

NOTICE OF JOINT PUBLIC MEETING

ST. MARY'S COUNTY LEGISLATIVE DELEGATION AND COMMISSIONERS OF ST. MARY'S COUNTY
OCTOBER 6, 2020 AT 6:00 P.M.
41770 BALDRIDGE STREET, LEONARDTOWN, MARYLAND

The purpose of this meeting is to consider requests by the Commissioners of St. Mary's County and proposals by organizations and members of the public for enactment of legislation during the 2021 Regular Session of the Maryland General Assembly.

Public meetings are now open to the public as long as social distancing guidelines can be maintained and the Commissioners' Meeting Room capacity limits do not exceed 33 people. Everyone in attendance must adhere to the social distancing guidelines and wear a mask at all times unless they have a disability or if they are speaking or are consuming food/drink. If social distancing guidelines or occupancy room capacity limits cannot be followed, the meeting will have to be rescheduled. The public is strongly encouraged to view the meeting remotely on Channel 95 or YouTube or listen to the Joint Public Meeting by calling 301-579-7236; access code: 963443#.

In lieu of appearance, comments may be submitted via:

- a. Written comments via Email: csmc@stmarysmd.com
- b. Mail: PO Box 653 Leonardtown, MD, 20650
- c. Call 301-475-4200 x 1234 to speak at the Joint Public Meeting.
- d. Submit a 3-minute video clip to publicmtgs@stmarysmd.com by October 1, 2020 at 5:00 pm.

A COPY OF THE LEGISLATIVE PROPOSALS WILL BE AVAILABLE IN THE COUNTY ATTORNEY'S OFFICE AND ONLINE AT: <https://www.stmarysmd.com/docs/LegislativeProposals2021.pdf>

Appropriate accommodations for individuals with special needs will be provided upon request. In order to meet these requirements, we respectfully ask for one week's prior notice. Please contact the County Commissioners Office at 301-475-4200, Ext. 1340. Proceedings are televised live and/or recorded for later broadcast on television. All content of these proceedings is subject to disclosure under the Maryland Public Information Act. Photographic and electronic audio and visual broadcasting and recording devices are used during the Commissioners' meetings. These are public meetings and attendance at these meetings automatically grants St. Mary's County Government permission to broadcast your audio and visual image.



2021
LEGISLATIVE PROPOSALS
FOR
ST. MARY'S COUNTY, MARYLAND

2021 LEGISLATIVE PROPOSALS VOTE ON 9.29.20

#	PROPOSAL SUMMARY	PROPOSAL AND REFERENCE	REQUESTOR	POSITIONS TAKEN ON 9.29.20
1	DE-COUPLE METCOM AND COMMISSIONERS OF ST. MARY'S COUNTY DEBT	I move: <ul style="list-style-type: none"> to request amendment of Section 27-11 of <i>Article 19 - Public Local Laws of St. Mary's County</i> so that the METCOM debt be de-coupled from the Commissioners of St. Mary's County debt and to approve and authorize Cmmr. President Guy to sign letters of support to the Delegation and to House and Senate Committees for hearings on this bill. 	Commissioner Morgan	<u>YES</u> – 5 Guy Colvin Hewitt Morgan O'Connor <u>NO</u> – 0
2	REDUCE AMOUNT OF DEBT METCOM CAN INCUR	I move: <ul style="list-style-type: none"> to request amendment of Section 113-6 of <i>Article 19 - Public Local Laws of St. Mary's County</i> to reduce the amount of outstanding debt METCOM can incur from 25% to 2% and to approve and authorize Cmmr. President Guy to sign letters of support to the Delegation and to House and Senate Committees for hearings on this bill. 	Commissioner Morgan	<u>YES</u> – 5 Guy Colvin Hewitt Morgan O'Connor <u>NO</u> – 0
3	PUBLIC FACILITIES BOND	I move: <ul style="list-style-type: none"> to request authority to issue (\$34.7 million)/("TBD") in public facilities bonds for the FY 2022 budget and to approve and authorize Cmmr. President Guy to sign letters of support to the Delegation and to House and Senate Committees for hearings on this bill. 	Jeannett Cudmore, CFO Department of Finance	<u>YES</u> –3 Guy Hewitt Morgan <u>NO</u> –2 Colvin O'Connor

4	BUILDING EXCISE TAX	<p>I move:</p> <ul style="list-style-type: none"> to request authority under Title 20-706 of the <i>Local Government Article</i> of the <i>Annotated Code of Maryland</i> to enact either a Development Impact Fee or Building Excise Tax, but not both, in St. Mary's County and to approve and authorize Cmmr. President Guy to sign letters of support to the Delegation and to House and Senate Committees for hearings on this bill. 	<p>Jeannett Cudmore, CFO Department of Finance</p>	<p><u>YES</u> – 5 Guy Colvin Hewitt Morgan O'Connor</p> <p><u>NO</u> – 0</p>
5	TRANSFER TAX - REPEAL OF SUNSET DATE	<p>I move:</p> <ul style="list-style-type: none"> to request to repeal Chapter 138-1.F of <i>Article 19 - Public Local Laws of St. Mary's County</i> – to remove the October 1, 2024 termination date of the Real Property Transfer Tax and to approve and authorize Cmmr. President Guy to sign letters of support to the Delegation and to House and Senate Committees for hearings on this bill. 	<p>Jeannett Cudmore, CFO Department of Finance</p>	<p><u>YES</u> – 5 Guy Colvin Hewitt Morgan O'Connor</p> <p><u>NO</u> – 0</p>
6	PUBLIC ACCOMMODATIONS TAX CAP RATE INCREASE	<p>I move:</p> <ul style="list-style-type: none"> to request amendment of §20-405 of the <i>Local Government Article</i> of the <i>Annotated Code of Maryland</i> to request authority to increase the cap of the St. Mary's County Public Accommodations Tax rate from five (5) percent to seven (7) percent and to approve and authorize Cmmr. President Guy to sign letters of support to the Delegation and to House and Senate Committees for hearings on this bill. 	<p>Commissioner President Guy</p>	<p><u>YES</u> – 4 Guy Colvin Morgan O'Connor</p> <p><u>NO</u> – 1 Hewitt</p>

7	ST. MARY'S COUNTY OPEN MEETINGS ACT – REPEAL	<p>I move:</p> <ul style="list-style-type: none"> to request to repeal the St. Mary's County Open Meetings Act located in §9-501 through §9-516 of the <i>Local Government Article of the Annotated Code of Maryland</i> and to require that St. Mary's County follow the State Open Meetings Act located in §3-101- §3-501 of the <i>General Provisions Article of the Annotated Code of Maryland</i> and to approve and authorize Cmmr. President Guy to sign letters of support to the Delegation and to House and Senate Committees for hearings on this bill. 	Commissioner Colvin	<p><u>YES</u> – 4 Guy Colvin Morgan O'Connor</p> <p><u>NO</u> – 1 Hewitt</p>
8	BODY WORN CAMERAS – ANIMAL CONTROL OFFICERS	<p>I move:</p> <ul style="list-style-type: none"> to request amendment of §10-402 of the <i>Judicial Proceedings Article of the Annotated Code of Maryland</i> to allow St. Mary's County Animal Control Officer to wear body worn cameras to record their encounters and activities and to approve and authorize Cmmr. President Guy to sign letters of support to the Delegation and to House and Senate Committees for hearings on this bill. 	Stephen Walker, Director, Emergency Services Department	<p><u>YES</u> – 5 Guy Colvin Hewitt Morgan O'Connor</p> <p><u>NO</u> – 0</p>
9	HUMAN RELATIONS COMMISSION LANGUAGE UPDATE	<p>I move:</p> <ul style="list-style-type: none"> to request amendment of §29-106(b)(2) of the <i>Local Govt Article of the Annotated Code of MD</i> to include sexual orientation and gender identity within the protected classes of people under the Duties of the St. Mary's County Human Relations Commission and to approve and authorize Cmmr. President Guy to sign letters of support to the Delegation and to House and Senate Committees for hearings on this bill. 	<p>Lori Jennings-Harris, Director, Department of Aging and Human Services</p> <p>Vante Burkes, Chair, Human Relations Commission</p>	<p><u>YES</u> – 5 Guy Colvin Hewitt Morgan O'Connor</p> <p><u>NO</u> – 0</p>

10	AMENDMENT OF LOCAL GAMING PROVISIONS	<p>I move:</p> <ul style="list-style-type: none"> to request amendment of the local gaming provisions for St. Mary's County located in §13-2101, §13-2103, §13-2105, §13-2106, §13-2107 and §13-2115 of the <i>Criminal Law Article</i> of the <i>Annotated Code of Maryland</i> relating to bingo and to approve and authorize Cmmr. President Guy to sign letters of support to the Delegation and to House and Senate Committees for hearings on this bill. 	Tim Cameron, Sheriff	<p><u>YES</u> – 5 Guy Colvin Hewitt Morgan O'Connor</p> <p><u>NO</u> – 0</p>
11	ALLOW GOLF CARTS ON OLD HORSE LANDING ROAD	<p>I move:</p> <ul style="list-style-type: none"> to request amendment of §21-104.3 of the Transportation Article to exempt Golf Carts from Motor Vehicle Registration Requirements on Old Horse Landing Road and to approve and authorize Cmmr. President Guy to sign letters of support to the Delegation and to House and Senate Committees for hearings on this bill. 	Commissioner O'Connor and Commissioner Colvin	<p><u>YES</u> – 5 Guy Colvin Hewitt Morgan O'Connor</p> <p><u>NO</u> – 0</p>
12	BOND BILL REQUEST- BRETON BAY POND/DAM REPAIR AND RECONSTRUCTION	<p>I move:</p> <ul style="list-style-type: none"> to support the request of a Bond Bill in the amount of \$750,000 to repair/reconstruct the water management pond/dam in Breton Bay and to approve and authorize Cmmr. President Guy to sign letters of support to the Delegation and to House and Senate Committees for hearings on this bill. 	Breton Bay Golf and Country Club	<p><u>YES</u> – 5 Guy Colvin Hewitt Morgan O'Connor</p> <p><u>NO</u> – 0</p>
13	ON-SITE CONSUMPTION PERMIT FOR CLASS 1 DISTILLERY LICENSE	<p>I move:</p> <ul style="list-style-type: none"> to support the request of an amendment of Title 28 of the Alcoholic Beverages Article to add section 404 to establish an on-site consumption permit for Class 1 Distillery License and to approve and authorize Cmmr. President Guy to sign letters of support to the Delegation and to House and Senate Committees for hearings on this bill. 	Alcohol Beverages Board	<p><u>YES</u> – 5 Guy Colvin Hewitt Morgan O'Connor</p> <p><u>NO</u> – 0</p>

ST. MARY'S COUNTY GOVERNMENT
OFFICE OF THE COUNTY ATTORNEY

David A. Weiskopf, County Attorney
Neil A. Murphy, Deputy County Attorney



Commissioners of St. Mary's County

James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

MEMORANDUM

TO: Commissioners of St. Mary's County

FROM: David A. Weiskopf, County Attorney

RE: 2021 Legislative Proposals – Vote on Positions

DATE: October 6, 2020

On September 22nd I presented twelve (12) legislative proposals from Commissioners, the St. Mary's County Department of Finance, Department of Emergency Services, the Department of Aging and Human Services/Human Relations Commission, the Sheriff and the Alcohol Beverage Board of St. Mary's County and one (1) request for a Bond Bill from the Breton Bay Golf and County Club. On September 29th you voted and approved all 13 items, with an amendment to the Building Excise Tax proposal. Tonight you are meeting with the St. Mary's County Delegation to present and discuss all thirteen (13) items for consideration in the 2021 Session of the General Assembly of Maryland.

1. To request amendment of Chapter 27-11 of Article 19 of the Public Local Laws of St. Mary's County – Percentage limitation for certain evidences of indebtedness; exceptions (requested by Commissioner Morgan)

Commissioner Morgan is requesting amendment of Section 27-11 of Article 19 of the Public Local Laws of St. Mary's County for the purpose of de-coupling the METCOM debt from the Commissioners of St. Mary's County debt. Information regarding METCOM's assessable base was included per your request.

2. To request amendment of Section 113-6 of Article 19 of the Public Local Laws of St. Mary's County – Bonds; authorized, restriction, issue (requested by Commissioner Morgan)

Commissioner Morgan is requesting amendment of Section 113-6 of Article 19 of the Public Local Laws of St. Mary's County to reduce the amount of outstanding debt that METCOM can incur from 25% to 2%. Debt ceiling information was included per your request.

