annotated Code of Maryland and a public hearing was held on December 4, 2001; and

WHEREAS, the Board has had sufficient time to study the Plan amendment, recommendations and input from the public, staff and SWAC; and

WHEREAS, upon due consideration of public and staff input, the Board determines that it is in the best interest of the public health, safety, and welfare of the citizens of St. Mary's County, Maryland, to amend the Plan.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners for St. Mary's County, Maryland, that the above recitals are incorporated herein as if restated; and

BE IT FURTHER ORDAINED, that the Plan, as adopted by Ordinance 2000-15, be and is hereby amended as expressly indicated in Exhibit A attached and incorporated herein; and

BE IT FURTHER ORDAINED, that all other terms, conditions and language of the Plan, as adopted by Ordinance 2000-15, are not altered or amended unless otherwise expressly indicated in Exhibit A; and

BE IT FURTHER ORDAINED, that the St. Mary's Department of Public Works and Transportation is directed to submit the Amended Plan to MDE as required by Section 9-503(c) of the Environment Article of the Annotated Code of Maryland.

RECORDING FEE 0.00
TOTAL 0.00
Res#5402 Rcft#999999
EWA TLC RIK#1603
Dec 19, 2001 11:27 am

BE IT FURTHER RESOLVED AND ORDAINED by the Board of County Commissioners for St. Mary's County, Maryland that this ORDINANCE shall be effective at the date written below.

Those voting aye: ALL

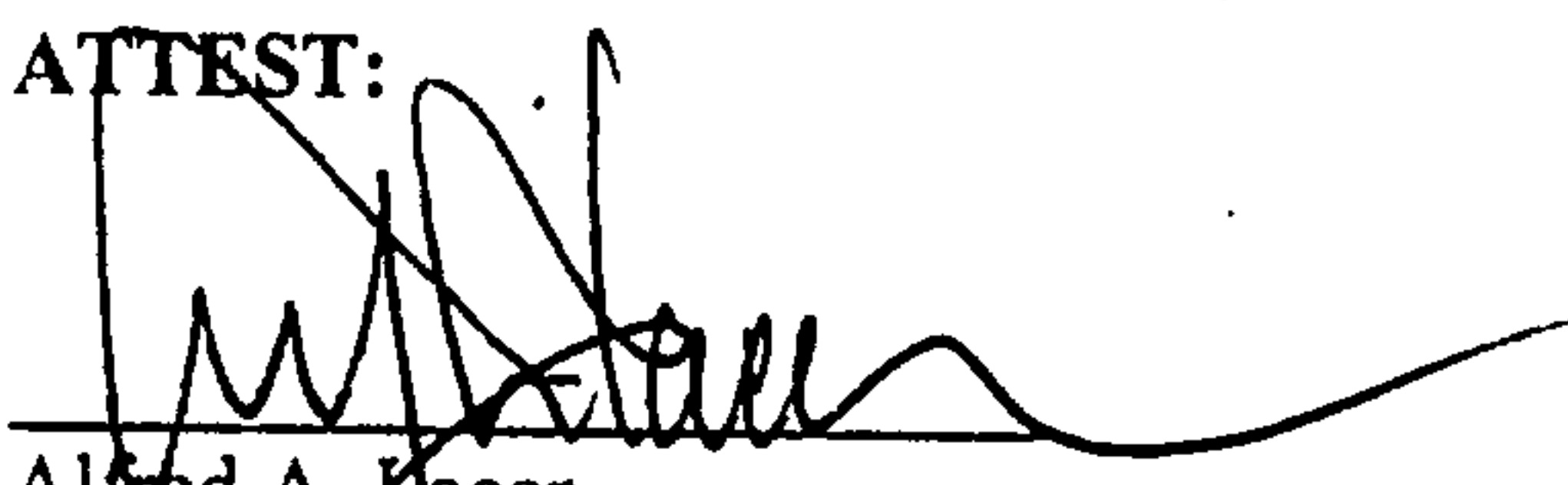
Those voting nay: _____

Those abstaining or absent: _____

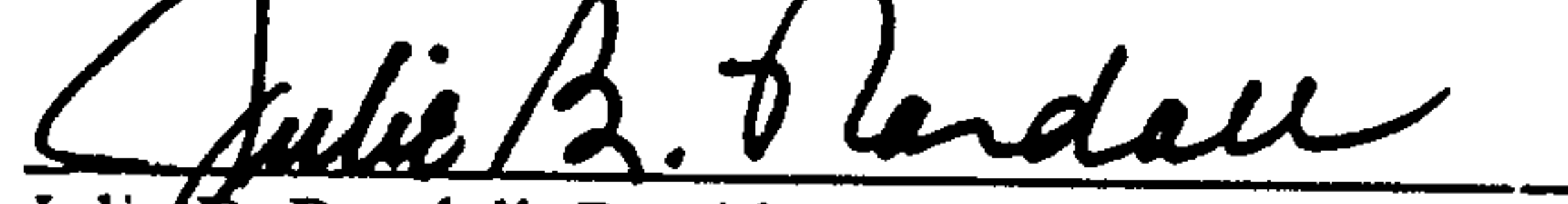
Date of Adoption: 12/18/01

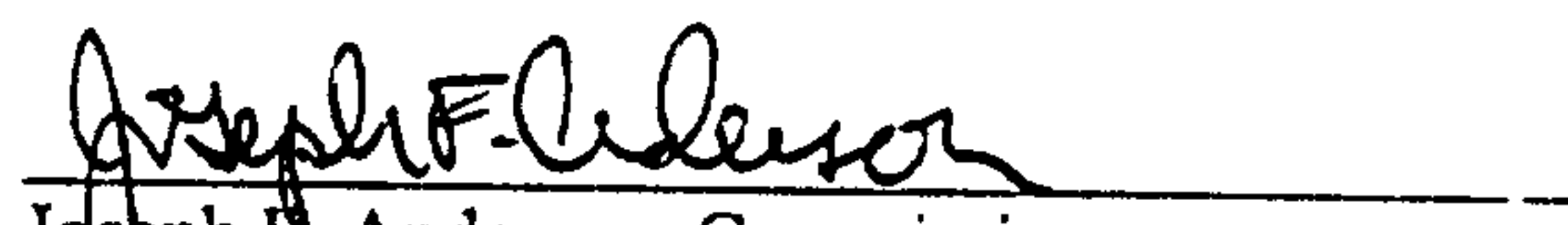
Effective Date: 12/18/01

ATTEST:



Alfred A. Lacer
County Administrator

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


Julie B. Randall, President

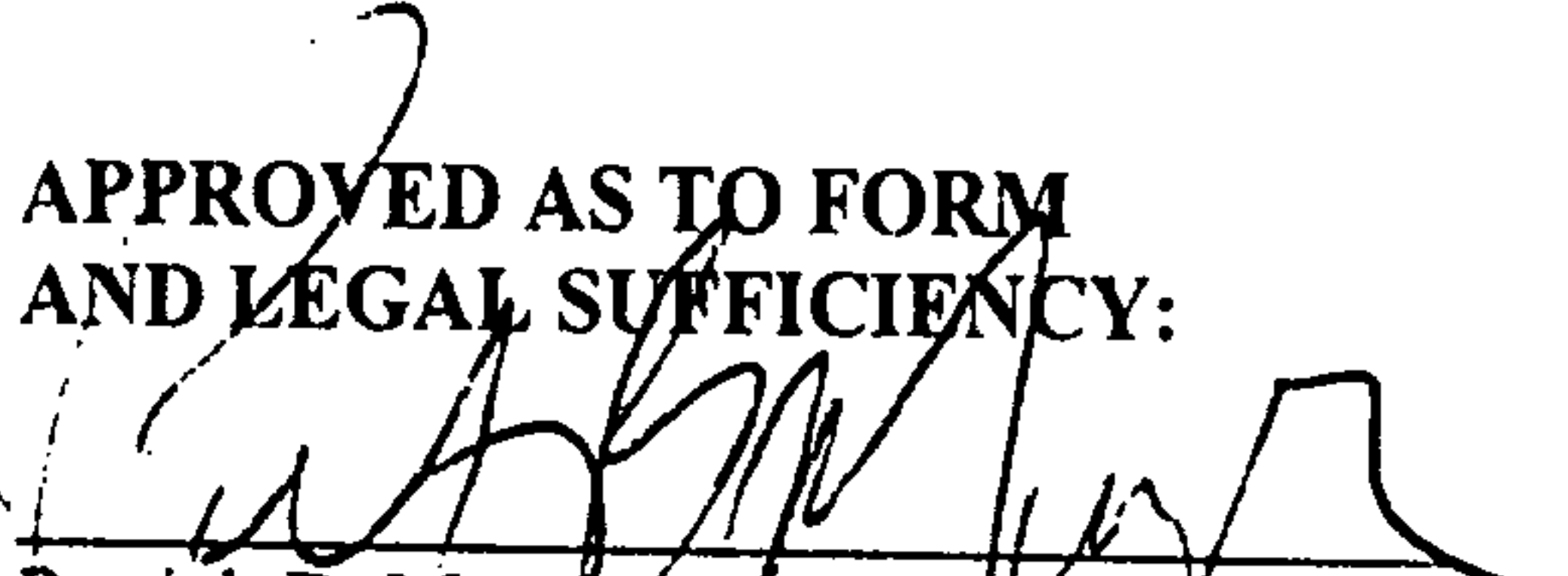

Joseph F. Anderson, Commissioner


Shelby P. Guazzo, Commissioner


Thomas A. Mattingly, Sr., Commissioner


Daniel H. Raley, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


Patrick B. Murphy
County Attorney

**EXHIBIT A
SOLID WASTE MANAGEMENT AND RECYCLING PLAN
TEXT AMENDMENTS**

Page I-11 Section 2. "Preliminary Public Informational/Community Meeting"

Paragraph 1 line 1. Revise to read: "This section shall describe the requirements of the Preliminary Public Informational/ Community Meeting (the "PIC Meeting")."

Page I-14 Section 4. "Public Hearing Held Before the Board of County Commissioners"

- a. *Correct typo: Capitalize the following word in line 2: "Hearing".*
- e. *Delete the term (the "Public Hearing") from the paragraph.*

Page I-30 Exhibit I-3. "Sample Public Notice"

Paragraph 2 line 2. Correct typo: "... (provide time and specify a.m. or p.m.)..."

Page III-15 Section 10. "Used Vehicle Tires"

Paragraph 2 line 4. Revise to add the current fee as follows: "The fee, effective February 1, 1992, is collected by retail tire dealers at the point of first sale and is currently \$0.40 per tire."

Page III-45 Section 1a. "Site Description"

Paragraph 3 line 6. Add to end of paragraph: "In February 2001, the Refuse Disposal Permit for the St. Andrew's Landfill was renewed by the Department of the Environment, thus allowing the County to construct a new cell (Area C) in the future."

Page III-71 Section 1. "Waste Export"

Paragraph 1 line 13. Add the following sentence to the end of the paragraph: "In January 2000, the Board of County Commissioners of Calvert County formally agreed to allow the acceptance of solid waste from St. Mary's County at the Appeal Transfer Station."

Page IV-6 Section 2a. "Disposal Capacity"

Paragraph 1 line 1. Replace first sentence; ~~"There is no long term agreement in place between St. Mary's County and Waste Management for transfer and disposal services."~~ with: "By letter dated January 4, 2000, the Board of County Commissioners of Calvert County notified St. Mary's County that the Board had agreed to allow the acceptance of St. Mary's County waste at the Appeal Transfer Station. To provide a back-up disposal capacity for St. Mary's County waste in the event of an interruption to the Appeal facility, in February 2001, the County executed a Memorandum of Understanding with Charles County. This agreement provides for interim disposal capacity in the Charles County landfill for St. Mary's County waste in the event that the Appeal Transfer Station in Calvert County becomes unavailable."

Paragraph 1 lines 2-11. Revise sentence to read: "Currently the use of private transfer and disposal capacity contributes to a public / private partnership and regional cooperation ~~with Calvert County;~~ however, the transition from having its own landfill and receiving the substantial portion of waste generated to a situation of having substantially all MSW transported out of County not according to a specific plan speaks to the need for the County to identify what and how disposal capacity will be provided to the County ~~and what arrangements will be made with Calvert County during the ten year planning period. The County has recently undertaken pro-active initiatives with Calvert County, Charles County, King George County and the Patuxent Naval Air Station to formalize contingency plans during the planning period. The County has also undertaken other pro-active initiatives with Calvert County.~~"

Mary's County has also identified available disposal capacity at the King George Landfill in Virginia."

Page V-23 Section F. "Implementation Schedule"

Paragraph 1 line 2. Insert sentence: "With the completed items, as noted, out-of-County disposal of waste will continue while St. Mary's County explores other alternatives during the planning period."

Page V-24 Table V-IA. *Under the implementation schedule for System Administration, column 2, 4th cell from the top. Reflect status as: "Completed December 1999"*

Page V-25 Table V-1A. *Under the implementation schedule for System Administration, column 2, 1st cell from the top. Reflect status as: "Completed February 2001"*

NO: 2001-36

SUBJ: FY 2002 Supplemental
Appropriation
Capital Projects-Public Facilities, Library

LIBERO 020 PAGE 59

ORDINANCE

WHEREAS, the Board of County Commissioners believes it is in the best interest of the County to amend the Fiscal Year 2002 Operating Budget to increase the appropriation for the Lexington Park Library capital project for St. Mary's County, ar:d

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$21,560.00 in funds received from the Board of Library Trustees for St. Marys County to fund the installation of the walker-duct system to be included in the Lexington Park Library capital project.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on Tuesday, November 27, 2001 pursuant to Notice published on or about November 16, 2001 and November 23, 2001 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on Tuesday, November 27, 2001 to present and explain the requirements to increase the Fiscal Year 2002 Capital Fund Budget in the amount of \$21,560.00 (Twenty One Thousand Five Hundred Sixty Dollars), and such increase is hereby approved this 18 day of December 2001, by the Board of County Commissioners for St. Mary's County, Maryland.

Those voting Aye: ALL
Those voting Nay: _____
Those Absent: _____

Date of Adoption: 12/18/01

Effective Date: 12/18/01

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

Julie B. Randall
Julie B. Randall, President

Joseph F. Anderson
Joseph F. Anderson, Commissioner

Shelby P. Guazzo
Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr. Commissioner

Daniel H. Raley
Daniel H. Raley, Commissioner

ATTEST:
Alfred A. Lacer
Alfred A. Lacer
County Administrator

Elaine M. Kramer
Elaine M. Kramer
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
Patrick Murphy
Patrick Murphy
County Attorney

RECORDING FEE 0.00
TOTAL 0.00
Res#SM02 Rcpt#999999
EWA TLC BIK#1802
Dec 21, 2001 11:32 am

**CERTIFICATION OF FUNDS AVAILABILITY
DIRECTOR OF FINANCE
SUPPLEMENTAL OR EMERGENCY APPROPRIATION**

LIBERO 020 PAGE 60

Section 27-9 of the St. Mary's County Code states that the County Commissioners may make additional, supplementary or emergency appropriations during any fiscal year only if the Chief Financial Officer certifies in writing that funds are available for appropriation.

DATE: December 11, 2001

TO: Board of County Commissioners

**ORDINANCE
NUMBER:** _____

PURPOSE: To fund the installation of the walker-duct system to be included in the Lexington Park Library capital project.

FUNDS CERTIFICATION:

<u>Amount</u>	<u>Source</u>
\$21,560.00	Board of Library Trustees



Elaine M. Kramer
Director of Finance

NO: 2001-37

SUBJ: FY 2002 Supplemental
Appropriation
Capital Projects-Recreation and Parks

LIBERO 020 PAGE 61

ORDINANCE

WHEREAS, the Board of County Commissioners believes it is in the best interest of the County to amend the Fiscal Year 2002 Capital Fund Budget to increase the appropriation for the Nicolet Park Expansion capital project for St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$545,000.00 are available in County general obligation bonds to the Nicolet Park Expansion capital project. Funds originally appropriated to this project had been transferred to the Lexington Park Library capital project to cover the library project's estimated budget shortfall and allow the library project to proceed to contract and construction. This supplemental appropriation would restore the FY 2002 funding for the Nicolet Park Expansion to its original, approved amount.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on Tuesday, November 27, 2001 pursuant to Notice published on or about November 16, 2001 and November 23, 2001 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after cue notice conducted a public hearing on Tuesday, November 27, 2001 to present and explain the requirements to increase the Fiscal Year 2002 Capital Fund Budget in the amount of \$545,000.00 (Five Hundred Forty Five Thousand Dollars), and such increase is hereby approved this _____ day of December 2001, by the Board of County Commissioners for St. Mary's County, Maryland.

Those voting Aye: ALL
Those voting Nay: _____
Those Absent: _____

Date of Adoption: 12/18/01

Effective Date: 12/18/01

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

Julie B. Randall
Julie B. Randall, President

Joseph F. Anderson, Commissioner

Shelby P. Guazzo
Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr. Commissioner

Daniel H. Raley
Daniel H. Raley, Commissioner

ATTEST:

Alfred A. Lacer
Alfred A. Lacer
County Administrator

Elaine M. Kramer
Elaine M. Kramer
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Patrick Murphy
Patrick Murphy
County Attorney

RECORDING FEE 0.00
TOTAL 0.00
Reg#SM02 Rcpt#999999
EWA TLC Bk#1802
Dec 21, 2001 11:33 am

**CERTIFICATION OF FUNDS AVAILABILITY
DIRECTOR OF FINANCE**

SUPPLEMENTAL OR EMERGENCY APPROPRIATION

LIBERO 020 PAGE 62

Section 27-9 of the St. Mary's County Code states that the County Commissioners may make additional, supplementary or emergency appropriations during any fiscal year only if the Chief Financial Officer certifies in writing that funds are available for appropriation.

DATE: December 11, 2001
TO: Board of County Commissioners

**ORDINANCE
NUMBER:** _____

PURPOSE: To the Nicolet Park Expansion capital project. Funds originally appropriated to this project had been transferred to the Lexington Park library capital project to cover the library project's estimated budget shortfall and allow the library project to proceed to contract and construction. This supplemental appropriation would restore the FY 2002 funding for the Nicolet Park Expansion to its original, approved amount.

FUNDS CERTIFICATION:

<u>Amount</u>	<u>Source</u>
\$545,000.00	General Obligation Bonds- Previously Unappropriated Authority



Elaine M. Kramer
Director of Finance

NO: 2001-38

SUBJ: FY 2002 Supplemental
Appropriation
Department of Public Works and Transportation

ORDINANCE

WHEREAS, the Board of County Commissioners believes it is in the best interest of the County to amend the Fiscal Year 2002 Operating Budget to increase the appropriation for the Department of Public Works and Transportation for St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$30,008.00 are available in State grant funds and \$15,600.00 in local funds (rider fares) for the purpose of providing supplemental funds to transport seniors with disabilities for FY 2002.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on Tuesday, November 27, 2001 pursuant to Notice published on or about November 16, 2001 and November 23, 2001 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on Tuesday, November 27, 2001 to present and explain the requirements to increase the Fiscal Year 2002 Budget in the amount of \$45,608.00 (Forty five Thousand six hundred and eight Dollars), and such increase is hereby approved this 18 day of December 2001, by the Board of County Commissioners for St. Mary's County, Maryland.

Those voting Aye: ALL
Those voting Nay: _____
Those Absent: _____

Date of Adoption: 12/18/01

Effective Date: 12/18/01

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

Julie B. Randall
Julie B. Randall, President

Joseph F. Anderson
Joseph F. Anderson, Commissioner

Shelby P. Guazzo
Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr. Commissioner

Daniel H. Raley
Daniel H. Raley, Commissioner

ATTEST

Alfred A. Lacer
Alfred A. Lacer
County Administrator

Elaine M. Kramer
Elaine M. Kramer
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Patrick Murphy
Patrick Murphy
County Attorney

RECORDING FEE 0.00
TOTAL 0.00
Res#SM02 Ropt#999999
EMA TLC Bk#1802
Dec 21, 2001 11:33 am

**CERTIFICATION OF FUNDS AVAILABILITY
DIRECTOR OF FINANCE
SUPPLEMENTAL OR EMERGENCY APPROPRIATION**

LIBERO 020 PAGE 64

Section 27-9 of the St. Mary's County Code states that the County Commissioners may make additional, supplementary or emergency appropriations during any fiscal year only if the Chief Financial Officer certifies in writing that funds are available for appropriation.

DATE: December 11, 2001

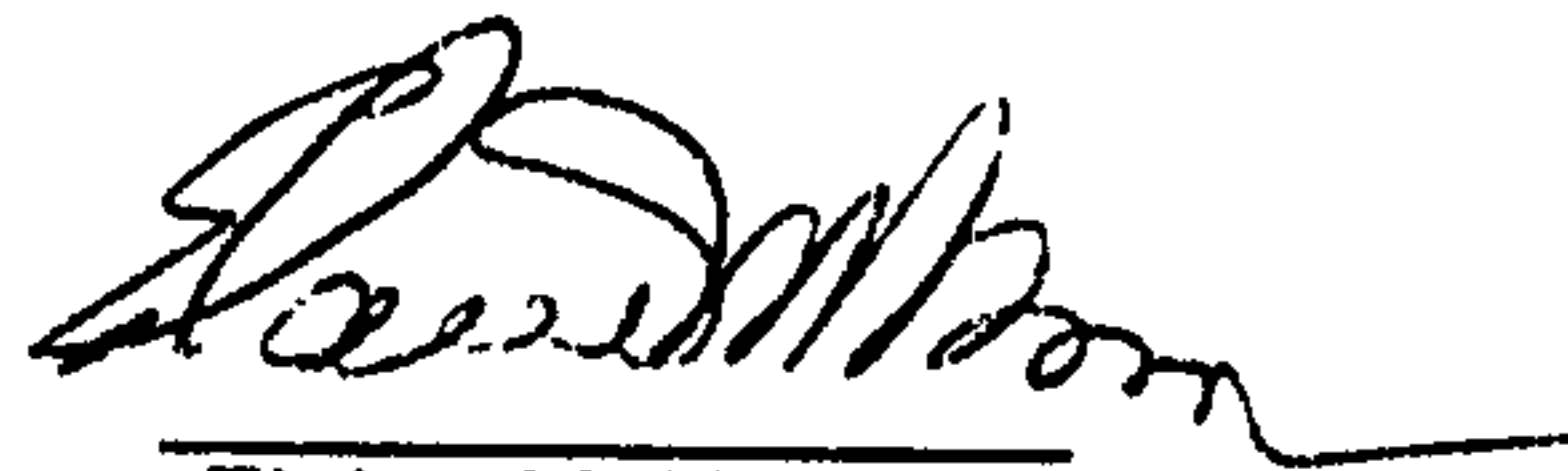
TO: Board of County Commissioners

**ORDINANCE
NUMBER:** _____

PURPOSE: For the purpose of providing supplemental funds to transport seniors with disabilities for FY 2002.

FUNDS CERTIFICATION:

<u>Amount</u>	<u>Source</u>
\$30,008.00	Md. Transit Administration Grant
\$15,600.00	Estimated rider fares



Elaine M. Kramer
Director of Finance

NO: 2001-39

SUBJ: FY 2002 Supplemental
Appropriation
Department of Public Works and Transportation

LIBERO 020 PAGE 65

ORDINANCE

WHEREAS, the Board of County Commissioners believes it is in the best interest of the County to amend the Fiscal Year 2002 Operating Budget to increase the appropriation for the Department of Public Works and Transportation for St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$22,992.00 are available in State funds for the purpose of supplemental monitoring of the land application of sewage sludge.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on Tuesday, November 27, 2001 pursuant to Notice published on or about November 16, 2001 and November 23, 2001 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on Tuesday, November 27, 2001 to present and explain the requirements to increase the Fiscal Year 2002 Budget in the amount of \$22,992.00 (Twenty Two Thousand Nine hundred and Ninety Two Dollars), and such increase is hereby approved this 18 day of December 2001, by the Board of County Commissioners for St. Mary's County, Maryland.

Those voting Aye: ALL
Those voting Nay: _____
Those Absent: _____

Date of Adoption: 12/18/01

Effective Date: 12/18/01

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

Julie B. Randall
Julie B. Randall, President

Joseph F. Anderson
Joseph F. Anderson, Commissioner

Shelby P. Guazzo
Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr. Commissioner

Daniel H. Raley
Daniel H. Raley, Commissioner

ATTEST:
Alfred A. Lacer
Alfred A. Lacer
County Administrator

Elaine M. Kramer
Elaine M. Kramer
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
Patrick Murphy
Patrick Murphy
County Attorney

RECORDING FEE 0.00
TOTAL 0.00
Res#5802 Rcpt#999999
EHA TLC BIK#1802
Dec 21, 2001 11:33 am

**CERTIFICATION OF FUNDS AVAILABILITY
DIRECTOR OF FINANCE
SUPPLEMENTAL OR EMERGENCY APPROPRIATION**

LIBERO 0 2 0 PAGE 6 6

Section 27-9 of the St. Mary's County Code states that the County Commissioners may make additional, supplementary or emergency appropriations during any fiscal year only if the Chief Financial Officer certifies in writing that funds are available for appropriation.

DATE: December 11, 2001

TO: Board of County Commissioners

**ORDINANCE
NUMBER:** _____

PURPOSE: For the purpose of supplemental monitoring of the land application of sewage sludge.

FUNDS CERTIFICATION:

<u>Amount</u>	<u>Source</u>
\$22,992.00	MD. Department of the Environment - Sewage Sludge Utilization Fund (MofA, October 2001)



Elaine M. Kramer
Director of Finance

NO: 2001-40

SUBJ: **FY 2002 Supplemental
Appropriation
Capital Projects-Department of Public
Works and Transportation**

LIBERO 020 PAGE 67

ORDINANCE

WHEREAS, the Board of County Commissioners believes it is in the best interest of the County to amend the Fiscal Year 2002 Capital Fund Budget to increase the appropriation for the Connector Road capital project for St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$245,000.00 in County general obligation bonds to the Connector Road Capital Project. Funds originally appropriated to this project had been transferred to the Lexington Park Library capital project to cover the library project's estimated budget shortfall and allow the library project to proceed to contract and construction. This supplemental appropriation would restore the FY 2002 funding for the Connector Road project to its original, approved amount.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on Tuesday, November 27, 2001 pursuant to Notice published on or about November 16, 2001 and November 23, 2001 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on Tuesday, November 27, 2001 to present and explain the requirements to increase the Fiscal Year 2002 Capital Fund Budget in the amount of \$245,000.00 (Two Hundred Forty Five Thousand Dollars), and such increase is hereby approved this 18 day of December 2001, by the Board of County Commissioners for St. Mary's County, Maryland.

Those voting Aye: ALL
Those voting Nay: _____
Those Absent: _____

Date of Adoption: 12/18/01

Effective Date: 12/18/01

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

Julie B. Randall
Julie B. Randall, President

Joseph R. Anderson
Joseph R. Anderson, Commissioner

Shelby P. Guazzo
Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr. Commissioner

Daniel H. Raley
Daniel H. Raley, Commissioner

ATTES:
Alfred A. Lacer

Alfred A. Lacer
County Administrator

Elaine M. Kramer

Elaine M. Kramer
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Patrick Murphy
Patrick Murphy
County Attorney

RECORDING FEE 0.00
TOTAL 0.00
Res#502 Rcpt#999999
EMA TL: Bk#1802
Dec 21, 2001 11:34 am

**CERTIFICATION OF FUNDS AVAILABILITY
DIRECTOR OF FINANCE
SUPPLEMENTAL OR EMERGENCY APPROPRIATION**

LIBERO 020 PAGE 68

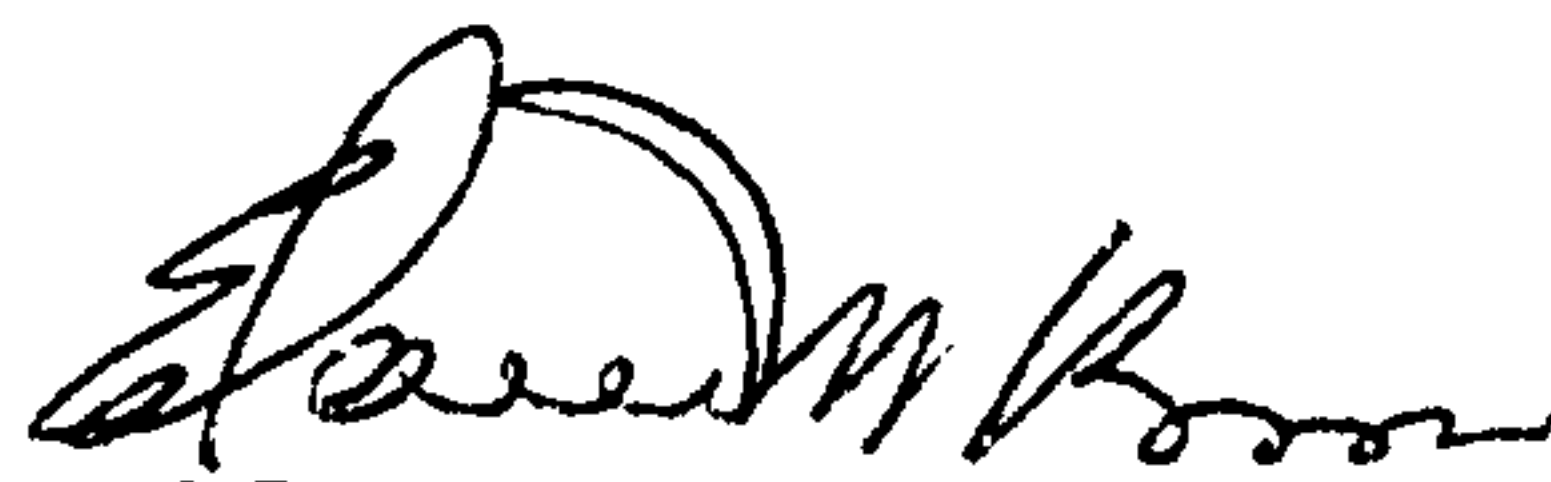
Section 27-9 of the St. Mary's County Code states that the County Commissioners may make additional, supplementary or emergency appropriations during any fiscal year only if the Chief Financial Officer certifies in writing that funds are available for appropriation.

DATE: December 11, 2001
TO: Board of County Commissioners
ORDINANCE NUMBER: _____

PURPOSE: To the Connector Road Capital Project. This amount had been transferred to the Lexington Park Library capital project to cover the library project's estimated budget shortfall and allow the library project to proceed to contract and construction. This supplemental appropriation would restore the FY 2002 funding for the Connector Road project to its original, approved amount.

FUNDS CERTIFICATION:

<u>Amount</u>	<u>Source</u>
\$245,000.00	General Obligation Bonds – Previously Unappropriated Authority


Elaine M. Kramer
Director of Finance

NO.: 01- 2001-64
SUBJECT: Copley Road, Pembroke Drive, Hungerford Court, Luckton Court, Nicholson Court and Galloway Place
Stop Signs
Forrest Farm Subdivision, Section 1

LIBERO 020 PAGE 69

RESOLUTION

WHEREAS, pursuant to Section 1 of Article 25 of the Maryland Annotated Code, Section 109-1 of Article 19 of the Code of Public Local Laws of Maryland, and Section 25-102 of the Transportation Article of the Maryland Annotated Code, the Board of County Commissioners for St. Mary's County, Maryland, is authorized and empowered to regulate traffic by means of a traffic control device, and to designate any intersection as a stop intersection, or yield intersection.

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has identified the intersections of Copley Road, County Route 31313, and Brown Road; Galloway Place, County Route 31313, and Copley Road; Nicholson Court, County Route 31317, and Copley Road; Luckton Court, County Route 31316, and Hungerford Court; Hungerford Court, County Route 31315, and Pembroke Drive; and Copley Road, County Route 31313, and Pembroke Road; located in Section 1 of the Forrest Farm Subdivision, Third (3rd) Election District, St. Mary's County, Maryland, as per Record Plat recorded at EWA 45, Page 11, as a threat to public safety and a hazardous condition due to the absence of traffic control devices at these intersections; and


WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has, therefore, recommended that the Board of County Commissioners for St. Mary's County, Maryland, exercise its authority to regulate traffic at these intersections by means of traffic control devices, specifically, stop signs on Copley Road, County Route 31313, at the intersection with Brown Road; Galloway Place, County Route 31318, at the intersection with Copley Road; Nicholson Court, County Route 31317, at the intersection with Copley Road; Luckton Court, County Route 31316, at the intersection with Hungerford Court; Hungerford Court, County Route 31315, at the intersection with Pembroke Drive; and Copley Road, County Route 31313, at the intersection with Pembroke Drive.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for St. Mary's County, Maryland, finds that, upon the advice of the Director of the Department of Public Works and Transportation, a hazardous condition currently exists at the intersections of Copley Road, County Route 31313, at the intersection with Brown Road; Galloway Place, County Route 31318, at the intersection with Copley Road; Nicholson Court, County Route 31317, at the intersection with Copley Road; Luckton Court, County Route 31316, at the intersection with Hungerford Court; Hungerford Court, County Route 31315, at the intersection with Pembroke Drive; and Copley Road, County Route 31313, at the intersection with Pembroke Drive; and that in the interest of public safety and to eliminate a hazardous condition, Copley Road, County Route 31313, Galloway Place, County Route 31318, Nicholson Court, County Route 31317, Luckton Court, County Route 31316, Hungerford Court, County Route 31315, and Pembroke Drive, County Route 31314, further identified as being located in Section 1 of the Forrest Farm Subdivision, Third (3rd) Election District, St. Mary's County, Maryland (Plat Reference: EWA 45, Page 11) shall be designated as Stop Streets, which is a reasonable exercise of this Board's police powers; and



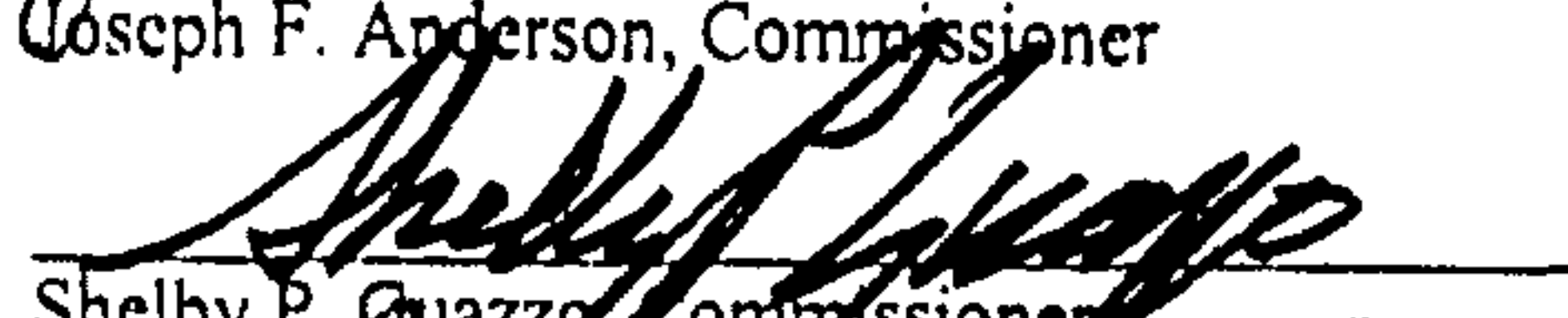
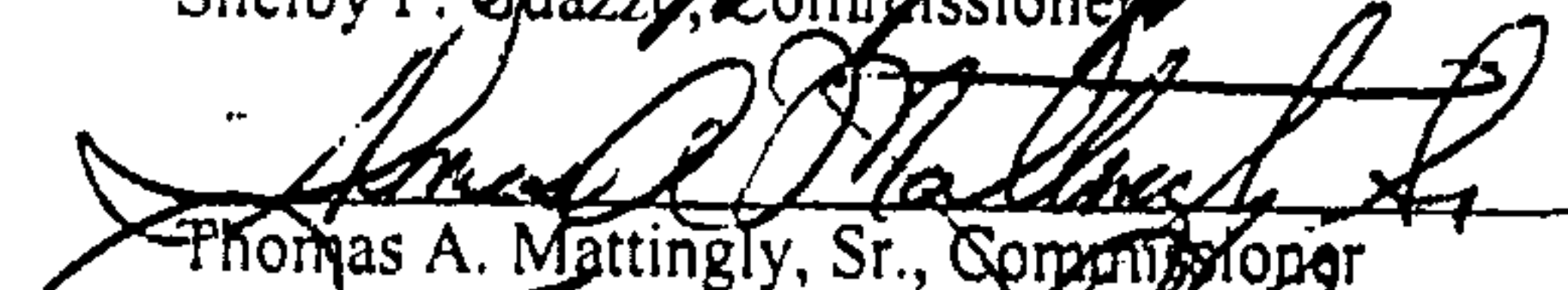
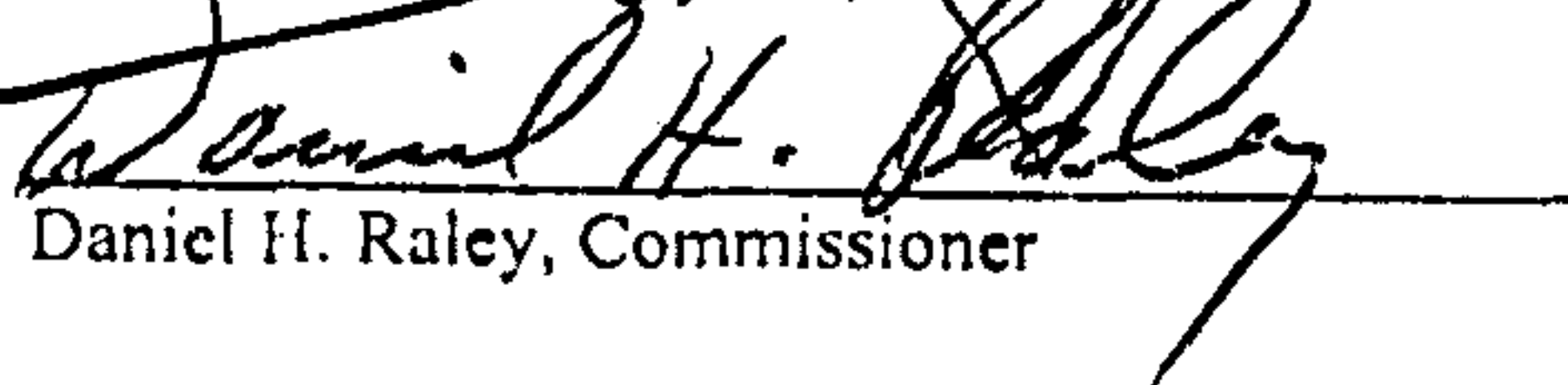
BE IT FURTHER RESOLVED, that the Board of County Commissioners for St. Mary's County, Maryland, directs and instructs the Director of the Department of Public Works and Transportation to erect traffic control devices, specifically stop signs, on Copley Road, County Route 31313, at the intersection with Brown Road; Galloway Place, County Route 31318, at the intersection with Copley Road; Nicholson Court, County Route 31317, at the intersection with Copley Road; Luckton Court, County Route 31316, at the intersection with Hungerford Court; Hungerford Court, County Route 31315, at the intersection with Pembroke Drive; and Copley Road, County Route 31313, at the intersection with Pembroke Drive, as necessary to identify Copley Road, Galloway Place, Nicholson Court, Luckton Court, Hungerford Court, and Pembroke Drive, as Stop Streets.

Those voting aye: ALL
Those voting nay: _____
Those abstaining or absent: _____
Date of Adoption: 12/4/01
Effective Date: 12/4/01


RECORDING FEE 0.00
TOTAL 0.00
Res#5002 Rc#1#999999
EWA TLC BIK#1802
Dec 21, 2001 11:34 am

ATTEST:

Alfred A. Lacer
County Administrator

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


Julie B. Randall, President

Joseph F. Anderson, Commissioner

Shelby P. Quazzo, Commissioner

Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley, Commissioner

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


John B. Norris, III
Deputy County Attorney

LIBERO 020 PAGE 70 RESOLUTION

TO REMOVE AND REAPPOINT A RESIDENT AGENT
FOR THE BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND

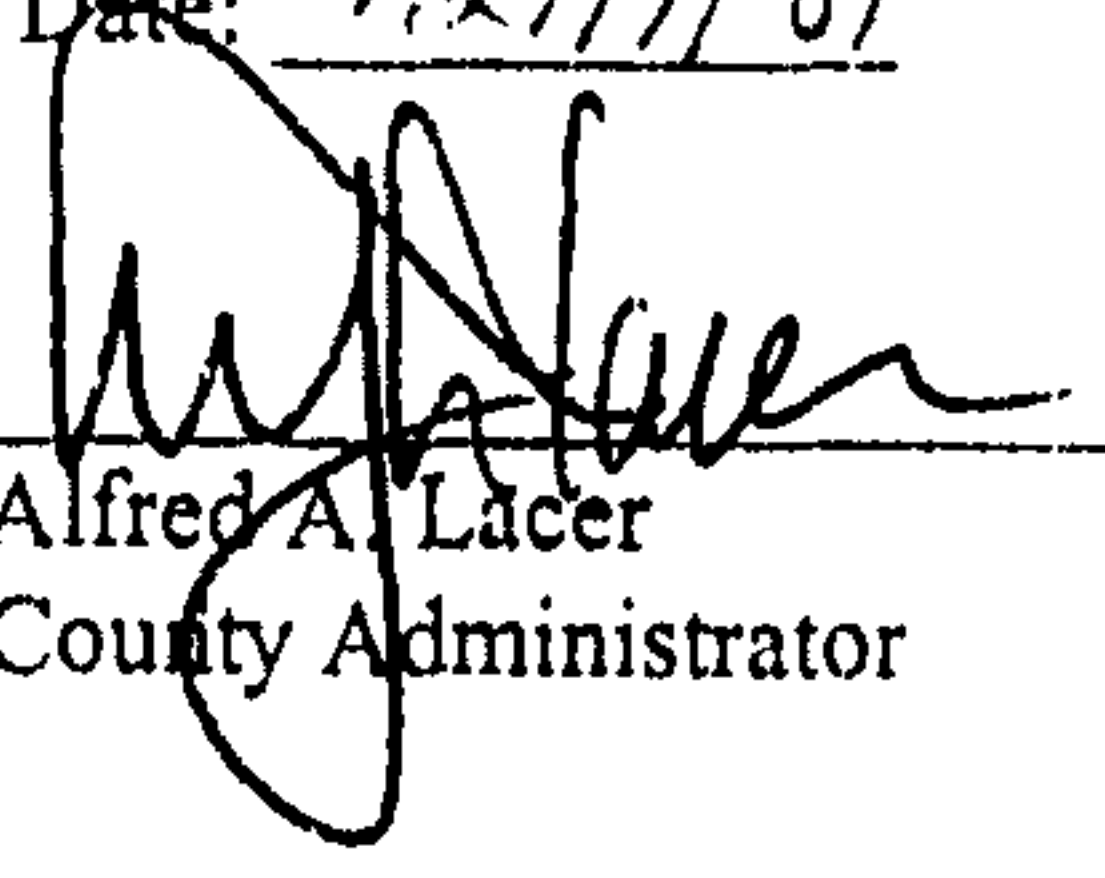
WHEREAS, Chapter 506, 2001 Laws of Maryland (House Bill 854) enacted by the Maryland General Assembly requires that the governing body of every political subdivision file with the State Department of Assessments and Taxation a designation of a resident agent to accept service of process.