3. To request authority to issue public facility bonds (requested by the Department of Finance, CFO)

Jeannett Cudmore, Chief Financial Officer is requesting authority to issue \$34.7 million/"TBD" in public facility bonds for the FY 2022 budget. The request was originally for \$34.7 million, but "TBD" was added per your request.

4. To request authority for St. Mary's County to enact either a Development Impact Fee or a Building Excise Tax, but not both, by amending Title 20 of the *Local Government Article of the Annotated Code of Maryland*

Currently St. Mary's County does not have a building excise tax. Chief Financial Officer Jeannett Cudmore is requesting authority under Title 20 of the *Local Government Article of the Annotated Code of Maryland* to enact either a Development Impact Fee or Building Excise Tax, but not both in St. Mary's County. A memorandum is included that describes the differences between development impact fees and building excise taxes, and an email has been included that highlights the benefits of a building excise tax. **On September 29th you voted to amend this proposal to request an amendment to Title 20 of the *Local Government Article* to enact either a Development Impact Fee or Building Excise Tax, but not both, in St. Mary's County.**

5. To request to repeal Chapter 138-1.F of Article 19 - *Public Local Laws of St. Mary's County* – to remove the October 1, 2024 termination date of the Property Transfer Tax.

The current Transfer Tax authority will expire on October 1, 2024. Chief Financial Officer Jeannett Cudmore is requesting that the termination date/sunset date for the Property Transfer Tax be repealed. A chart was added showing where funds from the Transfer Tax go. Information was added about the enabling legislation for the transfer and recordation taxes, how Recordation Tax funds are distributed, and how much transfer tax and recordation tax revenue goes towards agricultural land preservation CIP projects; also included is Ordinance 2001-21 and correspondence from Jeannett Cudmore.

6. To request amendment of §20-405 of the *Local Government Article of the Annotated Code of Maryland* to request authority to increase the cap of the St. Mary's County Public Accommodations Tax

Commissioner President Guy is requesting amendment of §20-405 of the *Local Government Article of the Annotated Code of Maryland* to request authority to increase cap of the St. Mary's County Public Accommodations Tax from five (5) percent to seven (7) percent. Language was added to request authority to increase the "cap" of the tax per your request. Garrett County is confirmed to have 8% Public Accommodation Tax.

7. To request to repeal the St. Mary's County Open Meetings Act located in §§9-501 - 9-516 of the *Local Government Article of the Annotated Code of Maryland*.

Commissioner Eric Colvin is requesting to repeal the St. Mary's County Open Meetings Act located in §9-501 through §9-516 of the *Local Government Article of the Annotated Code of Maryland* and to require that St. Mary's County follow the Maryland State Open Meetings Act located in §§3-101 - 3-501 of the *General Provisions Article of the Annotated Code of Maryland* instead. Included is a comparison chart, which details the differences between the Maryland Open Meetings Act and the St. Mary's County Open Meetings Act. Also included is a memorandum that charts the advantages and disadvantages of adhering only to the Maryland Open Meetings Act and the advantages and disadvantages of adhering to both the Maryland Open Meetings Act and the St. Mary's County Open Meetings Act.

8. To request amendment of §10-402 of the *Judicial Proceedings Article of the Annotated Code of Maryland* to allow St. Mary's County Animal Control Officers to wear body cameras

Stephen Walker, Director of Emergency Services is requesting amendment of §10-402 of the *Judicial Proceedings Article of the Annotated Code of Maryland* to allow St. Mary's County Animal Control Officer to wear body worn cameras to record their encounters and activities. Information was added concerning the statute that allowed law enforcement to record with their police cruiser dash cams without the need for two party consent, more formally known as mobile video/audio recorders ("MVR"); included were copies of the Police Training and Standards Commission Body Worn Camera Policy, the St. Mary's Emergency Services General Operating Procedure for Body Worn Cameras for Animal Control Officers, the St. Mary's County Sheriff's Office's Policy on Body Worn Cameras, and the St. Mary's County Sheriff's Office's Policy on Mobile Video Recorders; and answers concerning possible statewide impacts. Also included is fiscal impact information and a draft Policy for St. Mary's County Animal Control Officers and Body Worn Cameras. We are awaiting information concerning the use of body worn cameras for Animal Control Officers in other jurisdictions.

9. To request amendment of §29-106(b)(2) of the *Local Government Article of the Annotated Code of Maryland* to include sexual orientation and gender identity within the protected classes of people under the *Miscellaneous Duties of the St. Mary's County Human Relations Commission*.

Lori Jennings-Harris, Director of the Department of Aging and Human Services and Vante Burkes, Chair of the Human Relations Commission are requesting amendment of §29-106(b)(2) of the *Local Government Article of the Annotated Code of Maryland* to update the language to include sexual orientation and gender identity within the protected classes of people under the *Miscellaneous duties of the St. Mary's County Human Relations Commission*.

10. To request amendment of the local gaming provisions for St. Mary's County located in §13-2101, §13-2103, §13-2105, §13-2106, §13-2107 and §13-2115 of the Criminal Law Article of the Annotated Code of Maryland relating to bingo.

Sheriff Tim Cameron is requesting that the local gaming provisions related to bingo be amended in §13-2101, §13-2103, §13-2105, §13-2106, §13-2107 and §13-2115 of the *Criminal Law Article* of the *Annotated Code of Maryland*. Language was added to include "County Agency or Commissioners' Designee" per your request.

11. To request amendment of §21-104.3 of the *Transportation Article* of the *Annotated Code of Maryland* to exempt Golf Carts from Motor Vehicle Registration Requirements on Old Horse Landing Road in Mechanicsville.

Commissioner John O'Connor and Commissioner Eric Colvin are requesting that §21-104.3 of the *Transportation Article* be amended to allow golf carts to be driven on Old Horse Landing Road. Commissioner Colvin was added as a co-sponsor per your request. We have reached out to the Sheriff's Department and Captain Yingling did not find any accidents involving golf carts on Golden Beach Road since 2017 when legislation first allowed golf carts on that road. Rick Tarr from DPWT advised that the speed limit on Old Horse Landing Road is 30 MPH and he provided information on how to lower the speed limit on a road including a recent Ordinance to regulate speed on Airport Road as an example.

12. To support the request of a Bond Bill in the amount of \$750,000 to assist with the water management pond/ dam repair/reconstruction at the Breton Bay Golf and Country Club.

Breton Bay Golf and Country Club is requesting a bond bill in the amount of \$750,000 to assist in paying for repairs/reconstruction of the water management pond/dam located at the Breton Bay Golf Course. Our office provided contact information for Senator Bailey, Delegate Morgan, Delegate Clark and Delegate Crosby as well as contact information for George Erichsen and Chris Beaver.

13. To support the request to amend §28 of the *Alcohol Beverages Article* of the *Annotated Code of Maryland* to add section 404 to allow On-Site Consumption Permits for a Class 1 Distillery.

The Alcohol Beverages Board is requesting that new language be added to the *Alcoholic Beverages Article* of the *Annotated Code of Maryland* to establish, set fees and other regulations for the holder of a Class 1 Distillery license and to authorize the sale of certain drinks under the permit and to provide for the application deadline for the permit.

Bills to Watch: The Office of the County Attorney will be watching the following bills once they are introduced:

Timeline:

Monday, August 3, 2020	Submit Public Notice to Enterprise
Friday, August 7, 2020 Friday, August 14, 2020	Public Notice runs in Enterprise requesting legislative proposal submissions from the public
Wednesday, August 26, 2020	Deadline for submissions of legislative proposals to the County Attorney's Office
Monday, September 14, 2020	Submit Public Meeting Notice to Enterprise for Joint Public Meeting to be held 10/6/20
Friday, September 18, 2020 Friday, September 25, 2020	Public Notice runs in Enterprise for Joint Meeting with CSMC and Delegation
Friday, September 18, 2020	County Attorney's Office provides copies of legislative proposal requests to Commissioners
Tuesday, September 22, 2020 @ 9:00 AM	County Attorney presents legislative proposals requests to CSMC
Tuesday, September 29 @ 9:00 AM	CSMC takes positions/votes on legislative proposals.
Friday, October 2, 2020	County Attorney's Office provides FINAL copy of legislative proposals to Delegate Morgan & Delegation
Tuesday, October 6, 2020 @ 6:00 PM	CSMC/Delegation Joint Meeting



ST. MARY'S COUNTY GOVERNMENT
PUBLIC INFORMATION OFFICE

ALisa Casas, Communications Director
SMCG TV 95 Station Manager
Media Inquiries: 301-475-4200, ext. 1342, or pio@stmarysmd.com

COMMISSIONERS OF ST. MARY'S COUNTY

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NEWS RELEASE *for Immediate Release*

No. 2020 – 208

September 30, 2020, 10:45 a.m.

Commissioners of St. Mary's County Approve 2021 Legislative Proposals

LEONARDTOWN, MD – During their business meeting Tuesday, Sept. 29, the Commissioners of St. Mary's County approved the 2021 Legislative Proposals to move forward to the Joint Public Meeting with the St. Mary's County Legislative Delegation Tuesday, Oct. 6.

County Attorney David Weiskopf reviewed the [13 legislative proposals](#) from numerous agencies. The full text for each submission is available on the St. Mary's County [BoardDocs page](#). The 2021 Legislative Proposals approved by the Commissioners to move forward are:

1 – A proposal to decouple the St. Mary's County Metropolitan Commission (MetCom) and Commissioners of St. Mary's County debt. This request would amend Section 27-11 of Article 19 - Public Local Laws of St. Mary's County to allow the decoupling of MetCom debt from county government debt.

2 – A proposal to reduce the amount of debt MetCom can incur from 25% to 2% of their assessable base; this request is to amend Section 113-6 of Article 19 - Public Local Laws of St. Mary's County.

3 – A proposal to grant authority to request public facilities bonds for the FY2022 budget process. This proposal requests the authority to issue requests for \$34.7 million in public facility bonds based on the FY2022 capital improvement plan. Still, it is subject to change as the Commissioners develop the FY2022 budget.

4 – A proposal to enact a Building Excise Tax OR Impact Fee. This proposal requests authority under §20 of the Local Government Article of the Annotated Code of Maryland to enact either an Impact Fee or a Building Excise Tax, but not both, in St. Mary's County.

5 – A proposal to repeal the termination date of the Real Property Transfer Tax in Chapter 138(F) of Article 19 - Public Local Laws of St. Mary's County.

6 – A proposal to request authority to increase the cap of the St. Mary's County Public Accommodations Tax Rate from five (5) percent to seven (7) percent.

-MORE-

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NEWS RELEASE *for Immediate Release*

7 – A proposal to repeal the St. Mary's County Open Meetings Act located in §9-501 through §9-516 of the Local Government Article of the Annotated Code of Maryland and to require that St. Mary's County instead follows the State Open Meetings Act located in §3-101- §3-501 of the General Provisions Article of the Annotated Code of Maryland.

8 – A proposal to allow Body Worn Cameras for Animal Control Officers by amending §10-402 of the Judicial Proceedings Article of the Annotated Code of Maryland. This legislation would allow St. Mary's County Animal Control Officer to wear body cameras to record on-duty encounters and activities.

9 – A proposal for Human Relations Commission Language Update, to amend §29-106(b)(2) of the Local Government Article of the Annotated Code of Maryland to include sexual orientation and gender identity within the protected classes of people under the Powers and Duties of the St. Mary's County Human Relations Commission.

10 – A proposal to create Bingo Licensing Permit Review entity by amending the local gaming provisions for St. Mary's County located in §13-2101, §13-2103, §13-2105, §13-2106, §13-2107 and §13-2115 of the Criminal Law Article of the Annotated Code of Maryland. This legislation would provide for the creation of a Bingo Licensing Permit Review entity.

11 – A proposal to allow Golf Carts to drive on Old Horse Landing Road. The Commissioners will request to amend §20-104 of the Transportation Article to exempt Golf Carts from Motor Vehicle registration Requirements on Old Horse Landing Road in Mechanicsville.

12 – Support the Breton Bay community request for a Bond Bill for \$750,000 to repair/reconstruct the water management pond/dam in Breton Bay.

13 – Support Alcohol Beverage Board proposal for authority to issue on-site Consumption Permits for Class 1 Distillery Licenses and amends §28 of the Alcoholic Beverages Article to add section 404 to establish an on-site consumption permit for Class 1 Distillery License.