NOW, THEREFORE BE IT RESOLVED that the Board of County Commissioners for St. Mary's County removes Patrick B. Murphy, County Attorney, as Resident Agent and appoints and designates Alfred A. Lacer, County Administrator, having the street address of 23115 Leonard Hall Drive, Leonardtown, St. Mary's County, Maryland, as the resident agent for the Board of County Commissioners for St. Mary's County, Maryland.

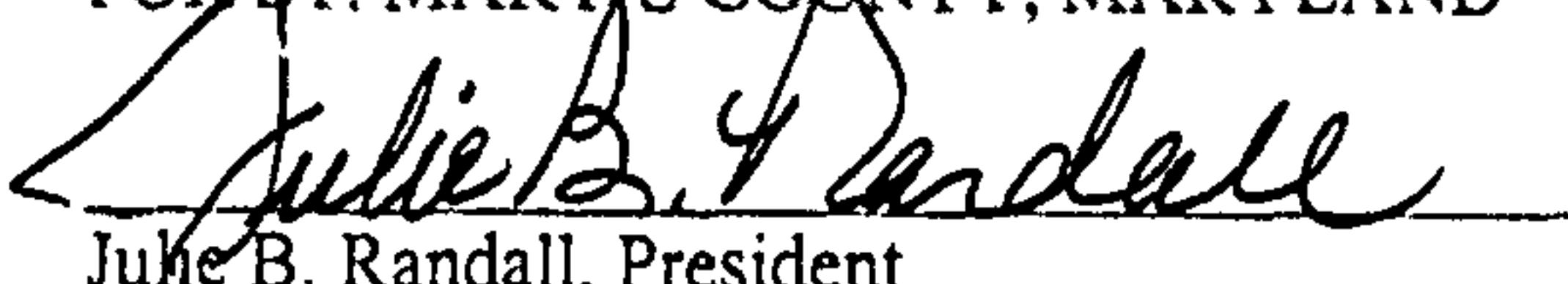
Date of Adoption: 12/11/01

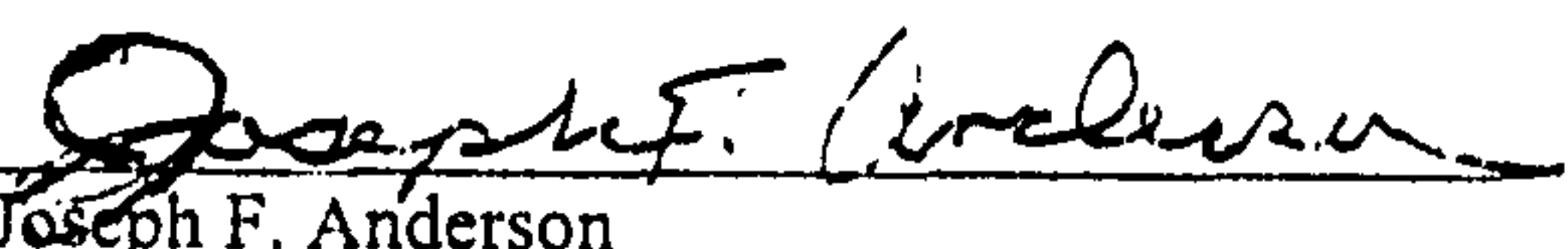
Effective Date: 12/11/01

Attest:

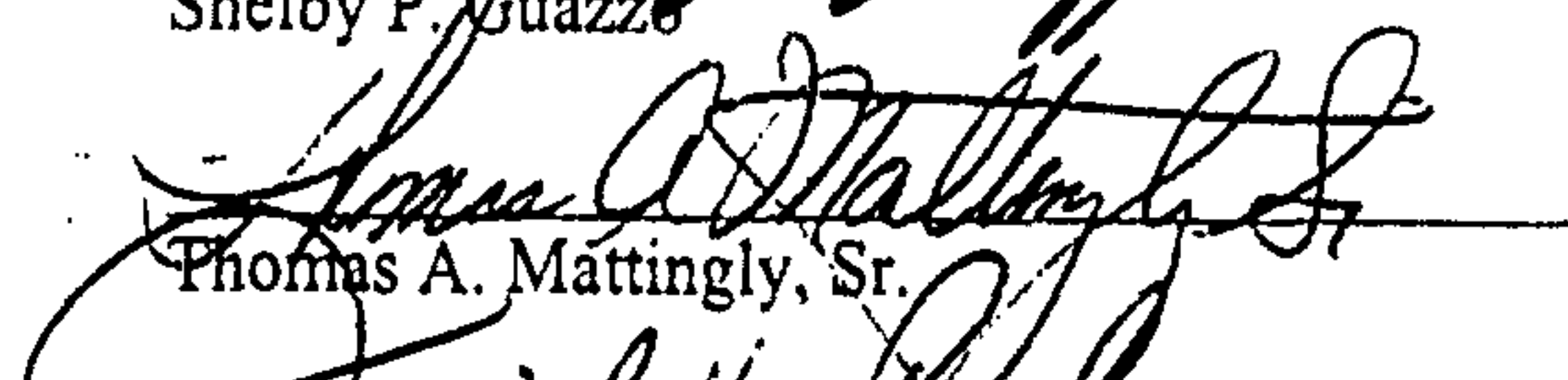

Alfred A. Lacer
County Administrator

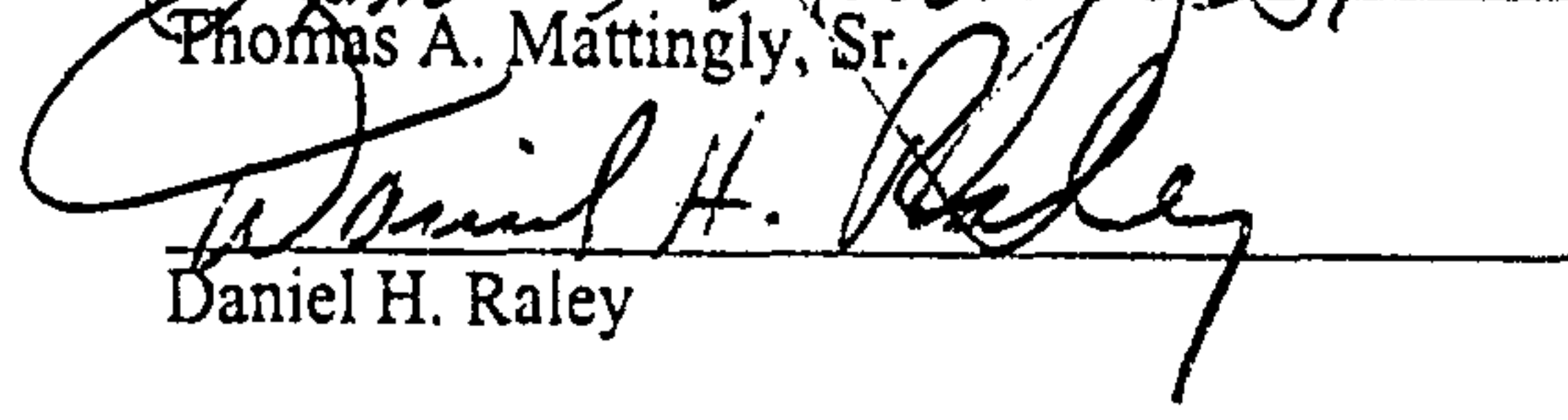
BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND


Julie B. Randall, President


Joseph F. Anderson


Shelby P. Guazzo


Thomas A. Mattingly, Sr.


Daniel H. Raley

Approved as to Form and Legal Sufficiency:


Patrick B. Murphy, County Attorney

LIBERO 020 PAGE 71

PURPOSE

FOR THE PURPOSE of amending the Zoning Ordinance in order to revise existing provisions and establish new provisions relating to construction of communication towers in St. Mary's County; to apply this amendment retroactively to all proposed towers not currently approved by written order as a conditional use permit pursuant to St. Mary's County Zoning Ordinance.

RECORDING FEE 0.00
TOTAL 0.00
Reg#SM02 Rct#999999
EWA TLC BIK#1802
Dec 21, 2001 11:35 am

ORDINANCE

WHEREAS, under the provisions of Article 66B of the Annotated Code of Maryland, the Board of County Commissioners for St. Mary's County, Maryland, (the "County Commissioners") is empowered to adopt, revise and amend the St. Mary's County Zoning Ordinance (the "Zoning Ordinance"); and

WHEREAS, it has been advised that amendment of the current Zoning Ordinance is required to fully provide for the orderly planning and development of communication towers in St. Mary's County; to minimize adverse visual impacts; to reduce the potential for damage to properties adjoining communication tower sites; and to minimize other negative impacts from the construction and proliferation of tower structures by promoting co-location of future uses and taking other measures; and

WHEREAS, the Board of County Commissioners for St. Mary's County has implemented a system of public safety communication towers constructed to support the County's emergency communications system; and

WHEREAS, the promotion of co-location of commercial uses on the public safety communication towers will serve to minimize the cost to the public for construction and operation of those towers; and

WHEREAS, the minimization of the number of communication towers is a recognized local zoning concern and co-location of equipment on communication towers by all service providers rationally furthers a legitimate County purpose in preserving rural aesthetics; and

WHEREAS, the Board of County Commissioners for St. Mary's County has determined it to be in the public interest of the residents of St. Mary's County to establish procedures and to amend the text of the Zoning Ordinance to address procedures the St. Mary's County Board of Zoning Appeals shall follow in determining the need for and the location of any proposed commercial communication tower, and to ensure that such location will not interfere with the County's emergency communications system; and

WHEREAS, Article V, Section 53.10 of the Zoning Ordinance is repealed in its entirety and replaced by this new Article V, Section 53.10; and

WHEREAS, this amendment is to be applied retroactively to all communication towers or proposed communication towers that are not approved by written order as a conditional use by the Board of Appeals under the current Zoning Ordinance in effect the date the Amendment is adopted; and

WHEREAS, pursuant to Article 66B §4.04, a public hearing was held on November 6, 2001, pursuant to NOTICE published on October 19, 2001 and October 26, 2001, in The Enterprise, a newspaper of general circulation; and

WHEREAS, after deliberation, study and public hearing, the Board of County Commissioners for St. Mary's County, Maryland has determined that it is in the best interests of the public in order to secure the health, safety and general welfare for present and future residents of St. Mary's County and in order to achieve the purposes set forth in Article 66B of the Annotated Code of Maryland as amended, as delineated above, to adopt and approve a Zoning Ordinance amendment regarding communication towers.

~~NOW THEREFORE, BE IT ORDAINED~~ by the Board of County Commissioners for St. Mary's County, Maryland, that:

SECTION 1. The St. Mary's County Zoning Ordinance heretofore adopted and currently in effect shall be and the same is hereby amended as follows:

- A. Article V, Section 53.10, COMMUNICATION TOWERS, is repealed in its entirety and reenacted to read as hereafter set forth:

53.10 COMMUNICATION TOWERS

1. In balancing the interests of County residents, tower contractors, telecommunications providers and telecommunications customers, and for the general health, safety and welfare of the public, these regulations are intended to:
 - a. Provide for the appropriate location and development of communication towers by maximizing the use of any new and existing towers, minimizing the need for new towers, encouraging the use of alternative tower structures or tower sites, and minimizing the number of towers in the County. (Note: The term "existing towers" includes towers already constructed and in use, as well as towers submitted to the St. Mary's County Department of Planning and Zoning for review and approval). The Department of Planning and Zoning will continuously maintain a list of existing towers, including owner points of contact, and shall make this list available to all new tower applicants; and
 - b. Avoid potential damage to adjacent properties from tower or antennae failure through engineering and careful siting of tower structures and antennae; and
 - c. Minimize the adverse visual impacts of communication towers through careful siting, design, screening and camouflaging; and
 - d. Ensure that proposed siting and development of communication towers is done in a reasonable manner, not to the detriment of the zone in which it is located, and that is not contrary to the intent of the Comprehensive Plan. The Board of County Commissioner's preference is for communications towers to be sited on County or other publicly owned property. If this is not technically practical or feasible, then the preference is for the siting of communication towers on commercial and industrial zoned properties. If the facility is proposed on property zoned residential or Rural Preservation District, then the design and siting shall include measures to preserve the rural and/or residential character of the area.
 - e. To encourage private/public partnerships for communications facilities, where appropriate, that promote the communications needs of the County.

2. GENERAL REQUIREMENTS

- a. All communication towers, structures and equipment shall meet or exceed current standards and regulations of the FAA and the FCC. Pursuant to Federal Communications Commission Regulations 1.1301-1.1319, as amended from time to time, communication towers shall be subject to the provisions of the National Environmental Policy Act (NEPA).
- b. Approval of proposals for tower construction shall be subject to satisfactory completion of an Aeronautical Study. Applicants shall file a Notice of Proposed Construction or Alteration, FAA Form #7460-1 (as amended from time to time) with the Federal Aviation Administration as required by the FAA or applicable Federal law, and forward copies of the form and any FAA response received, via first class mail, postage pre-paid, to:

- St. Mary's County Department of Planning and Zoning,
P.O. Box 653,
Leonardtown, MD 20650.

- Captain Walter Francis Duke Regional Airport at St. Mary's
Attn: Airport Manager
44200 Airport Road
California, MD 20619
- Department of the Navy,
Commanding Officer
Naval Air Station,
22268 Cedar Point Road, Unit NASAD,
Patuxent River, MD, 20670-1154.

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- c. To the extent permitted by law, no tower or equipment or antennae attached thereto shall cause localized interference with reception of television and radio broadcasts, nor shall any tower or equipment or antennae attached thereto interfere with existing lines of communication used for public safety purposes.

3. COMMERCIAL COMMUNICATION TOWERS

- a. Commercial Communications Towers shall in all cases require conditional use approval by the Board of Appeals. Article II, Table 2.4 – TABLE OF USES addresses applicability to established zoning districts.
- b. The application submitted by the applicant to the Board of Appeals for a commercial communication tower, shall satisfactorily address the requirements of conditional use applications as defined by the zoning ordinance for any conditional use whatsoever, as amended from time to time, and shall in addition include the following:
 - (1) A system design plan that shall include, at a minimum, radio frequency parameters, tower height, number and location of antennae on the tower, all existing or proposed buildings within the "fall zone", buildings, radio frequency output, effective radiated power and azimuth antenna type;
 - (2) Signal coverage/propagation map of the area to be served by the proposed tower. The propagation map shall show signal intensity in dBm (for at least 3 signal intensities). The propagation map shall also show major roads and major developments, towns, villages, etc. The County reserves the right to request propagation maps for other sites or height alternatives;
 - (3) The signal coverage/propagation map shall show coverage area available under existing towers with co-location opportunities, approved towers and antennae/equipment installed on other structures (water towers, buildings, etc.);
 - (4) Evaluation of the tower's relationship to other antenna sites, existing off site structures taller than 50 feet, communication towers and water tanks within a two mile radius of the proposed tower. Verifiable evidence must be provided of the lack of space or unsuitability of any existing tower or structure within that search radius;
 - (5) A detailed engineering analysis of the proposed new tower, including a summary of the proposed tower's capacity to provide space for future co-location by others;
 - (6) Federal Communication Commission review, evaluation and approval under the National Environmental Policy Act of 1969, applicable Federal Communication Commission Regulations and Standards through the Office of Engineering and Technology as required by Federal law;
 - (7) The specific type of tower to be constructed and the proposed materials to be used in the construction of the tower;

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- (8) The design of the proposed tower shall be sealed by a licensed engineer licensed to practice in the State of Maryland;
- (9) Identification of all noise, odor and other potential nuisance producing facilities, appurtenances and/or outbuildings, or the like, that are associated with the proposed use;
- (10) Identification of the maximum number of antennae and co-location spaces that can be safely placed upon the tower. An engineering statement must be submitted certifying that the proposed tower can accommodate a minimum of three users, however, five (5) is preferred. If this is not possible, then a justification statement must be provided that is based on structural, height, radio frequency or engineering limitations;
- (11) An elevation drawing, depicting the tower at its proposed height, with all planned antennae/equipment shown; and
- (12) A visual impact study, including photo-simulations, demonstrating that a proposed tower shall not unreasonably interfere with the view of, or from, sites of significant public interest such as a public park, a State or County designated scenic road or river, a structure on the historic sites survey or a historic district, located within two (2) miles of the proposed tower site. The Department of Planning and Zoning staff may request and the Board of Appeals may require the applicant to conduct a balloon or crane test and to submit additional photo-simulations or a line-of-sight analysis documenting the visual impact the proposed tower may have on surrounding sites. Applicant shall provide the County and adjacent property owners with at least a 48-hour notice of the test. If the applicant's visual impact analysis relies upon an existing tree buffer on the subject property (but outside the lease area), the applicant, as a condition of approval, shall secure an easement to preserve/protect that buffer for the duration of the conditional use;
- (13) An engineering statement prepared by a licensed professional engineer certifying that the proposed facility meets or exceeds all regulatory emissions standards established by the FCC. This statement shall identify the predicted exposures for the controlled and uncontrolled situation for the specific equipment proposed along with the allowable federal limit. If future co-location occurs on the tower, then emissions statements shall be provided for each co-locator;
- (14) An engineering statement prepared by a licensed professional engineer describing the contained fall design for the tower in the event of a structural failure. The facility shall be designed to collapse within the lease area, unless approval is granted from the owner(s) of the affected parcel;
- (15) Evidence that at least one telecommunications carrier has agreed to locate antennae on the tower;
- (16) A plan that describes the company plans for new towers or antenna placements within the entire County for the next two years. The plan shall include propagation maps (showing at least 3 different signal intensities in dBm) that depict existing and proposed sites and describe the anticipated timing for proposed sites. Thereafter, each company that owns a tower or places telecommunications equipment on the tower must submit an annual plan that describes the company's plans for new towers or antenna placements within the County for the next two years. For each tower owner, this document will also identify what equipment is placed on each tower, at what height, and the owner of the equipment. The plan described in this section need only be prepared one time during the year and does not need to be

LIBERO 020 PAGE 75 revised with each application submitted during the period of coverage;

(17) All fees for the costs of any technical review of the application by an independent consultant hired by the County.

- c. The applicant for a new commercial communications tower shall demonstrate to the Board of Appeals that co-location on existing commercial towers, public safety towers, or other appropriate structures is not feasible. Feasibility shall be demonstrated by an analysis and explanation prepared by a licensed professional engineer which identifies why other existing or proposed towers within a 2-mile radius cannot be used. The analysis must evaluate any reasonable, technically feasible alternative locations and/or facilities which would provide the proposed communication service and provide a structural analysis indicating that no existing or proposed tower can be structurally modified to meet the applicant's needs. Replacement of an existing approved tower with a new tower on the same site shall be an alternative addressed in the analysis.

The intention of the alternatives analysis is to present alternative strategies which would minimize the number, size and adverse visual, environmental, and public safety impacts of facilities necessary to provide the needed services to the County. The analysis shall address the potential for co-location at an existing or a new site and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. Physical constraints may be considered, but will not be determinative. Approval of the project is subject to the Board of Appeals making a finding that the proposed site results in fewer or less severe impacts than any feasible alternative site.

- d. Co-location is not deemed possible if the Board of Appeals finds that:
- (1) Planned equipment would exceed the structural capacity of existing and approved towers or towers proposed to be constructed, considering existing and planned use of those towers, and such towers cannot be feasibly structurally modified or reinforced to accommodate planned or equivalent equipment. In the case of existing towers owned by the applicant, the applicant shall have demonstrated to the Board of Zoning Appeals that a new (replacement) tower cannot be constructed on the existing approved site to satisfy its new requirements;
 - (2) Planned equipment will cause interference with other existing or planned equipment for the tower, and the interference cannot be prevented;
 - (3) Existing, approved towers, or towers proposed to be constructed do not have space on which planned equipment can be placed so as to function effectively; or
 - (4) Existing, approved towers, or towers proposed to be constructed, will not provide reasonable signal coverage that is appropriate for St. Mary's County (-89 dbm) (demonstrated through propagation maps showing signal coverage).
- e. The tower shall be constructed so as to provide adequate capacity for future co-location of other commercial and/or government operated antennae, unless the applicant demonstrates why such design is not physically feasible. The system design plan shall delineate areas near the base of the tower to be used for the placement of additional equipment buildings for other users.
- f. No signals, lights or illumination shall be permitted on the tower unless required by the Federal Communications Commission, the Federal Aviation Administration or the County.

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- g. No commercial advertising or other signage shall be permitted on the tower.
 - h. All obsolete or unused facilities, including buildings, towers, and all other improvements associated with the tower, shall automatically be deemed abandoned upon twenty-four (24) months of continuous cessation of operations and shall be removed at such time without cost to the County. The applicant shall provide a bond, letter of credit, or other appropriate surety at time of approval as approved by the County to cover the cost for demolition of the facility and site restoration.
 - i. Towers shall be constructed at the minimum height required to obtain reasonable signal coverage that is appropriate for St. Mary's County (-89 db). Towers exceeding a height of 199 feet above existing grade shall require detailed engineering justification, documenting the basis for determining that a taller structure is required. Towers exceeding 199 feet above existing grade may also be justified by demonstrating that the existence of previously approved tower(s) in the vicinity of the proposed site serves to mitigate visual impacts, or that a single (taller) tower will reduce adverse visual impact by replacing multiple existing towers.
 - j. The site shall be of sufficient size to accommodate the tower and all related structures, equipment and appurtenances (whether above or below ground), and of a size sufficient to meet Health Department standards if water and sanitary facilities are provided. The site plan shall depict the tower site, the location of all structures, equipment and appurtenances to be installed with the tower (whether located above or below ground); all existing tree buffers on the subject property, all adjoining properties; means of ingress/egress; and all required setback lines.
 - k. In addition to any setbacks otherwise required by the Zoning Ordinance, towers shall require a setback distance of one hundred (100) percent of the height of the tower from any residence, historic site, building or other structure not associated with the tower site. If the setback is to be on an adjoining property, a notarized statement of agreement or an easement must be obtained from the adjoining property owner. If the communications tower is proposed along a State or County scenic roadway, then a setback from the road of 300 percent of the height of the tower and additional landscaping, or additional screening may be required by the Board of Appeals.
 - l. The tower enclosure shall be buffered from adjoining properties with at least two rows of fast growing evergreen species such as red cedar or Leyland cypress. The County reserves the right to require a different vegetated buffer as part of the conditional use approval.
 - m. No commercial communication tower shall be constructed within the Critical Areas as shown on the Official Zoning Maps.
 - n. The County shall have the right of first refusal to any available collocation space on a tower at no cost to the County; provided, however, that the County shall be responsible for maintaining its own equipment.
 - o. Contact information shall be prominently displayed on the fence enclosing each facility. This information shall be current and shall identify the company name, responsible individual, and phone number for the contact person.

4. **PUBLIC SAFETY COMMUNICATION TOWERS**

- a. Minimum site size, setbacks and buffers shall be identical to those required for commercial communication towers;
- b. Shall be considered a permitted use in any zoning district as listed in Article II, Table 2.4 of the Zoning Ordinance.

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5. NON-COMMERCIAL COMMUNICATION TOWERS

- a. The normal lot setbacks for each district shall apply and may be reduced pursuant to Section 40.04, where applicable.
- b. Shall be considered a permitted use in any zoning district as listed in Article II, Table 2.4 of the Zoning Ordinance.

SECTION 2. BE IT FURTHER ORDAINED, that should any section subsection, paragraph, clause or phrase of this Ordinance be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this Ordinance which shall remain in full force and effect.

SECTION 3. BE IT FURTHER ORDAINED, that in the event any portion of this Ordinance is found to be unconstitutional, illegal, null or void, by a court of competent jurisdiction, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinance shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the Ordinance, or unless deletion of the invalid portion would produce a result inconsistent with the purpose and intent of the Board of County Commissioners in enacting this Ordinance.

SECTION 4. This Ordinance shall apply retroactively to all proposed towers not currently approved by written order as a conditional use approval.

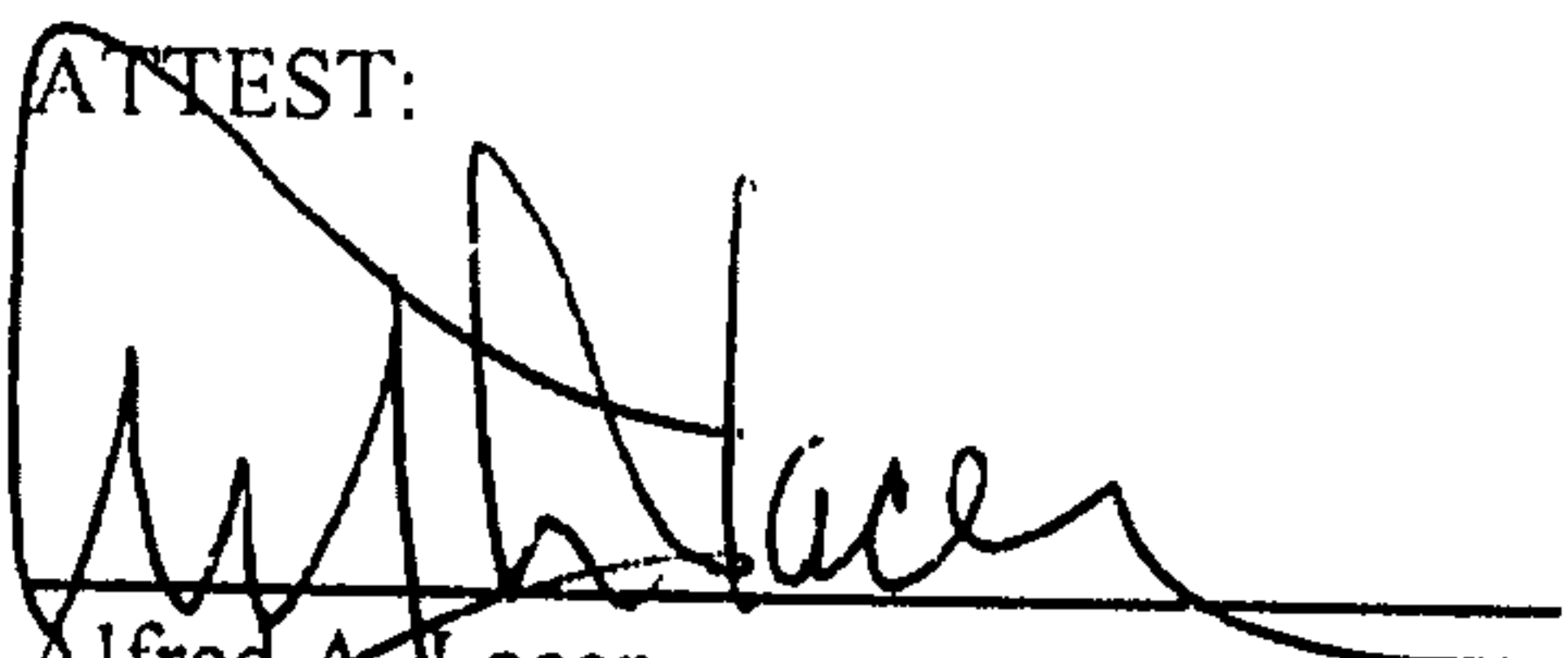
Those voting aye: ALL


Those voting nay: _____


Those abstaining or absent: _____

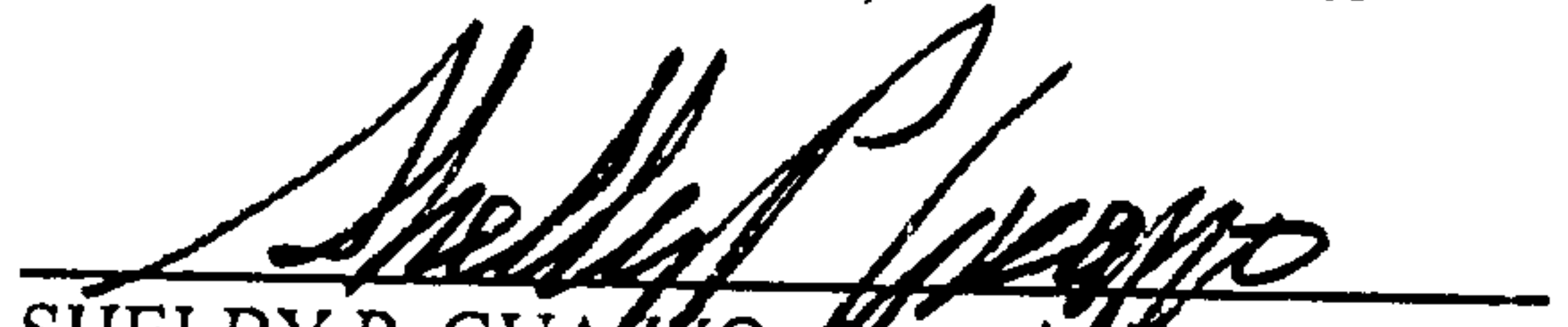
Approval Date: 12/4/01

Effective Date: 12/4/01

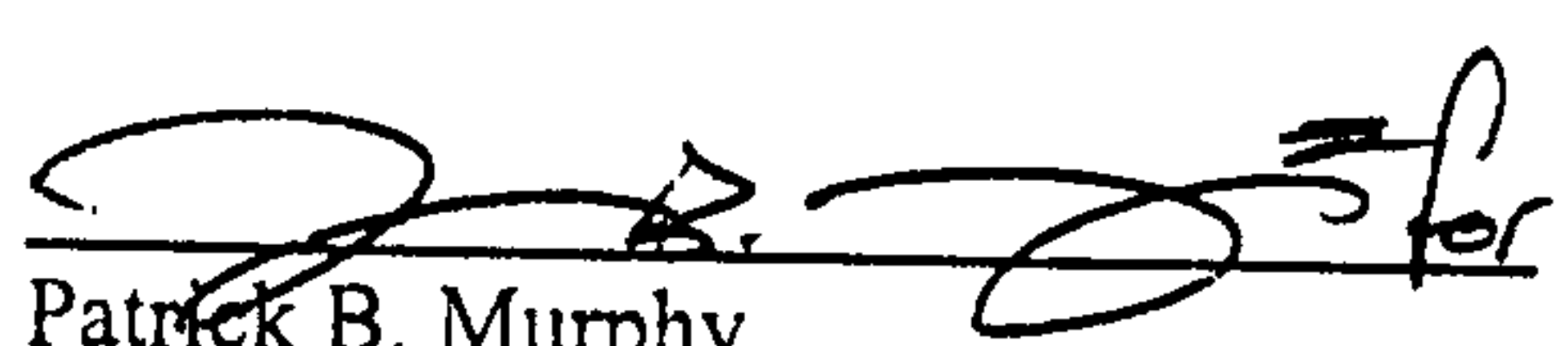
ATTEST:

Alfred A. Lacer,
County Administrator

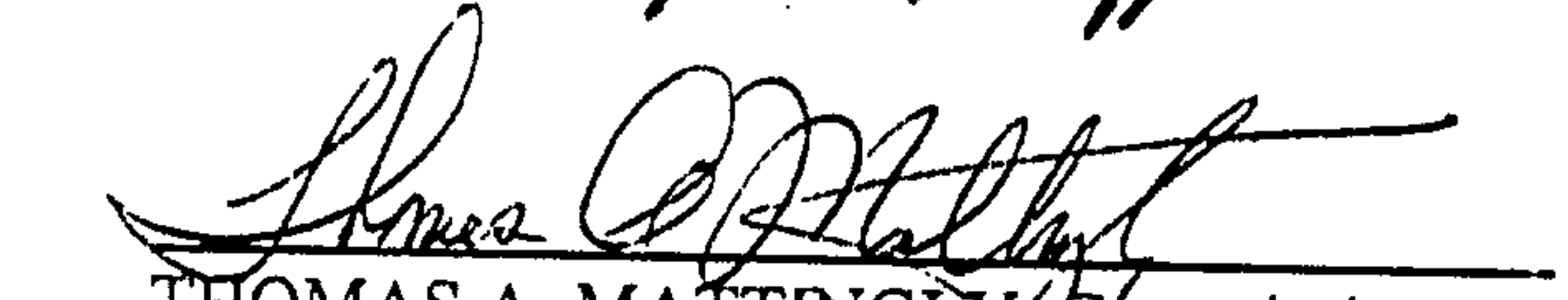
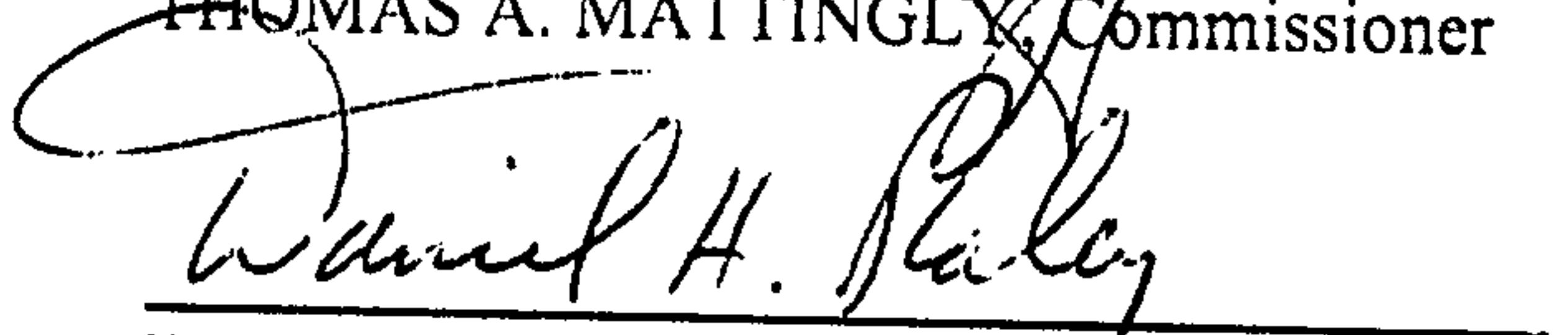
BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND

JULIE B. RANDALL, President


JOSEPH F. ANDERSON, Commissioner


SHELBY P. GUAZZO, Commissioner

APPROVED AS TO FORM AND SUFFICIENCY:


Patrick B. Murphy,
County Attorney


THOMAS A. MATTINGLY, Commissioner

DANIEL H. RALEY, Commissioner

**Subject: Extension of a Temporary and Limited
Moratorium on the Issuance of Zoning and
Building Permits for Two-Family and Multi-
Family Residences in the Air Installation
Compatible Use Zone.**

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PURPOSE

For the purpose of extending the duration of Ordinance Z-01-16 and imposing a limited and temporary moratorium on the issuance of zoning and building permits for, or related to, two-family and multi-family residences in the Air Installation Compatible Use Zone, ("AICUZ"), through March 25, 2001. The Board of County Commissioners are considering whether it should enact an ordinance which would impose a special and more stringent nonconforming use provision in the AICUZ which would result in the eventual elimination of two-family and multi-family residential uses. The Board of County Commissioners, however, have concluded that they should not enact a nonconforming use ordinance eliminating these residential uses until they have adopted a plan for the replacement of those occupiable residential uses that constitute low-cost housing. To develop such a plan, the County Commissioners have appointed a commission to study fair housing issues generally and a task force to develop a plan for the replacement of low-cost housing eliminated at the Lexington Manor community in the AICUZ. That task force has prepared an interim report, but not yet finalized its recommendation. The purpose of this limited and temporary Moratorium is to prevent developers from undermining the effectiveness of the proposed nonconforming use ordinance by obtaining zoning and building permits and constructing or renovating such dwellings during the period that the Commission and Task Force are studying and developing a plan to replace occupiable low-cost housing to be eliminated under the nonconforming use ordinance, and to afford the County Commissioners an opportunity to implement measures to provide safe and adequate housing to replace occupiable low-cost housing to be eliminated under the nonconforming use ordinance.

ORDINANCE

WHEREAS, pursuant to *Article 66B* of the Annotated Code of Maryland, *Article 25*, §10D of the Annotated Code of Maryland, and Section 70.1.1 of the St. Mary's County Zoning Ordinance, (the "County Zoning Ordinance"), as amended by Ordinance No. Z-2000-01, adopted and effective February 1, 2000, the Board of County Commissioners for St. Mary's County is empowered to enact, establish and amend zoning regulations; and

WHEREAS, Section 38.1 of *Article III* of the County Zoning Ordinance establishes the Air Installation Compatible Use Zone, (the "AICUZ"), an overlay zone created for the purpose of providing protection to life and property in the vicinity of air installations as well as protecting the mission function and viability of air installations;

and

RECORDING FEE 0.00
TOTAL 0.00
Res#SM02 Rcpt#999999
EWA CSS B1k#2051
Dec 27, 2001 10:26 am

**Subject: Extension of a Temporary and Limited
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Building Permits for Two-Family and Multi-
Family Residences in the Air Installation
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WHEREAS, the AICUZ was created for the specific purpose of preventing the establishment of certain land uses, particularly two-family and multi-family residential land uses, near air facilities, which uses are, by their nature, incompatible with air installations due to safety considerations and the detrimental impact of noise, emissions, and other effects of aircraft and airport operations; and

WHEREAS, intense residential development in close proximity to air installations is inconsistent with the County's comprehensive zoning plan and inappropriate for several reasons, including, but not limited to, individuals should not be required to live in areas impacted by noise, emissions and other adverse effects of air installations; the increased risk of life-safety in the immediate vicinity of air installations for intensely developed residential neighborhoods; and the problems associated with residential development near air facilities are of particular concern in the case of low-cost housing where the affected individuals may have more limited options in selecting a residence; and

WHEREAS, the detrimental effect of residential nonconforming uses is particularly acute in the AICUZ given the severe degree of incompatibility between the operation of airport installations and two-family and multi-family residential uses; and

WHEREAS, as set forth in the County Zoning Ordinance at Section 38.1, no housing, but particularly that for low to moderate income individuals with fewer living options than those with additional fiscal resources, should be concentrated in the AICUZ, as such locations are impacted by airport operations and are a less desirable place to live as a result of the danger, noise, emissions and other adverse effects associated with even the best managed airport installation operations; and

WHEREAS, the location of the United States Naval Patuxent River Air Station in St. Mary's County is important to the mission of the United States Navy, the viability of many County businesses and the stability of communities in the County; and

WHEREAS, the proliferation and reconstruction of residential nonconforming uses in the AICUZ would undermine the spirit and intent of the current County Zoning Ordinance and, further, undermine the effectiveness and defeat the purposes of revisions to the AICUZ provisions of the County Zoning Ordinance addressing the perpetuation of nonconforming two-family and multi-family dwellings in the AICUZ; and

WHEREAS, the more stringent nonconforming use provisions in the AICUZ currently being considered by the Board of County Commissioners for St. Mary's County, Maryland would result in the eventual elimination of such incompatible land

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uses in the AICUZ in a manner that is consistent with: (1) the policy of Maryland law that land uses be consistent with a comprehensive zoning plan and that nonconforming uses be eventually removed; and (2) the rights of property owners to make productive and beneficial use of their properties; and

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland has determined that it may be advisable to amend § 38.1 of *Article III* of the County Zoning Ordinance to establish a special and more stringent nonconforming use provision for the purpose of eliminating certain residential nonconforming uses in the AICUZ in a fair and equitable manner which allows the property owner to enjoy beneficial use of his or her property; and

WHEREAS, the County Commissioners are considering the imposition of a special nonconforming use provision in the AICUZ which will provide that no two-family or multi-family nonconforming residential dwelling shall be reestablished or reoccupied, regardless of the intention of the property owner to abandon or not abandon the dwelling, if: (1) the dwelling is vacant for a period of six months or more; (2) the dwelling is destroyed or damaged by fire or flood and the reasonable cost of repairing the structure exceeds 50 percent of its replacement cost; or (3) the dwelling is vacant and does not meet livability requirements and the reasonable cost of repairing the structure to meet such requirements exceeds its fair market value; and

WHEREAS, many of the occupiable two-family or multi-family dwellings in the AICUZ constitute low-cost housing for individuals of low or moderate income; and

WHEREAS, the elimination of two-family and multi-family residential uses in the AICUZ though more stringent nonconforming use provisions in Section 38.1 of *Article III* of the County Zoning Ordinance will have the effect of reducing the availability of low or moderate cost housing in the vicinity of the United States Navy Patuxent River Naval Air Station and displace individuals with low to moderate income from nonconforming two-family and multi-family homes in the AICUZ; and

WHEREAS, the County Commissioners do not deem it appropriate to establish a special and more stringent nonconforming use provision for the purpose of eliminating two-family and multi-family dwellings in the AICUZ which constitute occupiable housing for low or moderate income individuals until such time as the County Commissioners have adopted a plan for the replacement of such housing; and

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland, have, pursuant to Resolution No. 2001-30, established and appointed a Fair

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and Affordable Housing Commission and a Lexington Manor Task Force to study and make recommendations on affordable housing County-wide and to investigate the appropriate steps for provision of low-cost housing to replace occupiable dwellings proposed for elimination in the AICUZ; and

WHEREAS, Fair and Affordable Housing Commission and a Lexington Manor Task Force provided the County Commissioners an interim report on October 23, 2001, identifying a scarcity of low-income, affordable housing and a vacancy rate in that category of housing of less than 2%, which may not meet the needs for the community; for which the Commission and the Task force are developing strategies for recommendation to the County Commissioners; and

WHEREAS, neither the development of such strategies nor implementation of adopted recommendations by the County Commissioners may reasonably be completed before the expiration of Ordinance Z-01-16; and

WHEREAS, a strong incentive exists for developers and others to obtain zoning and building permits and construct, replace or renovate two-family and multi-family residences in the AICUZ while the County is developing a plan for replacing low-cost two-family and multi-family residences that will be eliminated through more stringent regulation of nonconforming uses in the AICUZ, as is currently being considered by the Board of County Commissioners for St. Mary's County, Maryland and thereby defeat or undermine the purpose of the nonconforming use ordinance revisions which would eventually eliminate such uses in the AICUZ; and

WHEREAS, the Board of County Commissioners for St. Mary's County has imposed a limited and temporary moratorium on the issuance of building and zoning permits for two-family and multi-family residence in the AICUZ while the study of affordable housing throughout the County and in the AICUZ is being conducted by the Fair and Affordable Housing Commission and the Lexington Manor Task Force, which shall expire on December 25, 2001; and

WHEREAS, an extension of the limited and temporary moratorium on the issuance of zoning and building permits for two-family and multi-family residences in the AICUZ will prevent developers and others from rushing in and defeating the purpose of the proposed revisions to the nonconforming use ordinance while the Commission and the Task Force finalize their findings and recommendations to replace a low-cost housing to be eliminated by the proposed revisions to the nonconforming use ordinance permit the County Commissioners to adopt and implement such recommendations through the exercise of its legislative discretion; and

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WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland is working in cooperation and partnership with the St. Mary's County Housing Authority and the Maryland State Department of Housing and Community Development and has made available the Department of Planning and Zoning, the Department of Permits and Inspections, and other applicable County staff and agencies to provide technical support and study the issue of fair and affordable housing county-wide and specifically in the AICUZ; and

WHEREAS, the Board of County Commissioners held a public hearing on the proposed extension of the temporary limited moratorium on the issuance of zoning and building permits for two-family and multi-family residences in the AICUZ on December 11, 2001, after due notice of publication in The Enterprise, a newspaper of general circulation on November 30, 2001 and December 7, 2001.