Commissioner decisions and related public documents are available on the county government website in [BoardDocs](#). St. Mary's County Commissioner Meetings may be viewed live Tuesday mornings on SMCG Channel 95 or as a replay Friday nights at 6:30 p.m. Meetings are also available for on-demand viewing on the St. Mary's County [Government YouTube Channel](#).

###


CERTIFICATE OF PUBLICATION

STATE OF : MARYLAND
COUNTY OF: St. Mary's County

This is to certify that the annexed legal advertisement has been published in the publications and insertions listed below. "Joint Public Meeting October 6th..." was published in the:

Southern Maryland News - Enterprise
for the following dates

09/18/20, 09/25/20



James F. Normandin
President & Publisher

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2919146 EN 9/18,9/25/2020

ing purchaser shall not be entitled to any surplus proceeds or profits resulting from any resale of the property regardless of any improvements made to the real property.

In the Event this property is sold and for any reason the sale is not ratified the liability of the Substitute Trustees shall be limited to a refund of the deposit. Upon refund of the deposit the purchaser shall have no further claim against the Substitute Trustees either at law or in equity.

JEREMY K. FISHMAN and SAMUEL D. WIL-
LIAMOWSKY, SUBSTITUTE TRUSTEES, by
virtue of instrument recorded among the land
records of SAINT MARY'S County, Maryland.
Brenda DiMarco, Auctioneer
14804 Main Street
Upper Marlboro, MD 20772
Phone#: 301-627-1002
Auctioneer's Number #A00116

2916736 IN

9/11,9/18,9/25/2020

surplus proceeds or profits re-
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title, the purchaser's sole reme-
the return of the deposit witho-
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nation of whether the borrowe-
agreement, reinstated or paid
In any such event, this sale st-
Purchaser's sole remedy, in law
of his deposit without interest.

Edward S. Cohn, Stephen N. G
Richard J. Rogers, Michael Mc
and Michae
Substitute

Mid-Atlantic Au
(410) 82
www.mid-atlantic
CGD File #

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9/25/20

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- Call 301-475-4200 x 1234 to speak at the Joint Public Meeting.
- Submit a 3-minute video clip to publicmtgs@stmarysmd.com by October 1, 2020 at 5:00 pm.

A COPY OF THE LEGISLATIVE PROPOSALS WILL BE AVAILABLE IN THE COUNTY ATTORNEY'S OFFICE AND ONLINE AT:

<https://www.stmarysmd.com/docs/LegislativeProposals2021.pdf>

Appropriate accommodations for individuals with special needs will be provided upon request. In order to meet these requirements, we respectfully ask for one week's prior notice. Please contact the County Commissioners Office at 301-475-4200, Ext. 1340. Proceedings are televised live and/or recorded for later broad- cast on television. All content of these proceedings is subject to disclosure under the Maryland Public Information Act. Photographic and electronic audio and visual broadcasting and recording devices are used during the Commissioners' meetings. These are public meetings and attendance at these meetings automati- cally grants St. Mary's County Government permission to broadcast your audio and visual image.

2919146 EN

9/18,9/25/2020

WANT TO PLACE AN AD?
EMAIL

property. If the Substitute Trustees cannot convey insurable title, the purchaser's sole remedy at law or in equity shall be the return of the deposit without interest. The sale is subject to post-sale confirmation and audit of the status of the loan with the loan servicer including, but not limited to, determination of whether the borrower entered into any repayment agreement, reinstated or paid off the loan prior to the sale. In any such event, this sale shall be null and void, and the Purchaser's sole remedy, in law or equity, shall be the return of his deposit without interest.

Edward S. Cohn, Stephen N. Goldberg, Richard E. Solomon,
Richard J. Rogers, Michael McKeefery, Christianna Kersey,
and Michael Whitson,
Substitute Trustees

Mid-Atlantic Auctioneers, LLC
(410) 825-2900
www.mid-atlanticauctioneers.com
CGD File #: 450931

2918711 EN

9/18,9/25,10/2/2020

for the appointment of a personal representative. A hearing will be held at THE ORPHANS' COURT FOR ST. MARY COUNTY LOCATED AT 41605 COURTHOUSE DRIVE LEONARDTOWN, MD 20650. THE HEARING WILL BE HELD IN CIRCUIT COURTROOM IV. on 12/04/20 at 10:00 AM.

This hearing may be transferred or postponed to a subsequent time. Further information may be obtained by viewing the estate file in the office of the Register of Wills.

Name of newspaper designated by personal representative
THE ENTERPRISE/ SOUTHERN MARYLAND NEWS
Date of Publication: September 18, 2020

PHYLLIS A. SUPERIO
Register of Wills
P.O. Box 6
41605 Courthouse Drive
Leonardtown, Maryland 20650
Phone:(301) 475-55

2919200 EN

9/18,9/25/20

NOTICE OF JOINT PUBLIC MEETING

ST. MARY'S COUNTY LEGISLATIVE DELEGATION AND COMMISSIONERS OF ST. MARY'S COUNTY OCTOBER 6, 2020 AT 6:00 P.M. 41770 BALDRIDGE STREET, LEONARDTOWN, MARYLAND

The purpose of this meeting is to consider requests by the Commissioners of St. Mary's County and proposals by organizations and members of the public for enactment of legislation during the 2021 Regular Session of the Maryland General Assembly.

Public meetings are now open to the public as long as social distancing guidelines can be maintained and the Commissioners' Meeting Room capacity limits do not exceed 33 people. Everyone in attendance must adhere to the social distancing guidelines and wear a mask at all times unless they have a disability or if they are speaking or are consuming food/drink. If social distancing guidelines or occupancy room capacity limits cannot be followed, the meeting will have to be rescheduled. The public is strongly encouraged to view the meeting remotely on Channel 95 or YouTube or listen to the Joint Public Meeting by calling 301-579-7236; access code: 963443#.

In lieu of appearance, comments may be submitted via:

- Written comments via Email: csmc@stmarysmd.com
- Mail: PO Box 653 Leonardtown, MD, 20650
- Call 301-475-4200 x 1234 to speak at the Joint Public Meeting.
- Submit a 3-minute video clip to publicmtgs@stmarysmd.com by October 1, 2020 at 5:00 pm.

A COPY OF THE LEGISLATIVE PROPOSALS WILL BE AVAILABLE IN THE
COUNTY ATTORNEY'S OFFICE AND ONLINE AT:
<https://www.stmarysmd.com/docs/LegislativeProposals2021.pdf>

Appropriate accommodations for individuals with special needs will be provided upon request. In order to meet these requirements, we respectfully ask for one week's prior notice. Please contact the County Commissioners Office at 301-475-4200, Ext. 1340. Proceedings are televised live and/or recorded for later broadcast on television. All content of these proceedings is subject to disclosure under the Maryland Public Information Act. Photographic and electronic audio and visual broadcasting and recording devices are used during the Commissioners' meetings. These are public meetings and attendance at these meetings automatically grants St. Mary's County Government permission to broadcast your audio and visual image.

2919146 EN

9/18,9/25/2020

9/18/20



ST. MARY'S COUNTY GOVERNMENT
PUBLIC INFORMATION OFFICE

ALisa Casas, Communications Director
SMCG TV 95 Station Manager
Media Inquiries: 301-475-4200, ext. 1342, or pio@stmarysmd.com

COMMISSIONERS OF ST. MARY'S COUNTY

James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

NEWS RELEASE *for Immediate Release*

No. 2020 – 200

September 23, 2020, 8:45 a.m.

Commissioners of St. Mary's County Consider 2021 Legislative Proposals

LEONARDTOWN, MD – During their business meeting Tuesday, September 22, the Commissioners of St. Mary's County considered the 2021 Legislative Proposals. County Attorney David Weiskopf put forth [13 legislative proposals](#) from Commissioners, the St. Mary's County Department of Finance, Department of Emergency Services, the Department of Aging and Human Services in conjunction with the Human Relations Commission, the Sheriff and the Alcohol Beverage Board of St. Mary's County and a request for a Bond Bill from the Breton Bay Golf and County Club.

The full text for each proposal is available on the St. Mary's County [BoardDocs page](#). The 2021 Legislative Proposals are as follows:

- 1 – De-Couple METCOM and Commissioners of St. Mary's County Debt. This request would amend Section 27-11 of Article 19 - Public Local Laws of St. Mary's County so that the METCOM debt would be de-coupled from the Commissioners of St. Mary's County debt.
- 2 – Reduce the Amount of Debt METCOM Can Incur. This request is to amend Section 113-6 of Article 19 - Public Local Laws of St. Mary's County to reduce the amount of outstanding debt METCOM can incur.
- 3 – Public Facilities Bond, to request authority to issue \$34.7 million in public facility bonds for the FY 2022 budget.
- 4 – Building Excise Tax, to request authority under §20 of the Local Government Article of the Annotated Code of Maryland to replace the Impact Fee with a Building Excise Tax in St. Mary's County.
- 5 – Transfer Tax - Repeal Of Sunset Date, to repeal Chapter 138(F) of Article 19 - Public Local Laws of St. Mary's County– to remove the October 1, 2024 termination date of the Real Property Transfer Tax.
- 6 – Public Accommodations Tax Rate Increase, to amend §20-405 of the Local Government Article of the Annotated Code of Maryland to pass enabling legislation permitting the increase in the St. Mary's County Public Accommodations Tax rate from five (5) percent to seven (7) percent.

NEWS RELEASE *for Immediate Release*

7 – St. Mary's County Open Meetings Act – to repeal the St. Mary's County Open Meetings Act located in §9-501 through §9-516 of the Local Government Article of the Annotated Code of Maryland and to require that St. Mary's County follow the State Open Meetings Act located in §3-101- §3-501 of the General Provisions Article of the Annotated Code of Maryland.

8 – Body Worn Cameras – Animal Control Officers, to amend §10-402 of the Judicial Proceedings Article of the Annotated Code of Maryland to allow St. Mary's County Animal Control Officer to wear body worn cameras to record their encounters and activities.

9 – Human Relations Commission Language Update, to amend §29-106(b)(2) of the Local Government Article of the Annotated Code of Maryland to include sexual orientation and gender identity within the protected classes of people under the Powers and Duties of the St. Mary's County Human Relations Commission.

10 – Create Bingo Licensing Permit Review Committee, to amend the local gaming provisions for St. Mary's County located in §13- 2101, §13-2103, §13-2105, §13-2106, §13-2107 and §13-2115 of the Criminal Law Article of the Annotated Code of Maryland to create a Bingo Licensing Permit Review Committee or administrative function.

11 – Allow Golf Carts on Old Horse Landing Road, to amend §20-104 of the Transportation Article to exempt Golf Carts from Motor Vehicle registration Requirements on Old Horse Landing Road in Mechanicsville.

12 – Bond Bill Request- Breton Bay Pond/Dam Repair and Reconstruction, to support the community request for a Bond Bill for \$750,000 to repair/reconstruct the water management pond/dam in Breton Bay.

13 - On-Site Consumption Permit for Class 1 Distillery License, to amend §28 of the Alcoholic Beverages Article to add section 404 to establish an on-site consumption permit for Class 1 Distillery License.

The Commissioners will vote on the proposals at their September 29, 2020, meeting in preparation for their joint meeting with the St. Mary's Delegation on October 6th.

Commissioner decisions and related public documents are available on the county government website in [BoardDocs](#). St. Mary's County Commissioner Meetings may be viewed live Tuesday mornings on SMCG Channel 95 or as a replay Friday nights at 6:30 p.m. Meetings are also available for on-demand viewing on the St. Mary's County [Government YouTube Channel](#).



ST. MARY'S COUNTY GOVERNMENT
PUBLIC INFORMATION OFFICE

ALisa Casas, Communications Director
SMCG TV 95 Station Manager
Media Inquiries: 301-475-4200 ext. 71342 or pio@stmarysmd.com

COMMISSIONERS OF ST. MARY'S COUNTY

James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

NEWS RELEASE *for Immediate Release*

No. 2020 – 191

September 18, 2020, 8:15 a.m.

Notice of Joint Public Meeting

LEONARDTOWN, MD – The Commissioners of St. Mary's County and the St. Mary's County Legislative Delegation will have a joint public meeting Tuesday, Oct. 6, 2020, at 6 p.m. in the Commissioners Meeting Room in the Chesapeake Building located at 41770 Baldrige Street, Leonardtown, Maryland.

The purpose of this meeting is to consider requests by the Commissioners of St. Mary's County and proposals by organizations and members of the public for enactment of legislation during the 2021 Regular Session of the Maryland General Assembly.

Public meetings are now open to the public as long as social distancing guidelines can be maintained and the Commissioners' Meeting Room capacity limits do not exceed 33 people. Everyone in attendance must adhere to the social distancing guidelines and wear a face covering at all times unless they have a disability or if they are speaking or are consuming food/drink. If social distancing guidelines or occupancy room capacity limits cannot be followed, the meeting may be rescheduled. The public is strongly encouraged to view the meeting remotely on Channel 95 or the [County YouTube Channel](#), or listen by calling 301-579-7236; access code: 963443#.

In lieu of appearance, comments may be submitted via:

- a. Written comments via email: csmc@stmarysmd.com
- b. Mail: P.O. Box 653 Leonardtown, MD, 20650
- c. Call 301-475-4200 x 1234 to speak at the Joint Public Meeting.
- d. Submit a three-minute video clip to publicmtgs@stmarysmd.com by Oct. 1, 2020 at 5 p.m.

A copy of the legislative proposals will be available in the county attorney's office and online at: <https://www.stmarysmd.com/docs/LegislativeProposals2021.pdf>.

-MORE-

ST. MARY'S COUNTY GOVERNMENT
PUBLIC INFORMATION OFFICE

ALisa Casas, Communications Director
SMCG TV 95 Station Manager
Media Inquiries: 301-475-4200 ext. 71342 or pio@stmarysmd.com

COMMISSIONERS OF ST. MARY'S COUNTY

James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

NEWS RELEASE *for Immediate Release*

Appropriate accommodations for individuals with special needs will be provided upon request. In order to meet these requirements, we respectfully ask for one week's prior notice. Please contact the County Commissioners Office at 301-475-4200. Proceedings are televised live and/or recorded for later broadcast on television. All content of these proceedings is subject to disclosure under the Maryland Public Information Act. Photographic and electronic audio and visual broadcasting and recording devices are used during the Commissioners' meetings. These are public meetings and attendance at these meetings automatically grants St. Mary's County Government permission to broadcast your audio and visual image.

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ST. MARY'S COUNTY

The
LEGA

PUBLIC NOTICE
Citizens Invited to Submit Legislative Proposals for
2021 General Assembly Session

The Commissioners of St. Mary's County will hold a joint meeting with members of the St. Mary's County Legislative Delegation on Tuesday, October 6, 2020 at 6 p.m. The meeting will take place in the commissioners meeting room inside the Chesapeake Building, 41770 Baldrige Street in Leonardtown.

The purpose of the meeting is to consider requests by the Commissioners of St. Mary's County, as well as proposals from organizations and citizens for the enactment of legislation during the 2021 session of the General Assembly of Maryland.

The form to submit a legislative proposal can be found online at <http://www.co.saint-marys.md.us/countyattorney/index.asp>. The deadline for the Commissioners of St. Mary's County to review the proposals considered at the October 6, 2020 joint meeting is August 26, 2020.

Due to COVID-19 precautions, the public is not allowed to be physically present, but may view the meeting on Channel 95 or the St. Mary's County Government YouTube Channel. Citizens may also listen by calling 301-579-7236, access code 963443. In lieu of appearance, citizens may call in to speak at the meeting or submit written comments or video clips as follows:

- a. Email to: csmc@stmarysmd.com.
- b. Mail: Commissioners of St. Mary's County, PO Box 653, Leonardtown, MD 20650.
- c. Call 301-475-4200 X 1234 to speak via telephone during the meeting.
- d. Submit a 3-minute video clip to publicmtgs@stmarysmd.com by October 1, 2020 at 5:00 pm.

The press is permitted to attend.

Please note that citizens can choose to submit proposals directly to the St. Mary's County Delegation per their schedule. Proposals can be submitted to:

Commissioners of St. Mary's County
41770 Baldrige Street
P.O. Box 653
Leonardtown, MD 20650
csmc@stmarysmd.com

AND MATT MORGAN, Delegate
District 29A, St. Mary's County
310 House Office Building
6 Bladen Street
Annapolis, MD 21401
matt.morgan@house.state.md.us

2914887 EN

8/7,8/14/2020

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the St. Mary's County Planning Commission will conduct a public hearing in the Commissioners Meeting Room in the St. Mary's County Chesapeake Building, located at 41770 Baldrige Street, Leonardtown, MD on **Monday, August 24, 2020, beginning at 6:30 p.m.** for the purpose of receiving public testimony to consider the following Concept Site Plan review:

MAJOR SUBDIVISION # 20-1200002, WOODS AT MYRTLE POINT SECTION 6 (Zoning Ordinance 10-02) (Subdivision Ordinance 10-01)

OWNER: Curtis Development Corporation

AGENT: Chesapeake Trails Surveying

LOCATION: Myrtle Point Rd

TM-034 GRID-06 PAR-0726 ED-08 TAX ID-161887

LAND USE: Residential Low Density

ZONING: Residential Low-Density, RL/Airport Environs, AE-4

ACREAGE: 6.05

ACTION REQUESTED: Review of a 24-lot major subdivision.

This public hearing is required by law to allow the applicant and all interested parties the opportunity to present evidence and public comment regarding this proposal. A decision will be made solely on evidence and testimony presented during the public hearing. Information submitted after the public hearing record is closed will not be considered.

Due to COVID-19 precautions, the public is not allowed to be physically present, but may view the meeting on Channel 95 or the St. Mary's County Government YouTube channel. Citizens may also listen by calling 301-579-7236, access code 963443. The press is permitted to attend.

NOTICE OF BOARD OF APPEALS I
2020, at 6:30 PM in the Main Meeting
41770 Baldrige Street, Leonardtown, M

VAAP 18-132-015, Guy Properties: Title 63.3.b and 71.4.2.a (2) of the Compr required 65-foot Type B front buffer yard, the required stream buffer to replace a located at 23490 Budds Creek Road, Leo 3, Parcel 32, in Zone: Village, Mixed 1 (RPD) with Resource Conservation Area

Public Hearings may be viewed on St. YouTube. Citizens may listen to the Pu code: 963443 at the scheduled meeting t

Due to social distancing guidelines at th the general public. Members of the press may be submitted with contact informati for the legal record via:

- a. Email: Sherrie.Young@stmarysmd.com
Deadline: 5:00 pm of the day prec
- b. Mail: Land Use & Growth Manag 20650
- c. Call 301-475-4200 x 1234 to speak
When the Board of Appeals Chair
- d. Submit a 3-minute video clip to pu
Deadline: Friday, Prior to schedu

The Board of Appeals will consider all s Public Hearing Guidelines are subject listening to, or submitting comments v Public Information Office, Communicat publicmtgs@stmarysmd.com.

If you have any questions regarding the Planning Specialist, Land Use and Gro Sherrie.Young@stmarysmd.com.

2914658 EN

Notice of I

Proposed Amendment to the St. Mary erage Plan for Tax Map 34, Parcel 726

NOTICE IS HEREBY GIVEN that the St. duct a public hearing in the Commissione located at 41770 Baldrige Street, Leonar beginning at 6:30 p.m., for the purpose of r amendment to the St. Mary's County Comj

Case No. 20-200-002, Woods at

Owner: Curtis Development Corp

Developer or contract purchaser:

Engineer or correspondent: Mudd

Location: Southeasterly corner of

California, MD

Tax Map 34, Grid 6, Parcel 726 I

Land Use: Residential Low Densi

Zoning: Residential Low Density

Acreage: 6.03

Action Requested: Amend service

ter and sewer service categories

developer financed) to W-3D and

in anticipation of providing public

development.

A copy of the proposed amendment is av



ST. MARY'S COUNTY GOVERNMENT
PUBLIC INFORMATION OFFICE

ALisa Casas, Communications Director
SMCG TV 95 Station Manager
Media Inquiries: 301-475-4200 ext. 1342 or pio@stmarysmd.com

COMMISSIONERS OF ST. MARY'S COUNTY

James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

NEWS RELEASE *for Immediate Release*

No. 2020 – 147

August 7, 2020, 8:05 a.m.

**Citizens Invited to Submit Legislative Proposals for
2021 General Assembly Session**

Leonardtown, MD – The Commissioners of St. Mary's County will hold a joint meeting with members of the St. Mary's County Legislative Delegation on October 6, 2020, at 6 p.m. The meeting will take place in the commissioners meeting room inside the Chesapeake Building, 41770 Baldrige Street in Leonardtown. The purpose of the meeting is to consider requests by the Commissioners of St. Mary's County, as well as proposals from organizations and citizens for the enactment of legislation during the 2021 session of the General Assembly of Maryland.

Legislative Proposals are due to the Commissioners by August 26, 2020. The form to submit a legislative proposal can be found online at <http://www.co.saint-marys.md.us/countyattorney/index.asp>.

Due to COVID-19 precautions, the public is not allowed to be physically present, but may view the meeting on Channel 95 or the St. Mary's County Government YouTube Channel. Citizens may also listen by calling 301-579-7236, access code 963443, In lieu of appearance, citizens may call in to speak at the meeting or submit written comments or video clips as follows:

- a. Email to: csmc@stmarysmd.com.
- b. Mail: Commissioners of St. Mary's County, PO Box 653, Leonardtown, MD 20650.
- c. Call 301-475-4200 X 1234 to speak via telephone during the meeting.
- d. Submit a 3-minute video clip to publicmtgs@stmarysmd.com by October 1, 2020 at 5 p.m.

The press is permitted to attend.

Please note that citizens can choose to submit proposals directly to the St. Mary's County Delegation per their schedule. Proposals can be submitted to:

Commissioners of St. Mary's County
41770 Baldrige Street
P.O. Box 653
Leonardtown, MD 20650
csmc@stmarysmd.com

AND

Matt Morgan, Delegate
District 29A, St. Mary's County
310 House Office Building
6 Bladen Street
Annapolis, MD 21401
matt.morgan@house.state.md.us

###

1

**COMMISSIONERS OF ST. MARY'S COUNTY
2021 LEGISLATIVE PROPOSAL FORM**

JOINT MEETING

**ST. MARY'S COUNTY LEGISLATIVE DELEGATION AND COMMISSIONERS OF ST. MARY'S COUNTY
OCTOBER 6, 2020 AT 6:00 P.M.
41770 BALDRIDGE STREET, LEONARDTOWN, MARYLAND**

August 26 – Legislative Proposals are due to Commissioners and Delegate Morgan.

September 22 – Legislative Proposals will be presented to the Commissioners at their regular meeting at 9:00 a.m.

September 29 - Commissioners will take positions/vote on legislative proposals at their regular meeting at 9:00 a.m.

October 6 – Joint Public Meeting with Commissioners and St. Mary's County Delegation at 6:00 p.m.

Requestors will be given WEBEX contact information prior to the meetings to participate.

REQUESTOR: COMMISSIONER TODD MORGAN

ADDRESS: 41770 BALDRIDGE STREET, P.O. BOX 653, LEONARDTOWN, MD 20650

TELEPHONE: 301-475-4200

EMAIL: TODD.MORGAN@STMARYSMD.COM

SUBJECT MATTER: TO REQUEST THAT THE METCOM DEBT BE DE-COUPLED FROM THE COMMISSIONERS OF ST. MARY'S COUNTY DEBT

LEGISLATIVE REFERENCE: Section 27-11 of Article 19 – Public Local Laws of St. Mary's County

FISCAL IMPACT: YES ___ NO ___ **AMOUNT:** _____

REQUEST: To amend Section 27-11 of Article 19 - Public Local Laws of St. Mary's County for the purpose of de-coupling the METCOM debt from the Commissioners of St. Mary's County debt.

Sec. 27-11. - Percentage limitation for certain evidences of indebtedness; exceptions.