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners for St. Mary's County that the County Zoning Ordinance is amended by adding the following provisions:

1. Until March 25, 2001, the Code Official and the Planning Director, as appropriate, and their designees, shall not issue, or accept application for, building or zoning permits for, or related to, two-family or multi-family residential dwellings, buildings, or uses in the AICUZ as that zone is defined in the St. Mary's County Zoning Ordinance and mapped on the Official St. Mary's County Zoning Maps; and
2. That in the event of the substantial destruction of an occupied two-family or multi-family residential dwelling in the AICUZ by an "Act of God" during the effective period of this Ordinance, the Code Official and the Planning Director may issue, or accept application for, building or zoning permits for, or related to, the dwelling that is substantially destroyed. For purposes of this Ordinance an "Act of God" shall mean an unusual and extraordinary manifestation of the forces of nature that could not have been reasonably anticipated or expected under normal conditions. The Code Official and Director of Planning shall have reasonable discretion to determine whether any such dwelling has been substantially destroyed by an "Act of God" and in determining whether a two-family or multi-family residential dwelling in the AICUZ is "occupied".

Subject: Extension of a Temporary and Limited Moratorium on the Issuance of Zoning and Building Permits for Two-Family and Multi-Family Residences in the Air Installation Compatible Use Zone.

- 3. That in the event that any portion of this Ordinance is found to be unconstitutional, illegal, null, or void by a court of competent jurisdiction, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision and that the remainder of the Ordinance shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the Ordinance or unless deletion of the invalid portion would produce a result inconsistent with the purpose and intent of the Board of County Commissioners in enacting this Ordinance; and
- 4. This Ordinance shall become effective as set forth above; and
- 5. The purpose and all of the recitals set forth above are incorporated herein.

Those voting aye: ALL

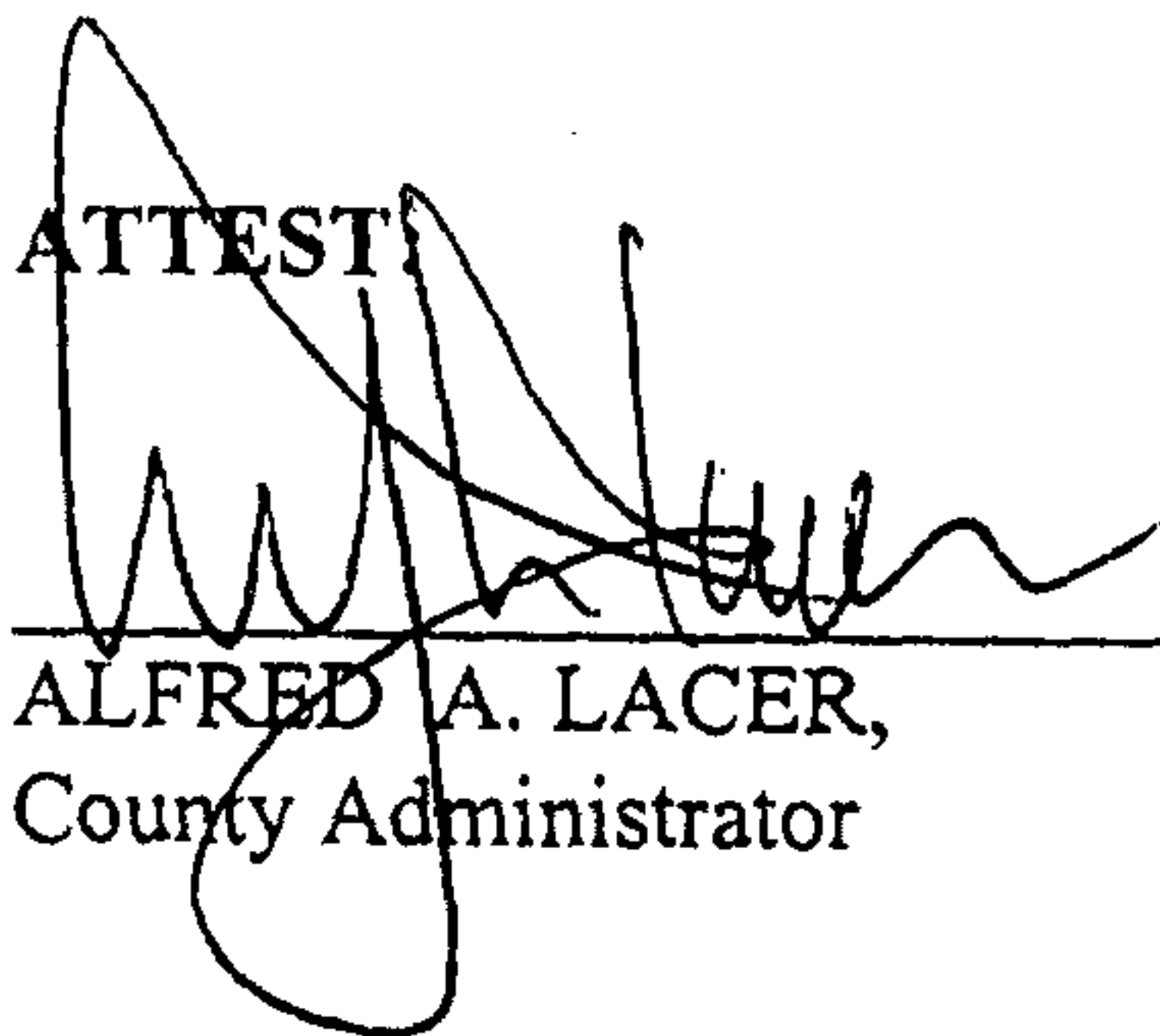
Those voting nay: _____

Those abstaining or absent: _____

Approval Date: 12/24/01

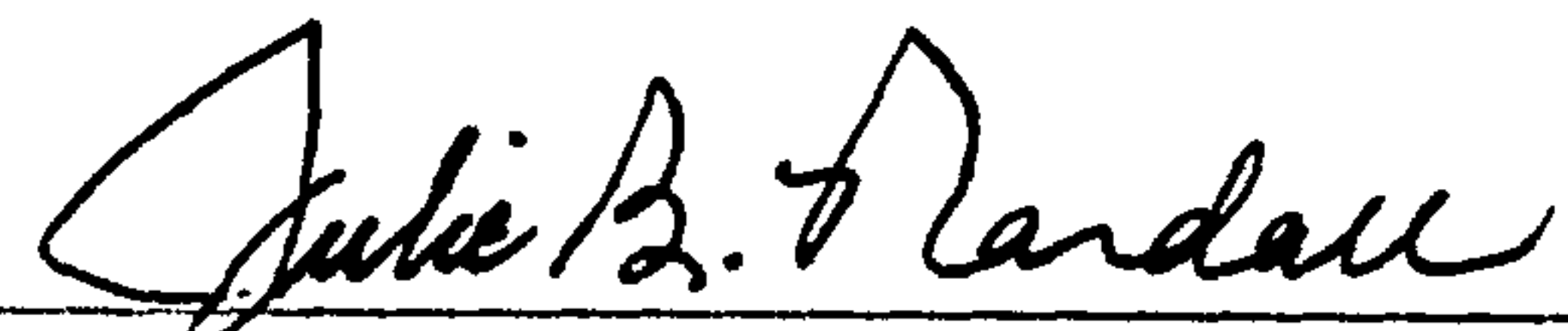
Effective Date: December 26, 2001

ATTEST:




 ALFRED A. LACER,
 County Administrator

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



 JULIE B. RANDALL, President



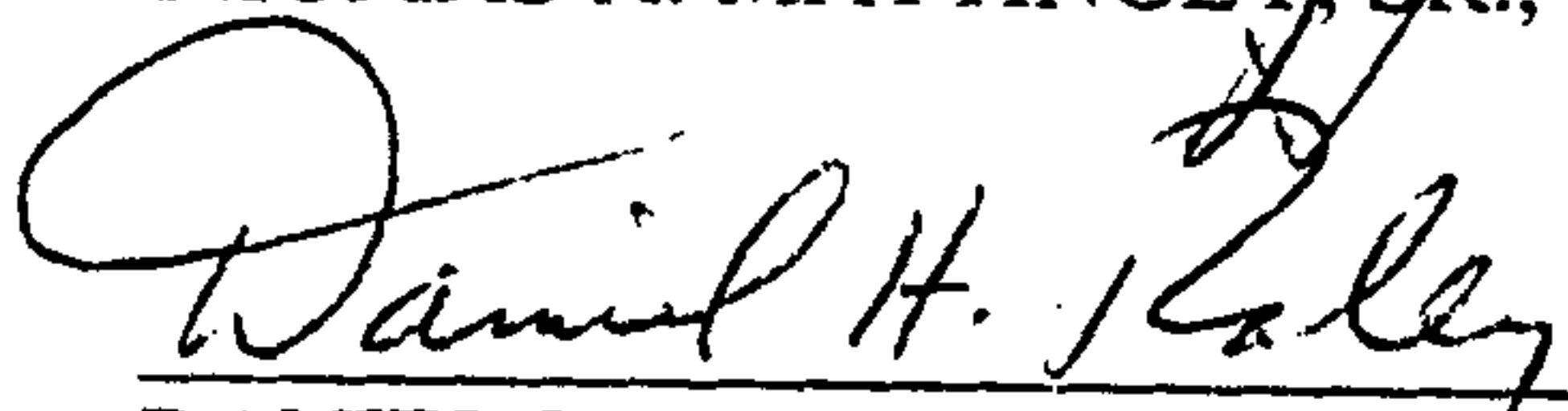
 JOSEPH F. ANDERSON, Commissioner



 SHELBY P. GUAZZO, Commissioner



 THOMAS A. MATTINGLY, SR., Commissioner



 DANIEL H. RALEY, Commissioner

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



 JOHN B. NORRIS, III
 Deputy County Attorney

RECORDS DEPARTMENT
ST. MARY'S COUNTY
MAY 15 2001 9:59 AM

BOOK 0020 PAGE 34

RESOLUTION NO. 01-2001-66

SUBJ: Metropolitan Commission
Water Quality Bond, Series 2001

A RESOLUTION of the Board of County Commissioners of St. Mary's County regarding a Resolution heretofore passed by St. Mary's County Metropolitan Commission authorizing the issuance and sale of a bond in an amount not exceeding Six Hundred Sixty Thousand Dollars (\$660,000) of the St. Mary's County Metropolitan Commission designated the Water Quality Bond, Series 2001, said bond to be issued on the full faith and credit of The Board 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 bond 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 bond.

RECITALS

WHEREAS, St. Mary's County Metropolitan Commission (the "Commission"), has heretofore passed a resolution (the "Resolution") authorizing the issuance and sale of a bond in an amount not exceeding \$660,000 designated St. Mary's County Metropolitan Commission Water Quality Bond, Series 2001 (the "Bond"), for the public purpose of financing a portion of the cost of the Leonardtown Wastewater Treatment Plant BNR Upgrade Project as described in Exhibit B to the form of Loan Agreement, attached hereto as Exhibit 1, (the "Project"), including the development of property, the acquisition and installation of equipment and furnishings and any related architectural, financial, legal, planning and engineering expenses permitted under the Clean Water Act, said Resolution having been duly adopted by the Commission; and

WHEREAS, 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 a bond for the purposes set forth in the Act. The Act provides that such bond 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 bond by County Commissioners of St. Mary's County; and

WHEREAS, this Board deems it appropriate to provide formally for the authority of the Commission to issue and sell the Bond in the aforesaid maximum amount of \$660,000 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 adopts the foregoing Recitals and accepts the findings and judgment of St. Mary's County Metropolitan Commission as set forth by the terms of its Resolution relating to the Bond (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 Six Hundred Sixty Thousand Dollars (\$660,000) 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 the "Water Quality Bond, Series 2001", the net proceeds of the sale thereof to be used and applied for the public purpose of financing a portion of the cost of the Leonardtown Wastewater Treatment Plant BNR Upgrade Project 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 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 \$660,000 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:

COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND

Board of 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 Board of County Commissioners of St. Mary's County, Maryland. The full faith and credit and unlimited taxing power of the Board of 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 Board of 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 _____, 200____.

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

[SEAL]

By: _____
President, Board of County Commissioners of St. Mary's County, Maryland

ATTEST:

Alfred A. Lacer,
County Administrator

SECTION 4. The foregoing endorsement shall be signed and executed on the Bond by the manual or facsimile signature of the President of the Board of County Commissioners of St. Mary's County; the corporate seal of the County Commissioners of St. Mary's County shall be affixed thereto and attested by the manual or facsimile signature of the County Administrator of St. Mary's County.

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

Those voting Aye: ALL

Those voting Nay: _____

Those Absent: _____

Adopted: December 16, 2001.

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

Julie B. Randall
Julie B. Randall, President

Shelby P. Guazzo
Shelby P. Guazzo, Vice President

Joseph F. Anderson
Joseph F. Anderson, Commissioner

Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley
Daniel H. Raley, Commissioner

[SEAL]

ATTEST:

Alfred A. Lacer
Alfred A. Lacer,
County Administrator

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

John B. Norris, III
John B. Norris, III,
Deputy County Attorney
S:\BN\Metcomm\MetCom Resolution.doc

LOAN AGREEMENT

By and Between

MARYLAND WATER QUALITY
FINANCING ADMINISTRATION

and

"Insert Name of Entity"

Dated as of _____, 2001

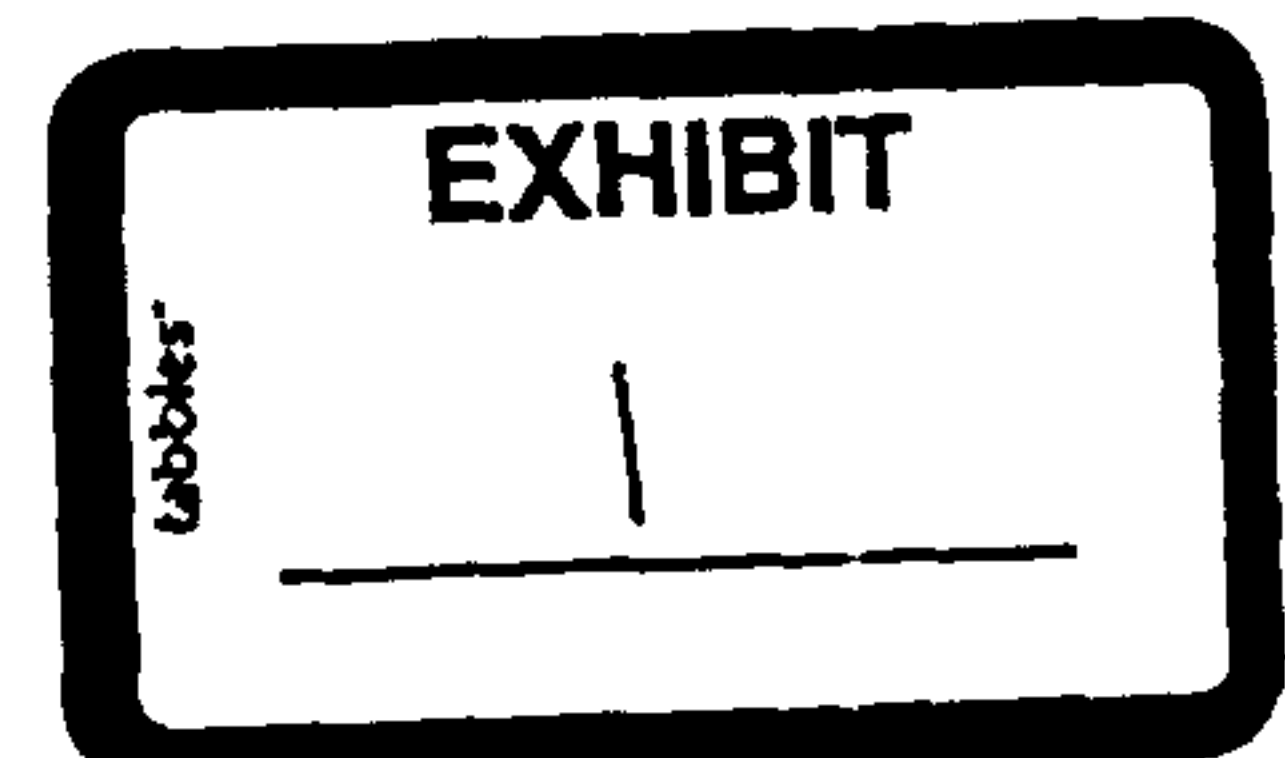


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LOAN AGREEMENT

THIS LOAN AGREEMENT, made this _____ day of _____, 2001 between the Maryland Water Quality Financing Administration (the "Administration"), a unit of the Department of the Environment (the "Department") of the State of Maryland (the "State"), and "Insert Name of Entity", a _____ of the State (the "Borrower").

RECITALS

Title VI of the Federal Water Pollution Control Act (commonly known as the "Clean Water Act"), as amended by the Water Quality Act of 1987 ("Title VI"), authorizes the Environmental Protection Agency ("EPA") to award grants to qualifying States to establish and capitalize State water pollution control revolving funds ("SRFs") for the purpose of providing loans and certain other forms of financial assistance (but not grants) to finance, among other things, the construction and improvement of publicly-owned wastewater treatment facilities and the implementation of estuary conservation management plans and nonpoint source management programs.

As contemplated by Title VI, the General Assembly of the State at its 1988 session enacted the Maryland Water Quality Financing Administration Act, codified at Sections 9-1601 through 9-1622 of the Environment Article of the Annotated Code of Maryland, as amended (the "Act"), establishing an SRF designated the Maryland Water Quality Revolving Loan Fund (the "Fund") to be maintained and administered by the Administration. The Act authorizes the Administration, among other things, to make a loan from the Fund to a "local government" (as defined in the Act) for the purpose of financing all or a portion of the cost of a "wastewater facility" project (as defined in the Act).

The Borrower, which is a "local government" within the meaning of the Act, has applied to the Administration for a loan from the Fund to assist in the financing of a certain project or projects of the Borrower (the "Project," as defined herein) which constitutes a "wastewater facility" within the meaning of the Act. The Project is one designated for funding in an Intended Use Plan promulgated by the Administration in accordance with regulations issued by the EPA pursuant to Title VI, and the Project conforms to the applicable "county plan" adopted pursuant to the requirements of Subtitle 5 of Title 9 of the Environment Article of the Annotated Code of Maryland, as amended.

The Director of the Administration has determined that the making of a loan to the Borrower for the purpose of assisting the financing of the Project, on the terms and conditions hereinafter set forth, is necessary and desirable in the public interest, will promote the health, safety and welfare of the inhabitants of the State and the United States by assisting in the prevention of pollution of the environment, and will further the purposes of Title VI and the Act.

The Act authorizes the Administration, subject to the prior approval of the Secretary of the Department and the Board of Public Works, to issue its revenue bonds for the purpose of providing monies for deposit to the Fund. The Administration may issue and sell one or more series of such revenue bonds (the "Bonds") for the purpose of providing monies for deposit to the Fund in an amount sufficient, together with certain other monies expected to be available for that purpose, to enable the Administration to make, or reimburse the Administration for making, a loan to the Borrower and certain other entities to assist in the financing of projects, all as contemplated by the Administration's Intended Use Plan. The revenues from this loan and such other loans, whether or not funded from the proceeds of Bonds, may be pledged by the Administration to secure Bonds.

NOW THEREFORE, in consideration of the mutual promises and covenants hereinafter set forth and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Borrower and the Administration, each intending to be legally bound, hereby agree as follows:

ARTICLE I

DEFINITIONS

Section 1.01. Definitions. Unless specifically provided otherwise or the context otherwise requires, when used in this Agreement:

"Act" means the Maryland Water Quality Financing Administration Act, Sections 9-1601 through 9-1622 of the Environment Article, Annotated Code of Maryland, and all acts supplemental thereto or amendatory thereof.

"Administration" means the Maryland Water Quality Financing Administration, a unit of the Department of the Environment of the State, and its successors and assigns.

"Administrative Fee" means the fee payable by the Borrower pursuant to this Agreement for the general administrative services and other functions and expenses of the Administration.

"Agreement" means this Loan Agreement, including the Exhibits attached hereto and any amendments hereto.

"Application" means the application for the Loan submitted by the Borrower to the Administration, together with any amendments thereto.

"Authorized Officer" means, in the case of the Borrower, any person authorized by law or by a resolution of the governing body of the Borrower to perform any act or execute any document.

"Board" means the Board of Public Works of the State.

"Bonds" means any series of revenue bonds issued by the Administration under the Act.

"Bond Counsel" means a law firm acceptable to the Administration whose legal opinions are generally accepted by purchasers of municipal bonds.

"Borrower" means the local government (as defined in the Act) that is identified in the first paragraph of this Agreement, and its successors and assigns.

"Business Day" means a day other than a Saturday, Sunday, or day on which the offices of the Administration or commercial banks in the State are authorized or obligated to remain closed.

"Change Orders" means any amendments or modifications to any Plans and Specifications or any general construction contract for the Project.

"Clean Water Act" means the Water Pollution Control Act of 1972, PL 92-500, as amended, 33 U.S.C. §1251 et seq., and rules and regulations promulgated thereunder.

"Code" means the Internal Revenue Code of 1986, as amended from time to time, or any successor federal income tax statute or code, and the applicable regulations and rulings promulgated thereunder.

"Default" means an event or condition the occurrence of which would, with the lapse of time or the giving of notice or both, constitute an Event of Default.

"Department" means the Maryland Department of the Environment, and its successors.

"Director" means the Director of the Administration.

"Eligible Project Costs" means all those costs of the Project permitted by the Act to be funded by a loan from the Fund and which have been approved by the Director.

"EPA" means the United States Environmental Protection Agency, and its successors.

"Event of Default" means any occurrence or event specified in Section 4.01 hereof.

"Fiscal Year" means the period of 12 consecutive months commencing on July 1 in any calendar year and ending on June 30 of the succeeding calendar year.

"Fund" means the Maryland Water Quality Revolving Loan Fund.

"Governmental Authority" means the United States, the State of Maryland, or any of their political subdivisions, agencies, departments, commissions, boards, bureaus or instrumentalities, including any local authority having jurisdiction over the Project, and including EPA, the Department, the Board and the Administration.

"Indenture" means the indenture of trust, bond resolution or other trust agreement between the Administration and the Trustee, providing for the issuance of Bonds, as amended, modified or supplemented from time to time.

"Independent Counsel" means any attorney or attorneys duly admitted to practice law before the highest court of any state who have regularly engaged in the practice of law as their primary occupation for at least five years. Independent Counsel may also serve as Bond Counsel if it qualifies as Bond Counsel.

"Independent Public Accountant" means an individual, partnership or corporation engaged in the accounting profession, either entitled to practice, or having members or officers entitled to practice, as a certified public accountant under the laws of the State of Maryland and in fact independent.

"Loan" means the aggregate amounts which are advanced from time to time by the Administration to the Borrower pursuant to the terms and provisions of this Agreement.

"Loan Closing Date" means the date on which the Note is executed and delivered to the Administration.

"Loan Commitment" means that amount which the Administration is obligated to lend to the Borrower pursuant to the terms and provisions of this Agreement and subject to the satisfaction of the conditions set forth in this Agreement, as such amount may be adjusted as provided in this Agreement.

"Loan Proceeds Questionnaire and Certificate" means the Loan Proceeds Questionnaire and Certificate executed and provided by the Borrower in connection with the Loan, in form and substance satisfactory to the Administration.

"Loan Year" means the period beginning on the first February 1 on which principal of the Loan is payable and each February 1 thereafter and ending on the immediately succeeding January 31.

"Note" means the bond, note or other obligation executed and delivered by the Borrower to the Administration to evidence the Loan, such Note to be substantially in the form attached hereto as Exhibit F.

"Plans and Specifications" means the final plans and specifications for the construction of the Project prepared by the architect or engineer and approved by the Department.

"Project" means the project or projects of the Borrower described in Exhibit B to this Agreement.

"Project Budget" means the budget for the Project as set forth in Exhibit C to this Agreement, as revised in accordance with Section 2.02(d).

"Related Financing" means any bond, note, agreement or other instrument or transaction (other than this Agreement or the Note) pursuant to which the Borrower obtains any monies that may be expended to pay costs of the Project.

"Requirement" means any law, ordinance, code, order, rule or regulation of a Governmental Authority, including, without limitation, a condition set forth in a National Pollution Discharge Elimination System ("NPDES") permit or in a construction permit issued by the Department.

"State" means the State of Maryland.

"Tax-Exempt Bonds" means Bonds the interest on which is excludable from gross income for federal income tax purposes under the Code.

"Trustee" means the trustee for the Bonds.

Section 1.02. Rules of Construction. Unless the context clearly indicates to the contrary, the following rules shall apply to the construction of this Agreement:

(a) words importing the singular number include the plural number and words importing the plural number include the singular number;

(b) words of the masculine gender include correlative words of the feminine and neuter genders;

(c) words importing persons include any individual, corporation, partnership, joint venture, association, joint stock company, trust, unincorporated organization or government or agency or political subdivision thereof;

(d) the terms "agree" and "agreement" shall include and mean "covenant", and all agreements contained in this Agreement are intended to constitute covenants and shall be enforceable as such;

(e) the headings and the Table of Contents set forth in this Agreement are solely for convenience of reference and shall not constitute a part of this Agreement or affect its meaning, construction or effect; and

(f) any reference to a particular Article or Section shall be to such Article or Section of this Agreement unless the context shall otherwise require.

ARTICLE II

REPRESENTATIONS AND COVENANTS OF BORROWER

Section 2.01. Representations of Borrower. The Borrower represents for the benefit of the Administration as follows:

(a) Corporate Organization and Authority. The Borrower:

(i) is a "local government" as defined in the Act; and

(ii) has all requisite power and authority and all necessary licenses and permits required as of the date hereof to own and operate the Project, to enter into this Agreement, to execute and deliver the Note, and to carry out and consummate all transactions contemplated by this Agreement.

(b) Full Disclosure. There is no fact that the Borrower has not disclosed to the Administration in writing that materially adversely affects or (so far as the Borrower can now foresee) that will materially adversely affect the properties, activities, prospects or condition (financial or other) of the Borrower or the ability of the Borrower to make all payments due hereunder and otherwise perform its obligations under this Agreement and the Note.

(c) Pending Litigation. There are no proceedings pending, or to the knowledge of the Borrower threatened, against or affecting the Borrower in any court or before any Governmental Authority or arbitration board or tribunal that, if adversely determined, would materially adversely affect the properties, activities, prospects or condition (financial or other) of the Borrower, or the

ability of the Borrower to make all payments due hereunder and otherwise perform its obligations under this Agreement and the Note, and that have not been disclosed in writing to the Administration in the Application or otherwise.

(d) Borrowing Legal and Authorized. The consummation of the transactions provided for in this Agreement and the Note and compliance by the Borrower with the provisions of this Agreement and the Note:

(i) are within its powers and have been duly authorized by all necessary action on the part of the governing body of the Borrower; and

(ii) will not result in any breach of any of the terms, conditions or provisions of, or constitute a default under, or result in the creation or imposition of any lien, charge or encumbrances upon any property or assets of the Borrower pursuant to, any indenture, loan agreement or other instrument (other than this Agreement and the Note) to which the Borrower is a party or by which the Borrower may be bound, nor will such action result in any violation of the provisions of laws, ordinances, governmental rules, regulations or court orders to which the Borrower or its properties or operations is subject.

(e) No Defaults. No event has occurred and no condition exists that, upon execution of this Agreement and the Note or receipt of the Loan, would constitute a Default hereunder. The Borrower is not in violation, and has not received notice of any claimed violation, of any term of any agreement or other instrument to which it is a party or by which it or its property may be bound, which violation would materially adversely affect the properties, activities, prospects or condition (financial or other) of the Borrower or the ability of the Borrower to make all payments due hereunder and otherwise perform its obligations under this Agreement and the Note, and that have not been disclosed in writing to the Administration in the Application or otherwise.

(f) Governmental Consent; Project Consistency.

(i) The Borrower has obtained all permits and approvals required to date by any Governmental Authority for the making and performance by the Borrower of its obligations under this Agreement and the Note or for the Project and the financing thereof. No consent, approval or authorization of, or filing, registration or qualification with, any Governmental Authority that has not been obtained is required on the part of the Borrower as a condition to the execution and delivery of this Agreement and the Note or the consummation of any transaction herein contemplated.

(ii) The Project is consistent with (A) the local plan of the Borrower as contemplated under Section 5-7A-02 of the State Finance and Procurement Article of

the Annotated Code of Maryland, as amended; (B) the State Economic Growth, Resource Protection, and Planning Policy established in Section 5-7A-01 of the State Finance and Procurement Article of the Annotated Code of Maryland, as amended; and (C) all applicable provisions of *Subtitle 7B; "Priority Funding Areas"* of Title 5 of the State Finance and Procurement Article of the Annotated Code of Maryland, as amended.

(g) No Conflicts. No member, officer, or employee of the Borrower, or its designees, or agents, no consultant, no member of the governing body of the Borrower or of any Governmental Authority, who exercises or has exercised any authority over the Project during such person's tenure, shall have any interest, direct or indirect, in any contract or subcontract, or its proceeds, in any activity, or benefit therefrom, which is part of the Project.

(h) Use of Proceeds. The Borrower will apply the proceeds of the Loan from the Administration as described in Exhibit B attached hereto and made a part hereof (i) to finance all or a portion of the Eligible Project Costs; and (ii) to reimburse the Borrower for all or a portion of the Eligible Project Costs paid or incurred prior to the date hereof in anticipation of reimbursement by the Administration (and subject to compliance with Section 2.02(l) of this Agreement). Except as provided in Sections 3.01 and 3.03(c) of this Agreement, before each and every advance of the proceeds of the Loan to the Borrower, the Borrower shall submit to the Administration a requisition meeting the requirements of Section 3.03 of this Agreement.

(i) Loan Closing Submissions. On or before the Loan Closing Date, the Borrower will cause to be delivered to the Administration each of the following items:

(i) an opinion of Independent Counsel, acceptable to the Administration, dated as of the Loan Closing Date, substantially in the form set forth in Exhibit D to this Agreement;

(ii) an opinion of Bond Counsel [who may rely, as to the validity of this Agreement and the Note, on the opinion of Independent Counsel referred to in (i)], dated as of the Loan Closing Date, and acceptable to the Administration, to the effect that (A) interest on the Loan and the Note will be excludable from gross income for purposes of federal income taxation and (B) interest on the Loan and the Note will not be included in the alternative minimum taxable income of individuals, corporations or other taxpayers as an enumerated item of tax preference or other specific adjustment;

(iii) fully executed counterparts of this Agreement, the Note and the Loan Proceeds Questionnaire and Certificate;

(iv) copies of the ordinance, resolution or other official action of the governing body of the Borrower authorizing the execution and delivery of this Agreement and the Note, certified by an appropriate officer of the Borrower;

(v) a certificate, dated as of the Loan Closing Date, signed by an Authorized Officer of the Borrower and in form satisfactory to the Administration, confirming the Borrower's obligations under and representations in the Loan Agreement and the Loan Proceeds Questionnaire and Certificate as of such date;

(vi) a requisition in an amount not less than the lesser of 5% of the Loan Commitment or \$50,000 for (i) reimbursement to the Borrower of Eligible Project Costs together with paid invoices supporting such reimbursement or (ii) payment to third-parties of currently due and payable invoices for Eligible Project Costs or (iii) a combination of (i) and (ii); and

(vii) such other certificates, documents, opinions and information as the Administration may require.

Section 2.02. Particular Covenants of the Borrower.

(a) Maintenance of Project; Insurance. The Borrower shall (i) keep, operate and maintain, or cause to be kept, operated and maintained, the Project in good working order, condition and repair; (ii) make or cause to be made all needed and proper replacements to the Project so that the Project will at all times be in good operating condition, fit and proper for the purposes for which it was originally erected or installed; (iii) not permit any waste of the Project; (iv) observe and comply with, or cause to be observed and complied with, all Requirements; and (v) operate, or cause to be operated, the Project in the manner in which similar projects are operated by persons operating a first-class facility of a similar nature. The Borrower shall maintain or cause to be maintained at its sole cost and expense insurance with respect to the Project, both during its construction and thereafter, against such casualties and contingencies and in such amounts as are customarily maintained by governmental entities similarly situated and as are consistent with sound governmental practice.

(b) Sale or Disposition of Project. The Borrower reasonably expects that no portion of the Project will be sold prior to the final maturity date of the Loan. In the event that the Borrower shall sell or otherwise dispose of any portion of the Project prior to the final maturity date of the Loan, the Borrower shall apply the net proceeds thereof to the prepayment of the Loan or as the Administration shall otherwise direct unless (i) the Borrower shall have obtained the prior written consent of the Administration to some other proposed application of such net proceeds and (ii) there shall have been delivered to the Administration an opinion of Bond Counsel to the effect that, in the opinion of such firm, such proposed application of such net proceeds will not adversely affect the

tax-exempt status for federal income tax purposes of the interest on any Tax-Exempt Bonds applicable to the Project or the Note.

(c) Inspections; Information. The Borrower shall permit the Administration or its designee to examine, visit and inspect, at any and all reasonable times (including, without limitation, any time during which the Project is under construction or in operation), the property constituting the Project, to attend all construction progress meetings relating to the Project and to inspect and make copies of any accounts, books and records, including (without limitation) its records regarding receipts, disbursements, contracts, investments and any other matters relating to the Project and the financing thereof, and shall supply such reports and information as the Administration may reasonably require in connection therewith. Without limiting the generality of the foregoing, the Borrower shall keep and maintain any books, records, and other documents that may be required under applicable federal and State statutes, regulations, guidelines, rules and procedures now or hereafter applicable to loans made by the Administration from the Fund, and as may be reasonably necessary to reflect and disclose fully the amount and disposition of the Loan, the total cost of the activities paid for, in whole or in part, with the proceeds of the Loan, and the amount and nature of all investments related to such activities which are supplied or to be supplied by other sources. All such books, records and other documents shall be maintained at the offices of the Borrower, as specified on Exhibit B attached hereto, for inspection, copying, audit and examination at all reasonable times by any duly authorized representative of the Administration. All such books, records and other documents shall be maintained until the completion of an audit of the Project by the EPA or notification from the State or the EPA that no audit is required.

(d) Completion of the Project; Payment of Excess Costs of the Project. The Borrower shall proceed diligently to complete the Project in accordance with the Plans and Specifications, and in accordance with any requirements set forth in the construction and NPDES permits. The Borrower shall satisfy all applicable Requirements for operation of the Project by the completion of the Project, and shall commence operation of the Project promptly upon its completion. No substantial changes may be made to the Plans and Specifications, the general construction contract or the Project Budget, or in the construction of the Project without the prior written approval of the Administration in its discretion. The Borrower shall pay any amount required for the acquisition, construction and equipping of the Project in excess of the amount available to be loaned to the Borrower hereunder. Upon the completion of the Project, the Borrower shall deliver to the Administration a certificate of the Borrower certifying that the Project was completed as of the date set forth in such certificate.

(e) Cancellation of Loan. As provided by Section 9-1606(e) of the Act, the Borrower acknowledges and agrees that its obligation to make the payments due hereunder and under the Note is cancelable only upon repayment in full of the Loan, and that neither the Administration, the Secretary of the Department, nor the Board is authorized to forgive the repayment of all or any portion of the Loan.

(f) Dedicated Source of Revenue. Pursuant to the Clean Water Act, the Borrower has established one or more dedicated sources of revenue for repayment of the Loan, as described in Exhibit E attached hereto as a part hereof.

(g) Indemnification. To the extent permitted by law, the Borrower releases the Administration, the Fund, the Department, the Board and the State from, agrees that the Administration, the Fund, the Department, the Board and the State shall not have any liability for, and agrees to protect, indemnify and save harmless the Administration, the Fund, the Department, the Board and the State from and against, any and all liabilities, suits, actions, claims, demands, losses, expenses and costs of every kind and nature incurred by, or asserted or imposed against, the Administration, the Fund, the Department, the Board or the State, as a result of or in connection with the Project or the financing thereof. To the extent permitted by law, all money expended by the Administration, the Fund, the Department, the Board or the State as a result of such liabilities, suits, actions, claims, demands, losses, expenses or costs, together with interest at the rate provided in the Note from the date of such payment, shall constitute an additional indebtedness of the Borrower and shall be immediately and without notice due and payable by the Borrower to the Administration.

(h) Non-discrimination. The Borrower certifies that it does not discriminate, and covenants that it shall not discriminate, on the basis of (1) political or religious opinion or affiliation, marital status, race, color, creed or national origin, or (2) sex or age, except where sex or age constitutes a bona fide occupational qualification, or (3) the physical or mental handicap of a qualified handicapped individual. At such times as the Administration requests, the Borrower shall submit to the Administration information relating to the Borrower's operations, with regard to political or religious opinion or affiliation, marital status, physical or mental handicap, race, color, creed, sex, age, or national origin, on a form to be prescribed by the Administration.

(i) Compliance with Requirements. The Borrower acknowledges that the Loan and this Agreement are subject to, and the Borrower agrees to comply with, all Requirements applicable to the Project and the financing thereof, including (without limiting the generality of the foregoing) the Clean Water Act, the Act, and all other applicable State and federal statutes and such rules, regulations, orders and procedural guidelines as may be promulgated from time to time by the EPA, the Board, the Department, the Administration, or other Governmental Authority.

(j) Annual Audit. Within 150 days of the end of each Fiscal Year, the Borrower shall cause financial statements of the Borrower to be prepared with respect to such Fiscal Year in accordance with generally accepted accounting principles, applicable to governmental units, consistently applied, which financial statements shall be audited by, and accompanied by a report of, an Independent Public Accountant. Such financial statements and report shall be delivered upon completion to the Administration.

(k) Bonds Not to Be Arbitrage Bonds. The Administration expects to deliver on each date of issuance of each series of Tax-Exempt Bonds a certificate (such certificate, as it may be

amended and supplemented from time to time in accordance with the Indenture, being referred to herein as the "Section 148 Certificate") that complies with the requirements of Section 148 of the Code or applicable successor provisions ("Section 148") and that states the Administration's reasonable expectations as to relevant facts, estimates and circumstances relating to the use of the proceeds of such Tax-Exempt Bonds or of any monies, securities or other obligations on deposit to the credit of any of the funds and accounts created by the Indenture or this Agreement or otherwise that may be deemed to be proceeds of the Tax-Exempt Bonds within the meaning of Section 148 (collectively, "Bond Proceeds"). The Borrower covenants to provide, or cause to be provided, such facts and estimates as the Administration reasonably considers necessary to enable it to execute and deliver its Section 148 Certificate including (but not limited to) those updates required in the Loan Proceeds Questionnaire and Certificate. The Borrower further covenants that (i) such facts and estimates will be based on its reasonable expectations on the date of issuance of the Tax-Exempt Bonds and will be, to the best of the knowledge of the officers of the Borrower providing such facts and estimates, true, correct and complete as of that date, and (ii) the Borrower will make reasonable inquiries to ensure such truth, correctness and completeness.

The Borrower covenants 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 any of the Tax-Exempt Bonds to be "arbitrage bonds" within the meaning of Section 148. The Borrower further covenants that it will comply with those provisions of Section 148 that are applicable to the Tax-Exempt Bonds on the date of issuance of such Tax-Exempt Bonds and with those provisions of Section 148 that may subsequently be lawfully made applicable to such Bonds.

The Administration and the Borrower shall hold and invest Bond Proceeds within their control (if such proceeds are invested) in accordance with the expectations of the Administration set forth in the Section 148 Certificate. If the Administration is of the opinion upon receipt of advice of Bond Counsel that it is necessary further to restrict or limit the yield on the investment of any Bond Proceeds in order to avoid any of the Tax-Exempt Bonds being considered "arbitrage bonds" within the meaning of Section 148, the Borrower shall take such action as is necessary to restrict or limit the yield on such investment, irrespective of whether the Borrower is of the same or a different opinion. Upon the request of the Borrower and receipt of advice of Bond Counsel the Administration may, and upon receipt of an approving ruling from the Internal Revenue Service or a decision of a court of competent jurisdiction the Administration shall, take such action as is necessary to remove or modify a restriction or limitation on the yield on the investment of any Bond Proceeds that was formerly deemed necessary. The Administration shall incur no liability in connection with action as contemplated herein so long as the Administration acts in good faith.

The Administration contemplates and will use its best efforts to provide for the payment of rebate or penalties in lieu of rebate with respect to the Tax-Exempt Bonds pursuant to Section 148 from the proceeds of the Tax-Exempt Bonds or investment earnings thereon. However, in the event that funds from this source are inadequate to provide for any such payment of rebate or such penalties, the Borrower agrees to pay to the Administration the portion of the rebate or penalties

with respect to any Tax-Exempt Bonds fairly allocable to the Loan (as reasonably determined by the Administration) upon written request of the Administration accompanied by an explanation of the method for allocating any such penalties or rebate.

In addition, the Borrower covenants that it will not make, or (to the extent that it exercises control or direction) permit to be made, any use of the monies deemed to be proceeds of any other Tax-Exempt Bonds of the Administration that would cause any such Tax-Exempt Bonds to be "arbitrage bonds" within the meaning of Section 148. The Borrower further covenants that it will comply with those provisions of Section 148 that are applicable to such other Tax-Exempt Bonds on the date of issuance of such Tax-Exempt Bonds and with those provisions of Section 148 that may subsequently be lawfully made applicable to such Tax-Exempt Bonds. The Borrower shall have no obligation under this paragraph unless advised of such in writing by the Administration.

(l) Compliance With Loan Proceeds Questionnaire and Certificate. Without otherwise limiting the covenants or representations set forth in this Agreement or in the Loan Proceeds Questionnaire and Certificate, the representations set forth in Paragraphs 3 through 9, inclusive, and Paragraphs 11 through 14, inclusive, of the Loan Proceeds Questionnaire and Certificate are hereby incorporated as continuing representations of the Borrower, except to the extent that the Administration shall receive an opinion from Bond Counsel to the effect that any variation from such representations shall not adversely affect the excludability of interest on any Tax-Exempt Bonds from gross income for federal income tax purposes. The Borrower shall not take or permit to be taken any action or actions which would cause any Tax-Exempt Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or which would otherwise cause interest on any Tax-Exempt Bonds to be includable in gross income for federal income tax purposes.