- A. Unless and until otherwise provided by ordinance of the County Commissioners within the limitations provided by public general law, the aggregate amount of bonds and other evidences of indebtedness outstanding at any one time may not exceed a total of the sum of two and fifteen hundredths (2.15) percent upon the assessable real property in the County other than the operating real property of a public utility and five (5) percent upon the assessable personal property and operating real property of a public utility. However, tax anticipation notes or other evidences of indebtedness having a maturity not in excess of twelve (12) months, bonds or other evidences of indebtedness issued or guaranteed by the county, payable primarily or exclusively from taxes levied in or on or other revenues of special taxing areas or districts heretofore or hereafter established by law, [and] bonds or other evidences of indebtedness issued for self-liquidating and other projects payable primarily or exclusively from the proceeds of assessments or charges for special benefits or services, and agreements or other evidences of indebtedness executed or guaranteed by the county, payable primarily or exclusively from investment instruments purchased by the county, that are guaranteed to yield proceeds equal to or exceeding the amount of the county's indebtedness, are not subject to or to be included as bonds or evidences of indebtedness in computing or applying the percent limitations above provided.

- B. All bonds or other evidences of indebtedness issued under the authority of the Sanitary Commission Act shall be subject to the percent limitation set forth in subsection A of this section. Responsibility for repayment shall remain with the St. Mary's County Metropolitan Commission.
- C. All bonds or other evidences of indebtedness issued by the County Commissioners for the benefit of St. Mary's Hospital of St. Mary's County may not be included as bonds or other evidences of indebtedness in computing or applying the percent limitation provided in Subsection A of this section.

SUBMIT BY AUGUST 26, 2020 TO:

COMMISSIONERS OF ST. MARY'S COUNTY
41770 BALDRIDGE STREET
P.O. Box 653
LEONARDTOWN MARYLAND 20650
csmc@stmarysmd.com

AND

MATT MORGAN, DELEGATE
DISTRICT 29A, ST. MARY'S COUNTY
310 HOUSE OFFICE BUILDING
6 BLADEN STREET
ANNAPOLIS, MD 21401
matt.morgan@house.state.md.us

Sec. 27-11. - Percentage limitation for certain evidences of indebtedness; exceptions.

- A. Unless and until otherwise provided by ordinance of the County Commissioners within the limitations provided by public general law, the aggregate amount of bonds and other evidences of indebtedness outstanding at any one time may not exceed a total of the sum of two and fifteen hundredths (2.15) percent upon the assessable real property in the County other than the operating real property of a public utility and five (5) percent upon the assessable personal property and operating real property of a public utility. However, tax anticipation notes or other evidences of indebtedness having a maturity not in excess of twelve (12) months, bonds or other evidences of indebtedness issued or guaranteed by the county, payable primarily or exclusively from taxes levied in or on or other revenues of special taxing areas or districts heretofore or hereafter established by law, [and] bonds or other evidences of indebtedness issued for self-liquidating and other projects payable primarily or exclusively from the proceeds of assessments or charges for special benefits or services, and agreements or other evidences of indebtedness executed or guaranteed by the county, payable primarily or exclusively from investment instruments purchased by the county, that are guaranteed to yield proceeds equal to or exceeding the amount of the county's indebtedness, are not subject to or to be included as bonds or evidences of indebtedness in computing or applying the percent limitations above provided.
- B. All bonds or other evidences of indebtedness issued under the authority of the Sanitary Commission Act shall be subject to the percent limitation set forth in subsection A of this section. Responsibility for repayment shall remain with the St. Mary's County Metropolitan Commission.
- C. All bonds or other evidences of indebtedness issued by the County Commissioners for the benefit of St. Mary's Hospital of St. Mary's County may not be included as bonds or other evidences of indebtedness in computing or applying the percent limitation provided in Subsection A of this section.

(1979, ch. 670; 1982, ch. 75; 2003, ch. 247; 2005, ch. 526; ch 424, 2017)

St. Mary's County Metropolitan Commission

Capital Improvements Budget - Recommended 1/9/2020

Debt Ceiling Limit Analysis

	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Debt Outstanding - Beginning of Year (1)	\$ 94,807,983	\$ 95,901,730	\$ 89,481,397	\$ 83,061,444	\$ 76,496,778	\$ 69,774,771	\$ 62,937,822
DHCD - Various Water & Sewer Projects	\$ 7,152,371						
DHCD - VacCon Truck	\$ 279,594						
Principal Payments - Existing Debt	(6,338,218)	(6,420,332)	(6,419,953)	(6,564,666)	(6,722,007)	(6,836,950)	(6,719,204)
Existing Debt	\$ 95,901,730	\$ 89,481,397	\$ 83,061,444	\$ 76,496,778	\$ 69,774,771	\$ 62,937,822	\$ 56,218,618
Proposed Debt (2):							
Beginning Balance	\$ -	\$ 9,200,267	\$ 21,351,169	\$ 33,168,216	\$ 38,242,575	\$ 46,628,924	\$ 53,168,333
Sewer Debt to be issued	2,937,222	5,601,288	2,434,730	3,226,855	3,139,307	1,224,535	1,267,638
Capital Reserves Sewer (Contingencies) **	182,000	347,000	151,000	200,000	195,000	76,000	79,000
Estimated New Debt Prior Year's Sewer Projects							
Water Debt to be issued	5,840,583	6,206,350	9,282,201	2,365,272	5,556,652	5,756,133	3,287,843
Capital Reserves Water (Contingencies) **	438,000	465,000	696,000	177,000	417,000	432,000	247,000
Estimated New Debt Prior Year's Water Projects							
Principal Payments - Proposed Debt	(197,538)	(468,736)	(746,885)	(894,767)	(921,611)	(949,259)	(977,737)
Proposed Debt	\$ 9,200,267	\$ 21,351,169	\$ 33,168,216	\$ 38,242,575	\$ 46,628,924	\$ 53,168,333	\$ 57,072,077
Ending Debt Balance							
Assessed Value with 1% Growth (3)	\$105,101,996	\$110,822,666	\$116,229,660	\$114,739,354	\$116,403,695	\$116,106,155	\$113,290,695
Debt as a Percentage of Assessed Value CIB FY21-FY26	\$12,488,950,055	\$12,140,797,700	\$12,262,205,677	\$12,384,827,734	\$12,508,676,011	\$12,633,762,771	\$12,760,100,399
	0.81%	0.91%	0.95%	0.93%	0.93%	0.92%	0.89%
Allowable Debt Limit	25%	25%	25%	25%	25%	25%	25%
Debt as a Percentage of Assessed Value CIB FY20-FY25	0.89%	0.93%	0.93%	0.90%	0.92%	0.89%	
** Capital Reserves Water / Sewer (Contingencies) that would have to be borrowed, but cannot be spent on new projects without CSMC Approval.							
Excluding Capital Reserves Water / Sewer (Contingencies)							
Beginning Balance	\$ 94,807,983	\$ 104,481,996	\$ 109,400,566	\$ 113,950,660	\$ 112,083,354	\$ 113,135,695	\$ 112,330,155
New Debt	16,209,770	11,807,638	11,716,931	5,592,127	8,695,959	6,980,668	4,555,481
Principal Payments - Proposed Debt			(7,166,838)	(7,459,433)	(7,643,618)	(7,786,208)	(7,696,941)
Ending Debt Balance Excluding Capital Reserves (Contingencies)	(6,535,757)	(6,889,068)					
Assessed Value with 1% Growth (3)	\$ 104,481,996	\$ 109,400,566	\$ 113,950,660	\$ 112,083,354	\$ 113,135,695	\$ 112,330,155	\$ 109,188,695

Debt as a Percentage of Assessed Value CIB FY21-FY26

	\$12,488,950,055	\$12,140,797,799	\$12,262,205,777	\$12,384,827,835	\$12,508,676,113	\$12,633,762,874	\$12,760,100,503
	0.84%	0.90%	0.93%	0.91%	0.90%	0.89%	0.86%
Debt as a Percentage of Assessed Value CIB FY20-FY25	0.88%	0.91%	0.91%	0.88%	0.89%	0.86%	0.89%

NOTE (1) Debt Outstanding Beginning of Year updated for the year from the Prior Year Audit. This is the cumulative calculation of Outstanding Debt, plus Undrawn.

NOTE (2) MetCom new debt current

NOTE (3) FY2020 based on FY2013 rolled forward at 1%. FY2021 Update utilizes MD Dept of Planning 2018 data: Reduced by Sanitary Districts 7 and 9 (no facilities), and reduced by all public property (County/State/Federal). If FY2020 was rolled forward to FY2021 without update, FY2021 assessed value would have been higher by \$473k at \$12,613,839,556 and calculating the debt as a percentage at .87% vs. the new calculation of .90%

Angela Blondino

From: Jeannett Cudmore
Sent: Wednesday, September 23, 2020 1:08 PM
To: George Erichsen; Patricia Stiegman
Cc: David Weiskopf; Angela Blondino; Neil Murphy; Jody Quasney
Subject: RE: Assessed value for METCOM property

We are using the version circled with "purple" – percentage changed due to updating debt.

From: George Erichsen <gerichsen@metcom.org>
Sent: Tuesday, September 22, 2020 7:51 PM
To: Jeannett Cudmore <Jeannett.Cudmore@stmarysmd.com>; Patricia Stiegman <pstiegman@metcom.org>
Cc: David Weiskopf <David.Weiskopf@stmarysmd.com>; Angela Blondino <Angela.Blondino@stmarysmd.com>; Neil Murphy <Neil.Murphy@stmarysmd.com>; Jody Quasney <Jody.Quasney@stmarysmd.com>
Subject: RE: Assessed value for METCOM property

JC:
Great. And, we recalculated when I came over to MetCom a couple years ago instead of just adding 1% every year, which they had been doing for a while. As such, the \$\$\$ is about \$400K lower than it would have been.

George Erichsen

----- Original message -----

From: Jeannett Cudmore <Jeannett.Cudmore@stmarysmd.com>
Date: 9/22/20 7:15 PM (GMT-05:00)
To: Patricia Stiegman <pstiegman@metcom.org>, George Erichsen <gerichsen@metcom.org>
Cc: David Weiskopf <David.Weiskopf@stmarysmd.com>, Angela Blondino <Angela.Blondino@stmarysmd.com>, Neil Murphy <Neil.Murphy@stmarysmd.com>, Jody Quasney <Jody.Quasney@stmarysmd.com>
Subject: Re: Assessed value for METCOM property

Yes I saw the note 3 with explanation
Thanks jeannett

Get [Outlook for Android](#)

From: George Erichsen <gerichsen@metcom.org>
Sent: Tuesday, September 22, 2020 6:49:31 PM
To: Jeannett Cudmore <Jeannett.Cudmore@stmarysmd.com>; Patricia Stiegman <pstiegman@metcom.org>
Cc: David Weiskopf <David.Weiskopf@stmarysmd.com>; Angela Blondino <Angela.Blondino@stmarysmd.com>; Neil Murphy <Neil.Murphy@stmarysmd.com>; Jody Quasney <Jody.Quasney@stmarysmd.com>
Subject: RE: Assessed value for METCOM property

JC:

It is annotated in Chapter 113 and on our calculation sheet. In short, it is calculated starting from the assessable base of the County less all the Sanitary Districts where we do not have MetCom facilities and less public (County) properties. We have to use MD Department of Planning information as we have to sort data by the 10 Sanitary Districts. Patty, feel free to add any additional explanation. Hope this helps.

George Erichsen

----- Original message -----

From: Jeannett Cudmore <Jeannett.Cudmore@stmarysmd.com>

Date: 9/22/20 5:10 PM (GMT-05:00)

To: Patricia Stiegman <pstiegman@metcom.org>, "gerichsen@metcom.org" <gerichsen@metcom.org>

Cc: David Weiskopf <David.Weiskopf@stmarysmd.com>, Angela Blondino <Angela.Blondino@stmarysmd.com>, Neil Murphy <Neil.Murphy@stmarysmd.com>, Jody Quasney <Jody.Quasney@stmarysmd.com>

Subject: Assessed value for METCOM property

Good afternoon,

After this morning's meeting on the Legislative items – Commissioners asked for the Assessed Value for METCOM property.

In looking at the Debt Ceiling Limit Analysis submitted for FY2021 CIB request, attached, it says for FY2021 is \$12,140,797,700.

Question – is this just for METCOM's property? Or is this the projection for the entire County?

County's for FY2021 total assessable base is \$13,173,395,000 per SDAT – also attached.

Let me know.

Thanks for your help,

Jeannett

Angela Blondino

From: Rebecca Bridgett
Sent: Tuesday, September 22, 2020 5:24 PM
To: Randy Guy; Eric Colvin; Mike Hewitt; Todd B. Morgan (SAIC); John OConnor
Cc: Jeannett Cudmore; David Weiskopf; Angela Blondino; George Erichsen (gerichsen@metcom.org)
Subject: FYI: 9-22-2020 Inquiry By Commissioner Hewitt
Attachments: Debt Ceiling sent to County 1-14-2020.docx

Commissioners,

Please find the email below and attachment from George Erichsen responding to the questions earlier today during your legislative proposals review.

Thanks, Dr. B

*Dr. Rebecca Bolton Bridgett
County Administrator
St. Mary's County Government
Chesapeake Building
41770 Baldrige Street
Post Office Box 653
Leonardtown, Maryland 20650
301-475-4200 X71320
301-475-4935 (fax)*

The views reflected in this email are those of the sender and not necessarily those of St. Mary's County. This electronic message and all contents may contain confidential communications subject to the Electronic Communication Privacy Act, 18 U.S.C. 2510-2521. Such communications are confidential and protected from disclosure and are intended for the addressee only. If you are not the intended addressee, please destroy the original message and all copies.

From: George Erichsen <gerichsen@metcom.org>
Sent: Tuesday, September 22, 2020 4:04 PM
To: Rebecca Bridgett <Rebecca.Bridgett@stmarysmd.com>
Cc: gerichsen@metcom.org; bbay1@md.metrocast.net; pstiegman@metcom.org; rcbeaver@rcbeaverlaw.com
Subject: 9-22-2020 Inquiry By Commissioner Hewitt

Dr. B:

It is our understanding that Commissioner Hewitt had a question regarding MetCom's assessable base as it pertains to the legislated combined debt and the draft decoupling legislation submitted by Commissioner Morgan. Attached please find the specific document that we annually forward to CFO Jeannette Cudmore for the County's use in determining the combined debt limit of both entities. The information attached was supplied as a part of the FY 21 budget process, reviewed by our Board and forwarded to the County on 1-14-2020. Specifically, MetCom's assessable base for FY 21 is circled in purple on the attached for ease of reference (\$12.1B, which is about \$1B less than the County's). Please forward this to the County Commissioners to ensure that they all receive a copy.

Commissioner Morgan's decoupling proposal includes the reduction of MetCom's legislated 25% limit down to 2.15%, which corresponds to a significant reduction on potential MetCom borrowing. As always, if there are any other questions, please do not hesitate to contact me anytime. Note: Mr. Beaver was present and was representing the

Alcohol Beverage Board's proposed legislation as their attorney not the Metropolitan Commission as we have no legislation submitted this year. Thank you.

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

September 29, 2020

The Honorable Matthew Morgan
Maryland House of Delegates
310 House Office Building
6 Bladen Street
Annapolis, MD 21401

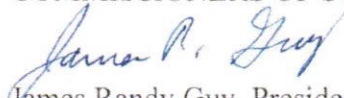
Re: St. Mary's Co. – To De-Couple the METCOM and Commissioners of St. Mary's County
Debt Section 27-11 of *Article 19 - Public Local Laws of St. Mary's County*

Dear Chairman Morgan:

The Commissioners of St. Mary's County support the amendment of Section 27-11 of *Article 19 of the Public Local Laws of St. Mary's County* to de-couple the METCOM debt from the Commissioners of St. Mary's County debt as requested by Commissioner Todd Morgan.

We appreciate the introduction of this legislation and believe this legislation will benefit the citizens of St. Mary's County. We look forward to working with you on this and other initiatives throughout the session.

Sincerely,
COMMISSIONERS OF ST. MARY'S COUNTY


James Randy Guy, President

CSMC/AB/sf
T:/Consent/2020/130

Cc: Senator Jack Bailey
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

**HB ____ – St. Mary's County –
De-Coupling Metropolitan Commission Debt and
County Debt**

SUPPORT

_____, 2021

Delegate _____, Chair
_____ Committee
House Office Building, Room 101
6 Bladen Street
Annapolis, MD 21401

Re: House Bill #: _____ - De-Coupling METCOM and County Debt
Hearing on _____, 2021

Dear Chairman _____:

The Commissioners of St. Mary's County support House Bill #: ____ – De-Coupling
METCOM and County Debt which is being heard in the _____ Committee on
_____, 2021.

We request a favorable report on House Bill _____. We support the introduction of this
legislation and believe it would benefit the citizens of St. Mary's County. Thank you for your
consideration as well as your attention to this matter.

Sincerely,

COMMISSIONERS OF ST. MARY'S COUNTY

James Randy Guy, President

Cc: Senator Jack Bailey
Delegate Matthew Morgan
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

**Senate Bill ____ – St. Mary's County –
De-Coupling Metropolitan Commission Debt and
County Debt**

SUPPORT

_____, 2021

Senator _____, Chair
_____ Committee
_____ West
Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

Re: Bill #: ____ - De-Coupling METCOM and County Debt
Hearing on _____, 2021

Dear Chairman _____:

The Commissioners of St. Mary's County support Bill #: ____ – De-Coupling METCOM and County Debt which is being heard in the _____ Committee on _____, 2021.

We request a favorable report on Senate Bill _____. We support the introduction of this legislation and believe it would benefit the citizens of St. Mary's County. Thank you for your consideration as well as your attention to this matter.

Sincerely,

COMMISSIONERS OF ST. MARY'S COUNTY

James Randy Guy, President

Cc: Senator Jack Bailey
Delegate Matthew Morgan
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

2

**COMMISSIONERS OF ST. MARY'S COUNTY
2021 LEGISLATIVE PROPOSAL FORM**

JOINT MEETING

**ST. MARY'S COUNTY LEGISLATIVE DELEGATION AND COMMISSIONERS OF ST. MARY'S COUNTY
OCTOBER 6, 2020 AT 6:00 P.M.
41770 BALDRIDGE STREET, LEONARDTOWN, MARYLAND**

August 26 – Legislative Proposals are due to Commissioners and Delegate Morgan.

September 22 – Legislative Proposals will be presented to the Commissioners at their regular meeting at 9:00 a.m.

September 29 - Commissioners will take positions/vote on legislative proposals at their regular meeting at 9:00 a.m.

October 6 – Joint Public Meeting with Commissioners and St. Mary's County Delegation at 6:00 p.m.

Requestors will be given WEBEX contact information prior to the meetings to participate.

REQUESTOR: COMMISSIONER TODD MORGAN

ADDRESS: 41770 BALDRIDGE STREET, P.O. BOX 653, LEONARDTOWN, MD 20650

TELEPHONE: 301-475-4200

EMAIL: TODD.MORGAN@STMARYSMD.COM

SUBJECT MATTER: TO REDUCE THE AMOUNT OF OUTSTANDING DEBT THAT METCOM CAN INCUR.

LEGISLATIVE REFERENCE: Section 113-6 of Article 19 – Public Local Laws of St. Mary's County

FISCAL IMPACT: YES ___ NO ___ **AMOUNT:** _____

REQUEST: To amend Section 113-6 of Article 19 - Public Local Laws of St. Mary's County to reduce the amount of debt that METCOM can incur from TWENTY FIVE (25%) PERCENT to TWO AND FIFTEEN HUNDREDTHS (2.15%) PERCENT.

113-6. Bonds; authorized, restriction, issue.

A. (1) For the purpose of providing funds for the design, construction, establishment, purchase or condemnation of water supply and sewerage systems in any of the sanitary districts, the Metropolitan Commission, upon the approval of the Commissioners of St. Mary's County and in accordance with § 27-11 of the Code of St. Mary's County, Maryland, is authorized and empowered to incur debt, from time to time, upon the full faith and credit of St. Mary's County, in such amounts as it may deem to be necessary to carry on its work, but at no time shall the total debt outstanding for all purposes under this chapter exceed **TWO AND FIFTEEN HUNDREDTHS (2.15) PERCENT- TWENTY FIVE (25) PERCENT** of the total value of the property assessed for County taxation purposes within all of the sanitary districts in which public water or sewer facilities are located.

SUBMIT BY AUGUST 26, 2020 TO:

COMMISSIONERS OF ST. MARY'S COUNTY
41770 BALDRIDGE STREET
P.O. Box 653
LEONARDTOWN MARYLAND 20650
csmc@stmarysmd.com

AND

MATT MORGAN, DELEGATE
DISTRICT 29A, ST. MARY'S COUNTY
310 HOUSE OFFICE BUILDING
6 BLADEN STREET
ANNAPOLIS, MD 21401
matt.morgan@house.state.md.us

Sec. 113-6. - Bonds; authorized, restriction, issue.

- A. For the purpose of providing funds for the design, construction, establishment, purchase or condemnation of water supply and sewerage systems in any of the sanitary districts, the Commission, upon the approval of the Commissioners of St. Mary's County and in accordance with § 27-11 of the Code of St. Mary's County, Maryland, is authorized and empowered to incur debt, from time to time, upon the full faith and credit of St. Mary's County, in such amounts as it may deem to be necessary to carry on its work, but at no time shall the total debt outstanding for all purposes under this chapter exceed twenty-five (25) percent of the total value of the property assessed for County taxation purposes within all of the sanitary districts in which public water or sewer facilities are located. Subject to the conditions contained herein, the form, tenor, manner and all other matters relating to the incurrence of debt, including, but not limited to, the issuance of bonds under this chapter shall be prescribed in a resolution to be adopted by the St. Mary's County Metropolitan Commission prior to incurring additional debt. Except as provided in § 27-11 of the Code of St. Mary's County, Maryland, the issuance of bonds may not be subject to any limitations or conditions contained in any other law, and the Commission may incur debt in such manner and for such price as it may determine to be for the best interests of the Commission as approved by and the Commissioners of St. Mary's County. Any bonds issued shall be serial bonds issued upon the serial maturing plan and in such denominations as shall be determined by the Commission. Any debt incurred by the Commission may be prepaid or redeemable before maturity, as permitted by the debt instrument, at the option of the Commission at such price and under such terms and conditions as may be fixed by the Commission prior to the incurrence of debt. Any related interest owed shall be at such rate or rates payable not less than semiannually, as shall be determined by a resolution of the St. Mary's County Metropolitan Commission adopted prior to the incurrence of debt. All debt incurred by the Commission shall mature in not more than forty (40) years after date of issue and shall be forever exempt from State, City and County taxation as hereinafter provided. All debt instruments and related documentation to evidence any indebtedness shall be issued under the signature and seal of the Commission and shall be unconditionally guaranteed as to payment of both principal and interest by the Commissioners of St. Mary's County, a political subdivision of the State of Maryland, which guaranty shall be endorsed on any such debt as may be issued in the following language: "The payment of interest when due and the principal at maturity is guaranteed by the Commissioners of St. Mary's County, Maryland." Such endorsement shall be signed on any bonds issued by the Commissioners of St. Mary's County within ten (10) days after any bonds are presented by the Commission for such endorsement.
- B. The principal amount of any Commission debt as permitted hereunder, the interest payable thereon, and any income derived therefrom, including any profit made by the Commission in the sale or transfer thereof, shall be and remain exempt from taxation by the State of Maryland and by the several counties and municipal corporations of this State.

(1957, ch. 816, sec. 179; 1966, ch. 175; 1967, ch. 342, sec. 161; 1970, ch. 396; 1976, ch. 911; 1977, ch. 563; 2012, ch. 704; 2016, ch. 284; 2017, ch. 424; 2018, ch. 108)

Angela Blondino

From: Rebecca Bridgett
Sent: Wednesday, September 23, 2020 10:07 AM
To: David Weiskopf; Angela Blondino
Subject: FW: Assessed value for METCOM property
Attachments: METCOM Debt Ceiling Analysis FY2021.pdf; County Debt Capacity 7-7-2020.pdf

FYI

From: Jeannett Cudmore <Jeannett.Cudmore@stmarysmd.com>
Sent: Tuesday, September 22, 2020 5:38 PM
To: Rebecca Bridgett <Rebecca.Bridgett@stmarysmd.com>
Subject: FW: Assessed value for METCOM property

What I sent to them.

See footnote #3 (bottom of METCOM Debt Ceiling Analysis) – they take their assessment from MD Department of planning less reduced by Sanitary districts with no facilities, Thus the difference of \$1,032,597,300 compared to what is used on County's Debt Capacity (13,173,395,000 – less 12,140,797,700).