(m) Additional Disclosure Information. The Borrower agrees to provide the Administration with such information regarding the Borrower and its finances as the Administration may from time to time request. The Borrower further acknowledges that the Administration may issue one or more series of Bonds pursuant to the Indenture, and that any or all of such Bonds may be secured in part by repayments of the Borrower with respect to the Loan. The Borrower accordingly agrees to provide to the Administration such information regarding the Borrower and its finances as the Administration may from time to time request for inclusion in the official statements or other offering documents to be distributed in connection with the sale of any such Bonds or any annual disclosure document or other informational document prepared from time to time by the Administration to be made available to prospective purchasers or holders of any of such Bonds. The Borrower shall also furnish to the Administration at its request a certificate of an Authorized Officer of the Borrower to the effect that any information so provided or included contains no material inaccuracy or omission in light of the purposes for which such information is provided or included. The Borrower agrees to notify the Administration promptly in writing of (a) any changes in the condition or affairs of the Borrower (financial or other) that would cause any information regarding the Borrower so provided or included in an official statement or any subsequent offering document, annual disclosure document or other informational document of the Administration that the

Borrower has had an opportunity to review and certify as to its accuracy, to contain a material inaccuracy or omission in light of the purposes for which such information is so included, and (b) any event set forth in Securities and Exchange Commission Rule 15c2-12(b)(5)(i)(C), as such rule may be amended and supplemented.

(n) Related Financing. The Borrower agrees that the proceeds of any Related Financing shall be expended to pay costs of the Project on a monthly basis proportionately with the proceeds of the Loan, taking into account the total amount of the proceeds of such Related Financing available to pay costs of the Project and the maximum amount of the Loan Commitment. The Borrower agrees to provide the Administration upon its request with such information as the Administration deems reasonably necessary to determine whether the Borrower is in compliance with the provisions of this Section 2.02(n).

ARTICLE III

LOAN TO BORROWER; AMOUNTS PAYABLE; GENERAL AGREEMENTS

Section 3.01. The Loan. Subject to the provisions of Sections 3.02, 3.03 and 3.08 hereof, the Administration hereby agrees to advance amounts under this Agreement to the Borrower, and the Borrower agrees to borrow and accept from the Administration amounts advanced under this Agreement, in an aggregate principal amount not to exceed the maximum amount of the Loan Commitment set forth on Exhibit B attached hereto.

Section 3.02. Availability of Funds. The Administration expects to have, and shall use its best efforts to obtain and maintain, funds in an amount sufficient to make advances to the Borrower in accordance with the "Construction Cash Draw Schedule" included in Exhibit C attached hereto. The Borrower recognizes, however, that the Administration is a governmental entity with limited financial resources and that the Administration's ability to make such advances may be adversely affected by events or circumstances beyond the Administration's control. The Borrower accordingly assumes the risk that monies may not be available to make advances of the Loan to the Borrower, and, in such event, the Borrower specifically agrees that the Administration shall have no obligation to lend any amounts to the Borrower in excess of the amount theretofore advanced to the Borrower.

Section 3.03. (a) Requisitions and Disbursements. Amounts shall be loaned from time to time to pay, or reimburse the Borrower for the payment of, Eligible Project Costs, upon receipt of requisitions of the Borrower. Each such requisition shall (i) state the names of the payees, (ii) describe in reasonable detail the purpose of each payment, (iii) state the amount of each payment (supported by appropriate paid invoices or other evidence satisfactory to the Administration that the amount requisitioned has been paid or has been incurred by the Borrower and is then due), (iv) state

that the amount so requisitioned constitutes a part of the Eligible Project Costs and (v) state that no Default or Event of Default under this Agreement has occurred and is continuing; provided, that this section shall not apply to advances made or deemed to have been made as provided in Section 3.03(c) hereof. In no event shall the Administration be obligated to advance to the Borrower any amount so long as any Default or Event of Default under this Agreement shall have occurred and be continuing. The Administration shall not be required to advance monies on more than one day in each month, and the Administration shall not be required to advance monies for the Project sooner than, or in an amount greater than, the schedule of disbursements for the Project shown on the "Construction Cash Draw Schedule" included in Exhibit C attached hereto. The Administration may require the Borrower to submit requisitions in advance of each such disbursement date in such manner as shall be reasonably acceptable to the Administration.

(b) Conditions Precedent. Before making the first advance of Loan proceeds, the Administration shall receive the following in form and content satisfactory to the Administration:

(i) copies of the Plans and Specifications and of any Change Orders issued through the date of such advance, the general construction contract, and the Project Budget;

(ii) a survey showing the location of existing and proposed easements, rights-of-way and improvements, and the perimeter boundaries of the land upon which the Project will be located, if any Loan proceeds are to be used for acquisition of the land;

(iii) copies of all building permits, if any, pertaining to the Project;

(iv) cost breakdown in trade form showing all subcontracts which represent at least 10 percent of the costs of the Project, and indicating use of the proceeds of the Loan therefor;

(v) a fully executed copy of any contract for the purchase of real property constituting a portion of the Eligible Project Costs described in Exhibit C; and

(vi) evidence satisfactory to the Administration that the conditions (if any) set forth in Exhibit A to this Agreement have been satisfied.

In addition, it shall be a condition precedent to the Administration's obligation to make any advance of Loan proceeds under this Agreement that no Default or Event of Default shall have occurred and be continuing at the time of any such advance.

(c) Interest During Construction. In the event that the Administration has consented to permit the Borrower to pay interest on the Loan from proceeds of the Loan during all or

a portion of the period of time related to construction of the Project (as itemized in Exhibit C) ("Construction Period Interest"), the Administration shall on each February 1 and August 1 during such period advance to the Borrower an amount equal to the interest on the Loan due on such February 1 or August 1 and not theretofore paid by the Borrower. Any such amount of Construction Period Interest advanced by the Administration shall constitute part of the principal amount of the Loan hereunder immediately upon its advance to the Borrower in accordance with this paragraph. Notwithstanding the advance of any Construction Period Interest to the Borrower in accordance with this Section, the Borrower shall pay directly to the Administration the Administrative Fee on the dates and in the amounts set forth in Section 3.04(c), and no amounts shall be advanced under the Loan for the payment of the Administrative Fee.

Section 3.04. (a) Amounts Payable. The Borrower shall punctually repay the Loan in installments on the dates, in the amounts, and in the manner specified in the Note. The outstanding amount of the Loan shall bear interest at a rate per annum equal to the rate or rates of interest set forth in Exhibit B, and shall be payable in accordance with the amortization schedule as specified in Exhibit B attached hereto and more particularly set out in the Note (which amortization schedule is subject to adjustment in accordance with this Agreement and the Note). On or prior to the Loan Closing Date, the Borrower shall execute the Note to evidence such obligation. In addition, the Borrower shall pay to the Administration an Administrative Fee in accordance with paragraph (c) of this Section.

(b) Late Charges. In addition to the payments of principal and interest on the Loan required by paragraph (a) of this Section, the Borrower shall pay (i) a late charge for any payment of principal or interest on the Loan that is received later than the tenth day following its due date, in an amount equal to 5% of such payment, and (ii) interest on overdue installments of principal and (to the extent permitted by law) interest at a rate equal to the Default Rate set forth in Exhibit B.

(c) Administrative Fee. (i) On the date specified in Exhibit B for the first payment of the Administrative Fee and on each August 1 thereafter that the Note remains outstanding and unpaid to and including the date of final maturity of the Note (each such date, an "Administrative Fee Payment Date"), the Borrower shall pay to the Administration an Administrative Fee. Subject to paragraph (iii) below, the Administrative Fee for any Administrative Fee Payment Date shall be the (A) Administrative Fee set forth in Exhibit B or (B) after any date on which the outstanding principal amount of the Loan Commitment is reduced by the Administration by a notice in writing to the Borrower in accordance with this Agreement (other than by reason of the repayment of the principal of the Loan) the Administrative Fee set forth in a notice from the Administration to the Borrower in connection with such reduction. Any adjustment of the Administrative Fee in accordance with the foregoing shall be prospective only, and the Administration shall in no event be obligated to refund any portion of any Administrative Fee payment theretofore received from the Borrower.

(ii) In prescribing the Administrative Fee for purposes of paragraph (i) above, the Administration shall employ the following formula, it being understood that any determinations as to the application of such formula shall be within the discretion of the Administration and any Administrative Fee Payment prescribed by the Administration in accordance with the foregoing shall be conclusive and binding upon the Administration and the Borrower: the Administrative Fee equals (A) the aggregate amount of all scheduled payments of principal of and interest on the Note, multiplied by the Percentage Rate (defined in paragraph (iii) below) then in effect, (B) divided by the total number of scheduled Administrative Fee Payment Dates. For example, if the aggregate amount of all scheduled payments of principal of and interest on the Note were \$5,000,000 and the Percentage Rate were 5%, and the total number of scheduled Administrative Fee Payment Dates were 21, the Administrative Fee would equal:

$$\frac{\$5,000,000 \times .05}{21} = \$11,904.76$$

(iii) The Percentage Rate for each Fiscal Year shall be fixed as a uniform rate for all borrowers receiving loans from the Fund in order to provide sufficient revenues to pay the expenses of the Administration, as approved in the operating budget of the State by the General Assembly of the State; provided, however, that in no event shall the Percentage Rate exceed five percent (5%). In each Fiscal Year the Administration shall review the Percentage Rate then in effect and adjust it for the immediately succeeding Fiscal Year to reflect its approved budget for the immediately succeeding Fiscal Year, a retainage of not more than ten percent (10%) for an operating reserve within the Administration's general account, and other factors as reasonably determined by the Secretary. No later than June 1 following the end of the Session of the General Assembly in each Fiscal Year, the Administration shall notify the Borrower of the newly established Percentage Rate, which shall be the Percentage Rate applicable to the immediately succeeding Fiscal Year, and of any change in the amount of the Administrative Fee payable by the Borrower in such Fiscal Year as a result of the application of such Percentage Rate.

Section 3.05. Sources of Payment. (a) Dedicated Revenues. In accordance with Section 2.02(f) hereof, the principal of and interest on the Note, and any other amounts due from time to time under this Agreement, shall be payable in the first instance from the dedicated source of revenues described in Exhibit E attached hereto.

(b) General Obligation. In addition, the Note constitutes a general obligation of the Borrower, to the payment of which the full faith and credit and taxing power of the Borrower are pledged.

(c) State Withholding. As further security for the payment of the Note and any other amounts due hereunder, the Borrower hereby pledges the following to the Administration and grants a security interest therein to the Administration: (i) as authorized by Section 9-1606(d) of the Act, the Borrower's share of any and all income tax revenues collected by the State from time to time

that would otherwise be payable to the Borrower, and (ii) to the maximum extent permitted by law, any and all other tax revenues, grants, and other monies that the Borrower is or may from time to time be entitled to receive from the State or that may at any time be due from the State, or any department, agency, or instrumentality of the State, to the Borrower. The Borrower further agrees that, upon the occurrence of an Event of Default, among other things, the State Comptroller and the State Treasurer may (i) withhold any such amounts that the Borrower is then or may thereafter be entitled to receive and (ii) at the direction of the Administration, apply the amounts so withheld to the payment of any amounts then due or thereafter becoming due hereunder (including, without limitation, payments under the Note) until the Borrower's obligations hereunder have been fully paid and discharged.

Section 3.06. Unconditional Obligations. The obligations of the Borrower to make payments under the Note as and when due and all other payments required hereunder and to perform and observe the other agreements on its part contained herein shall be absolute and unconditional, and shall not be abated, rebated, set-off, reduced, abrogated, terminated, waived, diminished, postponed or otherwise modified in any manner or to any extent whatsoever, regardless of any contingency, act of God, event or cause whatsoever, including (without limitation) any acts or circumstances that may constitute failure of consideration, eviction or constructive eviction, the taking by eminent domain or destruction of or damage to the Project, commercial frustration of purpose, any change in the laws of the United States of America or of the State or any political subdivision of either or in the rules or regulations of any Governmental Authority, any failure of the Administration, the Department or the State to perform or observe any agreement, whether express or implied, or any duty, liability or obligation arising out of or connected with the Project, this Agreement, or otherwise or any rights of set-off, recoupment, abatement or counterclaim that the Borrower might otherwise have against the Administration, the Department or the State or any other party or parties; provided, however, that payments hereunder shall not constitute a waiver of any such rights.

Section 3.07. Loan Commitment. The Borrower acknowledges and agrees that the monies attributable to the Borrower's Loan Commitment are the property of the Administration and are held by the Administration to provide for advances to be made to the Borrower in accordance with this Agreement. Without limiting the foregoing, the Borrower acknowledges and agrees that monies attributable to the Borrower's Loan Commitment may at the discretion of the Administration be pledged or applied to the payment of Bonds.

Section 3.08. Reduction of Loan Commitment. The Loan Commitment is subject to reduction in accordance with the provisions of this Section 3.08.

(a) Any portion of the Loan Commitment not advanced to the Borrower under Section 3.03 of this Agreement at the later of (1) two years from the date of this Agreement and (2) the earlier of one year following (i) actual completion of construction of the Project or (ii) the estimated completion date specified on Exhibit B attached hereto, shall no longer be available to be

advanced to the Borrower and the amount of the Loan Commitment shall be reduced by an amount equal to the portion of the Loan Commitment not advanced, unless otherwise agreed to by the Administration in writing.

(b) The Administration may, by a notice in writing delivered to the Borrower, reduce the amount of the Loan Commitment if the Administration should for any reason determine that it will be unable to fund the full amount of the Loan Commitment (including, without limitation, a determination that the Eligible Project Costs to be paid with proceeds of the Loan are expected to be less than the maximum amount of the Loan Commitment), or if it determines that the Borrower is not proceeding satisfactorily and expeditiously with the Project in accordance with schedules and plans provided to the Administration, or if it determines that the Borrower is no longer able to make the certifications required under Section 3.03 in connection with the submission of requisitions. Such notice shall specify the reason for and the amount of the reduction.

(c) Any reduction in the amount of the Loan Commitment shall not affect the obligation of the Borrower to repay the Loan in accordance with the provisions of this Agreement and the Note.

(d) The Administration shall advise the Borrower in writing of any reduction in the amount of the Loan Commitment. In the event of any such reduction, the Borrower shall repay the Loan in accordance with such revised principal amortization schedule (prepared by applying such amount to reduce the installments of principal due under the Note in inverse order of payment, such that any such reduction is applied first to the last installment of principal due under the Note) as may be prescribed by the Administration in accordance with the provisions of the Note executed in connection therewith. The Administration may require, and the Borrower shall deliver, such certificates, documents, opinions and other evidence as the Administration may deem necessary or advisable in connection with any such reduction in the Loan Commitment. If a new Note is delivered in connection with any such reduction, the Administration shall cancel the Note initially delivered to the Administration by the Borrower pursuant to this Agreement.

Section 3.09. Disclaimer of Warranties. The Administration makes no warranty or representation, either express or implied, as to the value, design, condition, merchantability or fitness for particular purpose or fitness for use of the Project or any portion thereof or any other warranty with respect thereto. In no event shall the Administration be liable for any incidental, indirect, special or consequential damages in connection with or arising out of this Agreement or the Project or the existence, furnishing, functioning or use of the Project or any item or products or services provided for in this Agreement.

Section 3.10. Prepayments. The Loan shall be subject to mandatory prepayment, in whole or in part, as, when and to the extent required by the EPA's State Revolving Fund Program Regulations. Otherwise, the Loan may be prepaid by the Borrower, in whole or in part, only at such

times and in such amounts, and upon the payment by the Borrower of such prepayment premium or penalty, as the Director, in his or her discretion, may specify and approve.

Section 3.11. Assignment. Neither this Agreement nor the Note may be assigned by the Borrower for any reason without the prior written consent of the Administration. The Administration may transfer, pledge or assign the Note and any or all rights or interests of the Administration under this Agreement without the prior consent of the Borrower.

ARTICLE IV

EVENTS OF DEFAULT AND REMEDIES

Section 4.01. Events of Default. If any of the following events occur, it is hereby defined as and declared to be and to constitute an "Event of Default":

(a) failure by the Borrower to pay any amount required to be paid hereunder or under the Note when due, which failure shall continue for a period of 20 days;

(b) failure by the Borrower to observe and perform any covenant, condition or agreement on its part to be observed or performed under this Agreement, other than as referred to in paragraph (a) of this Section, which failure shall continue for a period of 30 days after written notice, specifying such failure and requesting that it be remedied, is given to the Borrower by the Administration, unless the Administration shall agree in writing to an extension of such time prior to its expiration; provided, however, that if the failure stated in such notice is correctable but cannot be corrected within the applicable period, the Administration will not unreasonably withhold its consent to an extension of such time if corrective action is instituted by the Borrower within the applicable period and diligently pursued until the Default is corrected;

(c) if (i) at any time any representation made by the Borrower in Section 2.01(f)(ii) is incorrect, or (ii) any other representation made by or on behalf of the Borrower contained in this Agreement, or in any instrument furnished in compliance with or with reference to this Agreement, the Loan Commitment or the Loan, is false or misleading in any material respect on the date on which such representation is made;

(d) if an order, judgment or decree is entered by a court of competent jurisdiction (i) appointing a receiver, trustee, or liquidator for the Borrower; (ii) granting relief in involuntary proceedings with respect to the Borrower under the federal bankruptcy act, or (iii) assuming custody or control of the Borrower under the provision of any law for the relief of debtors, and the order, judgment or decree is not set aside or stayed within 60 days from the date of entry of the order, judgment or decree; or

(e) if the Borrower (i) admits in writing its inability to pay its debts generally as they become due, (ii) commences voluntary proceedings in bankruptcy or seeking a composition of indebtedness, (iii) makes an assignment for the benefit of its creditors, (iv) consents to the appointment of a receiver, or (v) consents to the assumption of custody or control of the Borrower by any court of competent jurisdiction under any law for the relief of debtors .

Section 4.02. Notice of Default. The Borrower shall give the Administration prompt telephonic notice, followed by prompt written confirmation, of the occurrence of any event referred to in Section 4.01(d) or (e) hereof and of the occurrence of any other event or condition that constitutes a Default or an Event of Default at such time as any senior administrative or financial officer of the Borrower becomes aware of the existence thereof.

Section 4.03. Remedies on Default. Whenever any Event of Default referred to in Section 4.01 hereof shall have happened and be continuing, the Administration shall have the right to take one or more of the following remedial steps:

(a) declare all amounts due hereunder (including, without limitation, payments under the Note) to be immediately due and payable, and upon notice to the Borrower the same shall become immediately due and payable by the Borrower without further notice or demand; and

(b) take whatever other action at law or in equity that may appear necessary or desirable to collect the amounts then due and thereafter to become due hereunder or to enforce the performance and observance of any obligation, agreement or covenant of the Borrower hereunder.

Section 4.04. Attorneys' Fees and Other Expenses. The Borrower shall on demand pay to the Administration the reasonable fees and expenses of attorneys and the Trustee and other reasonable expenses incurred in the collection of any sum due hereunder or in the enforcement of performance of any other obligations of the Borrower upon an Event of Default.

Section 4.05. Application of Monies. Any monies collected by the Administration pursuant to Section 4.03 hereof shall be applied (a) first, to pay any attorneys' fees or other fees and expenses owed by the Borrower pursuant to Section 4.04 hereof, (b) second, to pay interest due on the Loan, (c) third, to pay principal due on the Loan, (d) fourth, to pay any other amounts due hereunder, and (e) fifth, to pay interest and principal on the Loan and other amounts payable hereunder as such amounts become due and payable.

Section 4.06. No Remedy Exclusive; Waiver; Notice. No remedy herein conferred upon or reserved to the Administration is intended to be exclusive and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity. No delay or omission to exercise any right, remedy or power accruing upon any Default or Event of Default shall impair any such right, remedy or power or shall be construed to be a waiver thereof, but any such right, remedy or power may be exercised from time

to time and as often as may be deemed expedient. In order to entitle the Administration to exercise any remedy reserved to it in this Article, it shall not be necessary to give any notice, other than such notice as may be required in this Article.

ARTICLE V

MISCELLANEOUS

Section 5.01. Notices. All amendments, notices, requests, objections, waivers, rejections, agreements, approvals, disclosures and consents of any kind made pursuant to this Agreement shall be in writing. Any such communication shall be sufficiently given and shall be deemed given when hand delivered or mailed by registered or certified mail, postage prepaid, to the Borrower at the address specified on Exhibit B attached hereto and to the Administration at Maryland Water Quality Financing Administration, 2500 Broening Highway, Baltimore, Maryland 21224, Attention: Director.

Section 5.02. Binding Effect. This Agreement shall inure to the benefit of and shall be binding upon the Administration and the Borrower and their respective successors and assigns.

Section 5.03. Severability. In the event any provision of this Agreement shall be held illegal, invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate, render unenforceable or otherwise affect any other provision hereof.

Section 5.04. Execution in Counterparts. This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Section 5.05. Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Maryland.

Section 5.06. Captions. The captions or headings in this Agreement are for convenience only and shall not in any way define, limit or describe the scope or intent of any provisions or sections of this Agreement.

Section 5.07. Further Assurances. The Borrower shall, at the request of the Administration, execute, acknowledge and deliver such further resolutions, conveyances, transfers, assurances, financing statements, certificates and other instruments as may be necessary or desirable for better assuring, conveying, granting, assigning and confirming the rights, security interests and agreements granted or intended to be granted by this Agreement and the Note.

Section 5.08. Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes all prior oral and written agreements between the parties hereto with respect to the Loan. In the event of any inconsistency between the provisions of this Agreement and anything contained in the Application, the provisions of this Agreement shall prevail.

Section 5.09. Amendment of this Agreement. This Agreement, or any part hereof, may be amended from time to time hereafter only if and to the extent permitted by the Indenture and by an instrument in writing jointly executed by the Administration and the Borrower.

Section 5.10. Disclaimer of Relationships. The Borrower acknowledges that the obligation of the Administration is limited to making the Loan in the manner and on the terms set forth in this Agreement. Nothing in this Agreement nor any act of either the Administration or of the Borrower shall be deemed or construed by either of them, or by third persons, to create any relationship of third-party beneficiary, principal and agent, limited or general partnership, or joint venture, or of any association or relationship whatsoever involving the Borrower and the Administration.

Section 5.11. Effective Date. The effective date of this Agreement shall be the date of the Administration's execution.

Section 5.12. Term of this Agreement. Unless sooner terminated pursuant to Article IV of this Agreement, or by the mutual consent of the Borrower and the Administration, this Agreement shall continue and remain in full force and effect until the Loan, together with interest and all other sums due and owing in connection with this Agreement or the Loan, have been paid in full to the satisfaction of the Administration. Upon payment in full of the Loan together with interest and all other sums due and owing in connection with this Agreement or the Loan from any source whatsoever, this Agreement shall be terminated.

Section 5.13. Delegation Not to Relieve Obligations. The delegation by the Borrower of the planning, construction or carrying out of the Project shall not relieve the Borrower of any obligations under this Agreement and any other documents executed in connection with the Loan.

Section 5.14. Additional Terms. This Agreement shall also be subject to the additional terms, if any, set forth in Exhibit A hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and delivered as of the day and year first above written.

WITNESS:

MARYLAND WATER QUALITY FINANCING
ADMINISTRATION

Stephen M. Kraus
Director

ATTEST:

BORROWER: _____

Name:
Title:

By: _____ (SEAL)
Name:
Title:

Approved for form and legal sufficiency

Approved for form and legal sufficiency

this ____ day of _____, 2001

this ____ day of _____, 2001

Local Attorney for
Borrower

David R. Burke
Assistant Attorney General



Borrower Name: St. Mary's County Metropolitan Commission
Address: 43990 Commerce Avenue
Hollywood, MD 20636
Attention: Mr. Steven King, Director
Project Name: Leonardtown WWTP/BNR Upgrade and Expansion Project

CONDITIONS TO INITIAL ADVANCE UNDER SECTION 3.03(b)(vi) OF LOAN AGREEMENT:

NONE

ADDITIONAL TERMS APPLICABLE TO LOAN AGREEMENT:

The provisions of this Exhibit A shall be deemed to be a part of the foregoing Agreement as if set forth in full therein. In the case of any conflict between this Exhibit A and any provision thereof, the provisions of this Exhibit A shall be controlling, notwithstanding any other provisions contained in the Agreement.

1. The first regularly scheduled payment of interest on the Loan shall be February 1, 2002.
2. Section 3.03(b)(i) of the Loan Agreement is hereby deleted and shall be replaced by the following:
 - (i) copies of the Plans and Specifications, including any addenda thereto, and of any Change Orders issued through the date of such advance, the general construction contract, and the Project Budget shall not be required before making the first advance of Loan proceeds; however, no further advances shall be made until the Administration has received these documents in form and content satisfactory to the Administration.

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Borrower Name: St. Mary's County Metropolitan Commission
Address: 43990 Commerce Avenue
Hollywood, MD 20636
Attention: Mr. Steven King, Director
Project Name: Leonardtwn WWTP/BNR Upgrade and Expansion Project

DESCRIPTION OF THE LOAN

- (1) Maximum Principal Amount of Loan Commitment: \$ 630,756.00
- (2) Rate of Interest: 1.20% *
- (3) Amortization Schedule:
 - (a) 20 years
First Principal Payment Date: February 1, 2004
 - (b) Level Principal _____; or
Level Debt Service X
- (4) Annual Administrative Fee: \$1,711.35 (beginning August 2002.)
- (5) Estimated Completion Date of Project: March, 2003
- (6) Default Rate: 5.01**
- (7) Description of Project: This project consists of the planning, design and construction of facilities to upgrade the Leonardtown WWTP to allow it to reduce nitrogen levels.

**Based upon 25% of the average of the Bond Buyer 11-Bond Index (BB11BI) for August 2001.
**The Average of the Bond Buyer 11-Bond Index (BB11BI) for August 2001.*

DRAFT**EXHIBIT C**
to Loan Agreement

Borrower Name: St. Mary's County Metropolitan Commission
 Address: 43990 Commerce Avenue
Hollywood, MD 20636
 Attention: Mr. Steven King, Director
 Project Name: Leonardtown WWTP/BNR Upgrade and Expansion Project

PROJECT BUDGET

Breakdown of Eligible Project Costs:

A. Portion of Eligible Project Costs to be directly financed:

<u>Description</u>	<u>Allocated Amount of Loan</u>
Eligible Project Costs, including Administrative & Legal expenses, Planning/design Engineering fees, construction costs, construction phase engineering/inspection fees & contingencies	<u>\$590,783.00</u>
Subtotal Loan	<u>\$590,783.00</u>

B. Portion of Eligible Project Costs for which Borrower will be reimbursed, which the Borrower hereby certifies were paid or incurred prior to the date of the Agreement, in anticipation of being reimbursed through a loan from the Administration (and subject to compliance with Sections 2.02(1) and 3.03(a) of the Agreement):

<u>Description</u>	<u>Allocated Amount of Loan</u>
	<u>\$ 39,793.00</u>
Total Loan	<u>\$ 630,756.00</u>

C. Construction Cash Draw Schedule*

<u>Federal Quarter</u>	<u>Cash Disbursements*</u>
FFY 01 – Q4 (Jul 01 – Sep 01)	\$ 60,000.00
FFY 02 – Q1 (Oct 01 – Dec 01)	70,000.00
FFY 02 – Q2 (Jan 02 – Mar 02)	120,000.00
FFY 02 – Q3 (Apr 02 – Jun 02)	100,000.00
FFY 02 – Q4 (Jul 02 – Sep 02)	90,000.00
FFY 03 – Q1 (Oct 02 – Dec 02)	90,000.00
FFY 03 – Q2 (Jan 03 – Mar 03)	60,000.00
FFY 03 – Q3 (Apr 03 – Jun 03)	<u>40,756.00</u>
Total Disbursements	<u>\$ 630,756.00</u>

*SUBJECT TO CHANGE WITH CONSENT OF ADMINISTRATION IN ITS DISCRETION UNDER SECTION 2.02(d) OF THIS AGREEMENT.

OPINION OF BORROWER'S COUNSEL

[LETTERHEAD OF COUNSEL TO BORROWER]

[CLOSING DATE]

Maryland Water Quality
Financing Administration
2500 Broening Highway
Baltimore, Maryland 21224

Ladies and Gentlemen:

We are counsel to [NAME OF BORROWER], a [body politic and corporate and a political subdivision] [municipal corporation] [other appropriate description] of the State of Maryland (the "Borrower") in connection with the loan (the "Loan") by Maryland Water Quality Financing Administration (the "Administration") to the Borrower of funds to finance all or a portion of the costs of a project (the "Project") described in Exhibit B to the Loan Agreement dated as of _____, 2001 (the "Agreement") by and between the Administration and the Borrower.

In this connection, we have reviewed such records, certificates, and other documents as we have considered necessary or appropriate for the purposes of this opinion, including, without limitation, the Agreement and the Borrower's Water Quality Bond, Series 2001, dated _____, 2001 (the "Note"). The Agreement and the Note are referred to herein collectively as the "Loan Documents". Based on such review, and such other considerations of law and fact as we believe to be relevant, we are of the opinion that:

(a) The Borrower is a validly created and existing [body politic and corporate and a political subdivision] [municipal corporation] [other appropriate description] of the State of Maryland, possessing authority to acquire, construct and operate the Project and to enter into the Loan Documents and perform its obligations thereunder.

(b) The Borrower has duly authorized, executed and delivered the Loan Documents and, assuming due authorization, execution and delivery of the Agreement by the

Administration, the Loan Documents constitute legal, valid and binding obligations of the Borrower enforceable in accordance with their respective terms.

(c) The Note is a general obligation of the Borrower to which its full faith and credit is pledged, payable if and to the extent not paid from other sources as described in the Agreement from ad valorem taxes, unlimited as to rate and amount, which the Borrower is empowered to levy on all real and tangible personal property within its corporate limits subject to assessment for unlimited taxation by the Borrower.

(d) The Loan Documents and the enforceability thereof are subject to bankruptcy, insolvency, moratorium, reorganization and other state and federal laws affecting the enforcement of creditors' rights and to general principles of equity.

(e) To the best of our knowledge after reasonable investigation, the Borrower has all necessary licenses, approvals and permits required to date under federal, state and local law to own, construct and acquire the Project.

(f) Neither the execution and delivery of the Loan Documents, the consummation of the transactions contemplated thereby, the acquisition and construction of the Project nor the fulfillment of or compliance with the terms and conditions of the Loan Documents conflicts with or results in a breach of or default under any of the terms, conditions or provisions of the charter or laws governing the Borrower (including any limit on indebtedness) or, to the best of our knowledge, any agreement, contract or other instrument, or law, ordinance, regulation, or judicial or other governmental order, to which the Borrower is now a party or by which the Borrower or its properties are otherwise subject or bound, and the Borrower is not otherwise in violation of any of the foregoing in a manner material to the transactions contemplated by the Loan Documents.

(g) To the best of our knowledge after reasonable investigation, there is no action, suit, proceeding or investigation, at law or in equity, before or by any court, governmental agency or public board or body pending or threatened against or affecting the Borrower that, if adversely determined, would materially affect the ability of the Borrower to perform its obligations under the Loan Documents, which has not been disclosed in writing to the Administration.

We hereby authorize Bond Counsel to the Administration to rely on this opinion as if we had addressed this opinion to them in addition to you.

Very truly yours,

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EXHIBIT E
to Loan Agreement

Borrower Name: St. Mary's County Metropolitan Commission
Address: 43990 Commerce Avenue
Hollywood, MD 20636
Attention: Mr. Steven King, Director
Project Name: Leonardtwn WWTP/BNR Upgrade and Expansion Project

DESCRIPTION OF DEDICATED REVENUES*

Sewer user charges, including any and all fees for use of the public sewer system or connection to it.

*The identification of the dedicated source or sources of revenues is intended to specify a source or sources of revenues available in sufficient amount to provide for the payment of the costs of operating and maintaining the Project as well as the payment of the costs or debt service of any borrowing incurred to finance the Project. The specification of a dedicated source or sources of revenues above is not intended to constitute an undertaking by the Borrower to pledge, segregate or otherwise set aside any specific funds of the Borrower with the expectation that such funds would be used to pay the debt service on the Loan.

\$(MAX. AMT.)

R-1

REGISTERED

UNITED STATES OF AMERICA
STATE OF MARYLAND

[NAME OF BORROWER]
WATER QUALITY BOND, SERIES 2001
Dated _____, 2001

PAYMENTS OF PRINCIPAL AND INTEREST ON THIS BOND ARE MADE
BY CHECK, DRAFT OR ELECTRONIC FUNDS TRANSFER TO THE
REGISTERED OWNER AND IT CANNOT BE DETERMINED FROM THE FACE
OF THIS BOND WHETHER ALL OR ANY PART OF THE PRINCIPAL OF
OR INTEREST ON THIS BOND HAS BEEN PAID.

REGISTERED OWNER: Maryland Water Quality Financing
Administration

_____, a [body politic and corporate] [municipal corporation] [other appropriate description] of the State of Maryland (the "Borrower"), hereby acknowledges itself obligated to pay to the Registered Owner shown above, the principal amount of \$____ (the "Maximum Principal Amount") or so much thereof as shall have been advanced from time to time under the terms of the Loan Agreement dated as of _____, 2001 (the "Loan Agreement") by and between the Borrower and the Maryland Water Quality Financing Administration (the "Administration"), plus interest on the unpaid principal advanced under the terms of the Loan Agreement at the rate of _____ per centum (___%) per annum.

The principal advanced under the Loan Agreement shall be paid in installments on the dates and in the amounts as set forth in the following schedule, as such schedule may be amended in accordance with the terms hereof:

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<u>Due</u> <u>[February 1]</u>	<u>Principal</u> <u>Amount</u>	<u>Due</u> <u>[February 1]</u>	<u>Principal</u> <u>Amount</u>
2002		2012	
2003		2013	
2004		2014	
2005		2015	
2006		2016	
2007		2017	
2008		2018	
2009		2019	
2010		2020	
2011		2021	

If the Administration determines at any time to reduce the maximum amount of the Loan Commitment (as defined in the Loan Agreement) in accordance with Section 3.08 of the Loan Agreement, the Maximum Principal Amount shall be reduced accordingly and the Maximum Principal Amount as so reduced shall be amortized in accordance with Section 3.08 of the Loan Agreement. The Administration shall deliver, and the Borrower shall acknowledge in writing, a certificate setting forth such reamortized payment schedule, which shall be attached hereto and shall replace and supersede for all purposes the foregoing payment schedule. Any such reduction shall not affect the obligation of the Borrower to pay the principal of and interest on this bond as and when the same shall become due.

Notwithstanding the foregoing, all outstanding unpaid principal amounts advanced under the Loan Agreement, if not previously due hereunder, shall be due on that date which is 20 years after the date of completion of the Project (as defined in the Loan Agreement), as certified by the Borrower to the Administration pursuant to Section 2.02(d) of the Loan Agreement.

Interest due on the unpaid principal amounts advanced under the Loan Agreement shall accrue on the basis of a 30-day month, 360-day year from the date of the respective advances of such principal amount, and shall be paid on _____, 200_, and semiannually thereafter on the 1st day of _____ and _____ in each year until the principal amount hereof has been paid.

This bond is subject to prepayment only in accordance with Section 3.10 of the Loan Agreement.

Both the principal of and interest on this bond will be paid to the registered owner in lawful money of the United States of America, at the time of payment, and will be paid by electronic funds

transfer, or by check or draft mailed (by depositing such check or draft, correctly addressed and postage prepaid, in the United States mails on or before the payment date) to the registered owner at such address as the registered owner may designate from time to time by a notice in writing delivered to the [INSERT BORROWER'S AUTHORIZED OFFICER].

This bond is issued pursuant to and in full conformity with the provisions of [INSERT BORROWER'S LOCAL ACT(S)] and 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 by virtue of due proceedings had and taken by the Borrower, particularly a resolution (numbered ____) adopted by [INSERT BORROWER'S AUTHORIZING ORDINANCE OR RESOLUTION] (collectively, the "Resolution").

This bond, together with the Loan Agreement, evidences the Loan (as defined in the Loan Agreement) to the Borrower from the Maryland Water Quality Financing Administration. In accordance with the Loan Agreement, the principal amount of the Loan, being the amount denominated as principal under this bond, is subject to reduction or adjustment by the Administration in accordance with the Loan Agreement.

The full faith and credit and unlimited taxing power of the Borrower are hereby irrevocably pledged to the prompt payment of the principal of and interest on this bond according to its terms, and the Borrower does hereby covenant and agree to pay the principal of and interest on this bond at the dates and in the manner prescribed herein.

This bond is transferable only after the first principal payment date as set forth above or the date upon which the Maximum Principal Amount has been borrowed, whichever is earlier, upon the books of the Borrower at the office of the [INSERT BORROWER'S AUTHORIZED OFFICERS] 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 satisfactory to the [INSERT BORROWER'S AUTHORIZED OFFICER], duly executed by the registered owner or his duly authorized attorney. The Borrower shall, within a reasonable time, issue in the name of the transferee a new registered bond or bonds, in such denominations as the Borrower shall by resolution approve, in an aggregate principal amount equal to the unpaid principal amount of the bond or bonds surrendered and with the same maturities and interest rate. If more than one bond is issued upon any such transfer, the installment of principal and interest to be paid on each such bond on each payment date shall be equal to the product of the following formula: the total installment due on each payment date multiplied by a fraction, the numerator of which shall be the principal amount of such bond and the denominator of which shall be the aggregate principal amount of bonds then outstanding and unpaid. The new bond or bonds shall be delivered to the transferee only after payment of any taxes on and any shipping or insurance expenses relating to such transfer. The Borrower may deem and treat the party 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 hereof and interest due hereon and for all other purposes.

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It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of Maryland and the Resolution to exist, to have happened or to have been performed precedent to or in the issuance of this bond, exist, have happened and have been performed, and that the issuance of this bond, together with all other indebtedness of the Borrower, is within every debt and other limit prescribed by said Constitution or statutes.

IN WITNESS WHEREOF, this bond has been executed by the manual signature of the [INSERT AUTHORIZED OFFICERS] and the seal of the Borrower has been affixed hereto, attested by the manual signature of the [INSERT AUTHORIZED OFFICER], all as of the __ day of ____, 2001.

(SEAL)

ATTEST:

[OFFICER]

By: _____
[OFFICER]

Exhibit B to Resolution

AMORTIZATION CHART

PROJECT NO. 421: St. Mary's Met Comm - Dequadtown WWT/BHR Upgrade Proj
 LOAN REPAYMENT SCHEDULE, AT ISSUE
 Sep 18 01 04:33 p.m.

LOAN INTEREST RATE IS 1.20000%, LOAN IS REPAYED OVER 20 YEARS, WITH LEVEL DEBT SERVICE
 ADMINISTRATION FEES ARE 5.000% OF TOTAL DEBT SERVICE OVER THE TOTAL LOAN PERIOD

	PRINCIPAL	INTEREST	LOAN PAYMENT	ARR LOAN PAYMENT	ADMIN FEES	TOTAL ARR PAYMENT	ENDING BAL
Feb 01 02		277.24	277.24			277.24	250,000.00
Aug 01 02		1,800.00	1,800.00		1,711.35		440,000.00
Feb 01 03		2,910.00	2,910.00	4,710.00		6,421.35	590,000.00
Aug 01 03		3,703.04	3,703.04		1,711.35		630,756.00
Feb 01 04	28,092.45	4,415.32	32,507.77	36,210.81		37,922.16	602,663.55
Aug 01 04		3,615.98	3,615.98		1,711.35		602,663.55
Feb 01 05	28,429.56	3,615.98	32,045.54	35,661.52		37,372.87	574,233.99
Aug 01 05		3,445.40	3,445.40		1,711.35		574,233.99
Feb 01 06	28,770.71	3,445.40	32,216.11	35,661.51		37,372.86	545,463.28
Aug 01 06		3,272.78	3,272.78		1,711.35		545,463.28
Feb 01 07	29,115.96	3,272.78	32,388.74	35,661.52		37,372.87	516,347.32
Aug 01 07		3,098.08	3,098.08		1,711.35		516,347.32
Feb 01 08	29,465.35	3,098.08	32,563.43	35,661.51		37,372.86	486,881.97
Aug 01 08		2,921.29	2,921.29		1,711.35		486,881.97
Feb 01 09	29,818.94	2,921.29	32,740.23	35,661.52		37,372.87	457,063.03
Aug 01 09		2,742.38	2,742.38		1,711.35		457,063.03
Feb 01 10	30,176.76	2,742.38	32,919.14	35,661.52		37,372.87	426,886.27
Aug 01 10		2,561.32	2,561.32		1,711.35		426,886.27
Feb 01 11	30,538.88	2,561.32	33,100.20	35,661.52		37,372.87	396,347.39
Aug 01 11		2,378.08	2,378.08		1,711.35		396,347.39
Feb 01 12	30,905.35	2,378.08	33,283.43	35,661.51		37,372.86	365,442.04
Aug 01 12		2,192.65	2,192.65		1,711.35		365,442.04
Feb 01 13	31,276.22	2,192.65	33,468.87	35,661.52		37,372.87	334,165.82
Aug 01 13		2,004.99	2,004.99		1,711.35		334,165.82
Feb 01 14	31,651.53	2,004.99	33,656.52	35,661.51		37,372.86	302,514.29
Aug 01 14		1,815.09	1,815.09		1,711.35		302,514.29
Feb 01 15	32,031.35	1,815.09	33,846.44	35,661.53		37,372.88	270,482.94
Aug 01 15		1,622.90	1,622.90		1,711.35		270,482.94
Feb 01 16	32,415.72	1,622.90	34,038.62	35,661.52		37,372.87	238,067.22
Aug 01 16		1,428.40	1,428.40		1,711.35		238,067.22
Feb 01 17	32,804.71	1,428.40	34,233.11	35,661.51		37,372.86	205,262.51
Aug 01 17		1,231.58	1,231.58		1,711.35		205,262.51
Feb 01 18	33,198.37	1,231.58	34,429.95	35,661.53		37,372.88	172,064.14
Aug 01 18		1,032.38	1,032.38		1,711.35		172,064.14
Feb 01 19	33,596.75	1,032.38	34,629.13	35,661.51		37,372.86	138,467.39
Aug 01 19		830.80	830.80		1,711.35		138,467.39
Feb 01 20	33,999.91	830.80	34,830.71	35,661.51		37,372.86	104,467.48
Aug 01 20		626.80	626.80		1,711.35		104,467.48
Feb 01 21	34,407.91	626.80	35,034.71	35,661.51		37,372.86	70,059.57
Aug 01 21		420.36	420.36		1,711.35		70,059.57
Feb 01 22	34,820.81	420.36	35,241.17	35,661.53		37,372.88	35,238.76
Aug 01 22		211.43	211.43		1,711.35		35,238.76
Feb 01 23	35,238.76	211.43	35,450.19	35,661.62		37,372.97	

TOTAL \$630,756.00 \$88,010.98 \$718,766.98 \$718,766.98 \$55,556.55 \$751,755.22

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