From: Jeannett Cudmore
Sent: Tuesday, September 22, 2020 5:10 PM
To: 'Patricia Stiegman' <pstiegman@metcom.org>; 'gerichsen@metcom.org' <gerichsen@metcom.org>
Cc: David Weiskopf <David.Weiskopf@stmarysmd.com>; Angela Blondino <Angela.Blondino@stmarysmd.com>; Neil Murphy <Neil.Murphy@stmarysmd.com>; Jody Quasney <Jody.Quasney@stmarysmd.com>
Subject: Assessed value for METCOM property

Good afternoon,

After this mornings meeting on the Legislative items – Commissioners asked for the Assessed Value for METCOM property.

In looking at the Debt Ceiling Limit Analysis submitted for FY2021 CIB request, attached, it says for FY2021 is \$12,140,797,700.

Question – is this just for METCOM's property? Or is this the projection for the entire County?

County's for FY2021 total assessable base is \$13,173,395,000 per SDAT – also attached.

Let me know.

Thanks for your help,
Jeannett

St. Mary's County Metropolitan Commission

Capital Improvements Budget - Recommended 1/9/2020

Debt Ceiling Limit Analysis

	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Debt Outstanding - Beginning of Year (1)	\$ 94,807,983	\$ 95,901,730	\$ 89,481,397	\$ 83,061,444	\$ 76,496,778	\$ 69,774,771	\$ 62,937,822
DHCD - Various Water & Sewer Projects	\$ 7,152,371						
DHCD - VacCon Truck	\$ 279,594						
Principal Payments - Existing Debt	(6,338,218)	(6,420,332)	(6,419,953)	(6,564,666)	(6,722,007)	(6,836,950)	(6,719,204)
Existing Debt	\$ 95,901,730	\$ 89,481,397	\$ 83,061,444	\$ 76,496,778	\$ 69,774,771	\$ 62,937,822	\$ 56,218,618
Proposed Debt (2):							
Beginning Balance	\$ -	\$ 9,200,267	\$ 21,351,169	\$ 33,168,216	\$ 38,242,575	\$ 46,628,924	\$ 53,168,333
Sewer Debt to be issued	2,937,222	5,601,288	2,434,730	3,226,855	3,139,307	1,224,535	1,267,638
Capital Reserves Sewer (Contingencies) **	182,000	347,000	151,000	200,000	195,000	76,000	79,000
Estimated New Debt Prior Year's Sewer Projects							
Water Debt to be issued	5,840,583	6,206,350	9,282,201	2,365,272	5,556,652	5,756,133	3,287,843
Capital Reserves Water (Contingencies) **	438,000	465,000	696,000	177,000	417,000	432,000	247,000
Estimated New Debt Prior Year's Water Projects							
Principal Payments -Proposed Debt	(197,538)	(468,736)	(746,885)	(894,767)	(921,611)	(949,259)	(977,737)
Proposed Debt	\$ 9,200,267	\$ 21,351,169	\$ 33,168,216	\$ 38,242,575	\$ 46,628,924	\$ 53,168,333	\$ 57,072,077
Ending Debt Balance	\$ 9,200,267	\$ 21,351,169	\$ 33,168,216	\$ 38,242,575	\$ 46,628,924	\$ 53,168,333	\$ 57,072,077
Assessed Value with 1% Growth (3)	\$105,101,996	\$110,922,566	\$116,229,660	\$114,739,354	\$116,403,695	\$116,106,155	\$113,290,695
Debt as a Percentage of Assessed Value CIB FY21-FY26	\$12,488,950,055	\$12,140,797,700	\$12,262,205,677	\$12,384,827,734	\$12,508,676,011	\$12,633,762,771	\$12,760,100,399
	0.81%	0.91%	0.95%	0.93%	0.93%	0.92%	0.89%
Allowable Debt Limit	25%	25%	25%	25%	25%	25%	25%
Debt as a Percentage of Assessed Value CIB FY20-FY25	0.89%	0.93%	0.93%	0.90%	0.92%	0.89%	
** Capital Reserves Water / Sewer (Contingencies) that would have to be borrowed, but cannot be spent on new projects without CSMC Approval.							
Excluding Capital Reserves Water / Sewer (Contingencies)							
Beginning Balance	\$ 94,807,983	\$ 104,481,996	\$ 109,400,566	\$ 113,950,660	\$ 112,083,354	\$ 113,135,695	\$ 112,330,155
New Debt	16,209,770	11,807,638	11,716,931	5,592,127	8,695,959	6,980,668	4,555,481
Principal Payments - Proposed Debt			(7,166,838)	(7,459,433)	(7,643,618)	(7,786,208)	(7,696,941)
Ending Debt Balance Excluding Capital Reserves (Contingencies)	(6,535,757)	(6,889,068)					
Assessed Value with 1% Growth (3)	\$ 104,481,996	\$ 109,400,566	\$ 113,950,660	\$ 112,083,354	\$ 113,135,695	\$ 112,330,155	\$ 109,188,695

Debt as a Percentage of Assessed Value CIB FY21-FY26

	\$12,488,950,055	\$12,140,797,799	\$12,262,205,777	\$12,384,827,835	\$12,508,676,113	\$12,633,762,874	\$12,760,100,503
	0.84%	0.90%	0.93%	0.91%	0.90%	0.89%	0.86%
Debt as a Percentage of Assessed Value CIB FY20-FY25	0.88%	0.91%	0.91%	0.88%	0.89%	0.86%	0.89%

NOTE (1) Debt Outstanding Beginning of Year updated for the year from the Prior Year Audit. This is the cumulative calculation of Outstanding Debt, plus Undrawn.

NOTE (2) MetCom new debt current includes contingencies.

NOTE (3) FY2020 based on FY2013 rolled forward at 1%. FY2021 Update utilizes MD Dept of Planning 2018 data: Reduced by Sanitary Districts 7 and 9 (no facilities), and reduced by all public property (County/State/Federal). If FY2020 was rolled forward to FY2021 without update, FY2021 assessed value would have been higher by \$473k at \$12,613,839,556 and calculating the debt as a percentage at .87% vs. the new calculation of .90%

Debt Capacity with METCOM 2.15%

Fiscal year	2019	2020	2021	2022	2023	2024	2025	2026
Projected Assessable Base 3-2020	12,624,397,947	12,849,448,781	13,173,395,000	13,436,862,900	13,705,600,158	13,979,712,161	14,259,306,404	14,544,492,532
% increase	1.5%	1.8%	2.5%	2.0%	2.0%	2.0%	2.0%	2.0%
Legal Debt Limit - 2.15% SB737	271,424,556	276,263,149	283,227,993	288,892,552	294,670,403	300,563,811	306,575,088	312,706,589
Potential Borrowing - County	-	30,000,000	30,000,000	30,000,000	25,000,000	25,000,000	20,000,000	20,000,000
Potential Borrowing - METCOM (Based on FY21 METCOM CIB)	-	16,209,770	12,307,638	11,716,931	5,592,127	8,695,959	6,980,668	4,555,481
<u>Calculations based on potential borrowing</u>								
Outstanding Debt - METCOM	92,297,615	101,971,629	107,379,038	111,917,635	110,038,488	111,078,633	110,260,530	107,106,131
Outstanding Debt - County	93,651,454	113,588,014	134,791,553	154,494,655	169,668,292	183,599,009	192,964,788	202,444,062
Total Debt - County & METCOM	185,949,069	215,559,643	242,170,591	266,412,290	279,706,780	294,677,642	303,225,318	309,550,193
Outstanding Debt as % of Base	1.47%	1.68%	1.84%	1.98%	2.04%	2.11%	2.13%	2.13%
Debt Margin	85,475,487	60,703,506	41,057,402	22,480,262	14,963,623	5,886,169	3,349,770	3,156,396
20 years, 3% County								
PRINCIPAL	9,092,956	10,063,440	8,796,461	10,296,898	9,826,363	11,069,283	10,634,221	10,520,726
INTEREST	2,693,427	3,077,441	3,806,932	4,723,589	5,202,422	5,589,490	5,895,785	6,111,318
Total debt service	11,786,383	13,140,881	12,603,393	15,020,487	15,028,785	16,658,773	16,530,006	16,632,044
County Only								
Assessed Property	SDAT		13,173,395,000	13,436,862,900	13,705,600,158	13,979,712,161	14,259,306,404	14,544,492,532
Legal Debt Limit 2.15%	Assessment times 2.15%		283,227,993	288,892,552	294,670,403	300,563,811	306,575,088	312,706,589
County Debt			134,791,553	154,494,655	169,668,292	183,599,009	192,964,788	202,444,062
Outstanding Debt as % of Base			1.02%	1.15%	1.24%	1.31%	1.35%	1.39%
Debt Margin	Additional Debt allowed		148,436,440	134,397,897	125,002,111	116,964,802	113,610,300	110,262,527
Legal Debt Limit 2%	Assessment times 2.00%		263,467,900	268,737,258	274,112,003	279,594,243	285,186,128	290,889,851
County Debt			134,791,553	154,494,655	169,668,292	183,599,009	192,964,788	202,444,062
Outstanding Debt as % of Base			1.02%	1.15%	1.24%	1.31%	1.35%	1.39%
Debt Margin	Additional Debt allowed		128,676,347	114,242,603	104,443,711	95,995,234	92,221,340	88,445,789
METCOM Only								
Assessed Property	MD Planning less Sanitary Districts 7 & 9		12,140,797,700	12,262,205,677	12,384,827,734	12,508,676,011	12,633,762,771	12,760,100,399
Chapter 113 Allowed 25%	Assessment times 25%		3,035,199,425	3,065,551,419	3,096,206,934	3,127,169,003	3,158,440,693	3,190,025,100
METCOM Debt			107,379,038	111,917,635	110,038,488	111,078,633	110,260,530	107,106,131
Outstanding Debt as % of Base			0.88%	0.91%	0.89%	0.89%	0.87%	0.84%
Debt Margin	Additional Debt allowed		2,927,820,387	2,953,633,784	2,986,168,446	3,016,090,370	3,048,180,163	3,082,918,969
Legal Debt Limit 2.15%	Assessment times 2.15%		261,027,151	263,637,422	266,273,796	268,936,534	271,625,900	274,342,159
METCOM Debt			107,379,038	111,917,635	110,038,488	111,078,633	110,260,530	107,106,131
Outstanding Debt as % of Base			0.88%	0.91%	0.89%	0.89%	0.87%	0.84%
Debt Margin	Additional Debt allowed		153,648,113	151,719,787	156,235,308	157,857,901	161,365,370	167,236,028
Legal Debt Limit 2.00%	Assessment times 2%		242,815,954	245,244,114	247,696,555	250,173,520	252,675,255	255,202,008
METCOM Debt			107,379,038	111,917,635	110,038,488	111,078,633	110,260,530	107,106,131
Outstanding Debt as % of Base			0.88%	0.91%	0.89%	0.89%	0.87%	0.84%
Debt Margin	Additional Debt allowed		135,436,916	133,326,479	137,658,067	139,094,887	142,414,725	148,095,877

Angela Blondino

From: Jeannett Cudmore
Sent: Wednesday, September 23, 2020 8:28 AM
To: Patricia Stiegman; George Erichsen
Cc: David Weiskopf; Angela Blondino; Neil Murphy; Jody Quasney
Subject: RE: Assessed value for METCOM property

We use the average last three years growth for future years on County Debt Capacity.
Good to be consistent.
Thanks, Jeannett

From: Patricia Stiegman <pstiegman@metcom.org>
Sent: Wednesday, September 23, 2020 8:24 AM
To: Jeannett Cudmore <Jeannett.Cudmore@stmarysmd.com>; George Erichsen <gerichsen@metcom.org>
Cc: David Weiskopf <David.Weiskopf@stmarysmd.com>; Angela Blondino <Angela.Blondino@stmarysmd.com>; Neil Murphy <Neil.Murphy@stmarysmd.com>; Jody Quasney <Jody.Quasney@stmarysmd.com>
Subject: Re: Assessed value for METCOM property

Yes, hopefully note three explains it. The Dept of Planning does not update their information every year, so you can see we use a 1% growth for future years.

Thanks!

Patty Stiegman, Chief Financial Officer
St. Mary's County Metropolitan Commission
23121 Camden Way
California, Maryland 20619

Work: 301-737-7400 x 205
Fax: 301-737-7457
Email: pstiegman@metcom.org

Serving Customers in St. Mary's County Maryland Since 1964

----- Original Message -----

From: "Jeannett Cudmore" <Jeannett.Cudmore@stmarysmd.com>
Sent: 9/22/2020 7:15:03 PM
To: "Patricia Stiegman" <pstiegman@metcom.org>, "George Erichsen" <gerichsen@metcom.org>
Cc: "David Weiskopf" <David.Weiskopf@stmarysmd.com>, "Angela Blondino" <Angela.Blondino@stmarysmd.com>, "Neil Murphy" <Neil.Murphy@stmarysmd.com>, "Jody Quasney" <Jody.Quasney@stmarysmd.com>
Subject: Re: Assessed value for METCOM property

Yes I saw the note 3 with explanation
Thanks jeannett

Get [Outlook for Android](#)

From: George Erichsen <gerichsen@metcom.org>

Sent: Tuesday, September 22, 2020 6:49:31 PM

To: Jeannett Cudmore <Jeannett.Cudmore@stmarysmd.com>; Patricia Stiegman <pstiegman@metcom.org>

Cc: David Weiskopf <David.Weiskopf@stmarysmd.com>; Angela Blondino <Angela.Blondino@stmarysmd.com>; Neil Murphy <Neil.Murphy@stmarysmd.com>; Jody Quasney <Jody.Quasney@stmarysmd.com>

Subject: RE: Assessed value for METCOM property

JC:

It is annotated in Chaper 113 and on our calculation sheet. In short, it is calculated starting from the assessable base of the County less all the Sanitary Districts where we do not have MetCom facilities and less public (County) properties. We have to use MD Department of Planning information as we have to sort data by the 10 Sanitary Districts. Patty, feel free to add any additional explanation. Hope this helps.

George Erichsen

----- Original message -----

From: Jeannett Cudmore <Jeannett.Cudmore@stmarysmd.com>

Date: 9/22/20 5:10 PM (GMT-05:00)

To: Patricia Stiegman <pstiegman@metcom.org>, "'gerichsen@metcom.org'" <gerichsen@metcom.org>

Cc: David Weiskopf <David.Weiskopf@stmarysmd.com>, Angela Blondino <Angela.Blondino@stmarysmd.com>, Neil Murphy <Neil.Murphy@stmarysmd.com>, Jody Quasney <Jody.Quasney@stmarysmd.com>

Subject: Assessed value for METCOM property

Good afternoon,

After this mornings meeting on the Legislative items – Commissioners asked for the Assessed Value for METCOM property.

In looking at the Debt Ceiling Limit Analysis submitted for FY2021 CIB request, attached, it says for FY2021 is \$12,140,797,700.

Question – is this just for METCOM’s property? Or is this the projection for the entire County?

County’s for FY2021 total assessable base is \$13,173,395,000 per SDAT – also attached.

Let me know.

Thanks for your help,

Jeannett

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

September 29, 2020

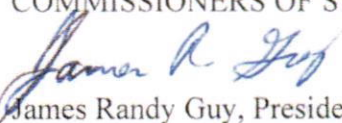
The Honorable Matthew Morgan
Maryland House of Delegates
310 House Office Building
6 Bladen Street
Annapolis, MD 21401

Re: St. Mary's Co. – To reduce the amount of outstanding debt that METCOM can incur from 25% to 2% in Section 113-6 of *Article 19 - Public Local Laws of St. Mary's County*

Dear Chairman Morgan:

The Commissioners of St. Mary's County support the amendment of Section 113-6 of *Article 19 of the Public Local Laws of St. Mary's County* to reduce the amount of debt that METCOM can incur from 25% to 2% as requested by Commissioner Todd Morgan.

We appreciate the introduction of this legislation and believe this legislation will benefit the citizens of St. Mary's County. We look forward to working with you on this and other initiatives throughout the session.

Sincerely,
COMMISSIONERS OF ST. MARY'S COUNTY

James Randy Guy, President

CSMC/AB/sf
T:/Consent/2020/131

Cc: Senator Jack Bailey
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

HB _____ – St. Mary's County –
Reducing the amount of debt METCOM can
incur

SUPPORT

_____, 2021

Delegate _____, Chair
_____ Committee
House Office Building, Room 101
6 Bladen Street
Annapolis, MD 21401

Re: House Bill #: _____ - Reducing the amount of debt METCOM can incur
Hearing on _____, 2021

Dear Chairman _____:

The Commissioners of St. Mary's County support House Bill #: ____ – Reducing the amount of debt METCOM can incur which is being heard in the _____ Committee on _____, 2021.

We request a favorable report on House Bill _____. We support the introduction of this legislation and believe it would benefit the citizens of St. Mary's County. Thank you for your consideration as well as your attention to this matter.

Sincerely,

COMMISSIONERS OF ST. MARY'S COUNTY

James Randy Guy, President

Cc: Senator Jack Bailey
Delegate Matthew Morgan
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

Senate Bill ____ – St. Mary's County –
Reducing the amount of debt METCOM can
incur

SUPPORT

_____, 2021

Senator _____, Chair
_____ Committee
_____ West
Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

Re: Bill #: _____ - Reducing the amount of debt METCOM can incur
Hearing on _____, 2021

Dear Chairman _____:

The Commissioners of St. Mary's County support Bill #: ____ – Reducing the amount of debt METCOM can incur which is being heard in the _____ Committee on _____, 2021.

We request a favorable report on Senate Bill _____. We support the introduction of this legislation and believe it would benefit the citizens of St. Mary's County. Thank you for your consideration as well as your attention to this matter.

Sincerely,

COMMISSIONERS OF ST. MARY'S COUNTY

James Randy Guy, President

Cc: Senator Jack Bailey
Delegate Matthew Morgan
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator

P.O. BOX 653 • CHESAPEAKE BUILDING • 41770 BALDRIDGE ST., LEONARDTOWN, MD 20650
PHONE 301.475.4200 *1350 • FAX 301.475.4935 • www.stmarysmd.com • CSMC@STMARYSMD.COM

3

**COMMISSIONERS OF ST. MARY'S COUNTY
2021 LEGISLATIVE PROPOSAL FORM**

JOINT MEETING

ST. MARY'S COUNTY LEGISLATIVE DELEGATION AND COMMISSIONERS OF ST. MARY'S COUNTY

OCTOBER 6, 2020 6:00 P.M.

41770 BALDRIDGE STREET, LEONARDTOWN, MARYLAND

August 26 – Legislative Proposals are due to Commissioners and Delegate Morgan

September 22 – Legislative Proposals will be presented to the Commissioners at their regular meeting at 9:00 a.m.

September 29 – Commissioners will take positions/vote on legislative proposals at their regular meeting at 9:00 a.m.

October 6 – Joint Public Meeting with Commissioners and St. Mary's County Delegation at 6:00 p.m.

Requesters will be given WEBEX contact information prior to the meetings to participate

REQUESTOR: **JEANNETT CUDMORE, CHIEF FINANCIAL OFFICER
FINANCE DEPARTMENT**

ADDRESS: **41770 BALDRIDGE STREET
CHESAPEAKE BUILDING, 2ND FLOOR
LEONARDTOWN, MD 20650**

TELEPHONE: **301-475-4200, EXT. 1202**

EMAIL: **JEANNETT.CUDMORE@STMARYSMD.COM**

SUBJECT MATTER: **BOND AUTHORITY – PLAN FY2022 (\$34,700,000)/("TBD")**

LEGISLATIVE REFERENCE (IF KNOWN): Annotated Code: _____ Article § _____
Code of St. Mary's County: Chapter _____

FISCAL IMPACT: YES ___ NO ___ **AMOUNT:** _____

REQUEST (continue on separate sheet, if necessary):

Based on the Approved FY2021 Budget and Plan to FY2026 – Commissioners are requesting (\$34,700,000)/("TBD") for CIP for FY2022.

Available authority is currently \$99,124,310, of which \$86,723,469 is committed to CIP projects from FY2021 and prior.

Once the authority is used – the authority goes away – with each fiscal year CIP bonds are used as a funding source and new authority is needed prior to budgeting.

SUBMIT BY AUGUST 26, 2020 TO:

COMMISSIONERS OF ST. MARY'S COUNTY
41770 BALDRIDGE STREET
P.O. BOX 653
LEONARDTOWN MARYLAND 20650
csmc@stmarysmd.com

AND

MATT MORGAN, DELEGATE
DISTRICT 29A, ST. MARY'S COUNTY
310 HOUSE OFFICE BUILDING
6 BLADEN STREET
ANNAPOLIS, MD 21401
matt.morgan@house.state.md.us

COMMISSIONERS OF ST. MARY'S COUNTY
2021 LEGISLATIVE PACKAGE
LEGISLATIVE PROPOSAL FORM

PLEASE ATTACH COPY OF CURRENT LAW
OR ANY OTHER ADDITIONAL INFORMATION

PLEASE RETURN TO: COUNTY ATTORNEY'S OFFICE

DEPARTMENT : Finance

ADDRESS: Chesapeake Building

TELEPHONE NUMBER: 301-475-4200 X71202

CONTACT PERSON: Jeannett Cudmore, Chief Financial Officer

NEED(S) OR REASON(S) FOR LEGISLATIVE ACTION: (If none, check here ___ and return form)

St. Mary's County is requesting authority to issue \$34.7 million/TBD in public facilities bonds for the FY2022 Budget.

Currently after the approval of the FY2021 and plan to FY2026 the amount needed from County Sources is \$54,533,209. These sources are Bonds, Transfer Taxes, Impact Fees and Pay-Go.

General Obligation Bonds (GOB) are a critical component of the County's financing for capital projects. The FY2022 Request includes projects such as Adult Detention Center Upgrades, Housing and Medical Units, Airport Improvements, Emergency Comm. Center Expansion, FDR Boulevard, Roadway & Safety Improvements, Elms Beach Park Improvements, Myrtle Point Park, Snow Hill Park, Sports Complex, PS Building Infrastructure, Dynard ES Roof/HVAC Replacement & Emergency Power, Mechanicsville ES Modernization, and PS Safety & Security.

The current balance of authority is adequate for projects in the plan through FY2021. The County needs this authority to complete those projects in the plan for FY2022. Several of these are multi-year, multi-phased, and involve funding from the county as well as the State. Attachment A is a listing of projects and the amount of GOB financing assumed. It should be noted that the amount of GOB is the funding needed after applying other capital project funding sources such as transfer taxes and impact fees, as appropriate to the projects. Attachment B is the FY2021 planned uses of General Obligation Bonds in pie chart representation.

It is desirable to have clear authority for the sources of funding, to better correspond to the capital program, which requires multi-year planning and commitment – the ability to see a project's funding through to completion.

The actual appropriation and borrowing will be determined annually based upon need and affordability. In determining the required funding, the Commissioners of St. Mary's County considered priorities, needs, and debt capacity. We sold bonds in FY2020 and plan to sell in this fiscal year. As part of our development of the Capital Plan each year we review two measures in our Debt Capacity, just updated after the approval of the FY2021 budget and plan to FY2026, Attachment C are:

Debt as a per cent of assessable base - ranges from 1.98% to 2.13%

Our policy is a max of 2.15% - with the inclusion of METCOM

Debt Service as a per cent of operating revenues - ranges from 5.66% to 6.10%

Our policy max is 10%

8-26-2020

LEGISLATIVE REFERENCES CITE: (example: Annotated Code, Art. 25, §3)

St. Mary’s County issues General Obligation Bonds pursuant to chapter laws adopted from time to time by the Maryland General Assembly at the request of the County (“Chapter Law Authorization”). A copy of the last one so approved is included for reference, Attachment D. The change would be to the amount, we are requesting \$34.7 million/TBD. Attachment E reflects current approved bond authority, confirmed by Bond Counsel.

PLEASE STATE SPECIFIC LANGUAGE REQUESTED (below or on a separate sheet, if necessary):

See Attachment D. A copy of Chapter 596 (House Bill xxx) so approved is included for reference. The requested change would be to the amount – as we are requesting \$34.7 million.

FISCAL IMPACT (attach additional sheet if necessary):

A “simple calculation” would indicate that \$34.7 million in debt, assuming a 3% rate and a 20-year term, adds approximately \$2.3 million to our debt service annually. However, during this period we will also be paying down on prior debt. As explained previously, the requested authority allows us to complete what we have already started and the projects in the FY2021 plan.

The annual budgeted debt service that we anticipate, based on the capital plan and the general assumptions as to timing and amount of borrowing and terms, including the debt that would be issued under this authority requested, is as follows:

	FY21	FY22	FY23	FY24	FY25	FY26
Debt Service Amount (in millions)	\$12.6	\$15.0	\$15.0	\$16.6	\$16.5	\$16.6

As noted previously, our debt and debt service is well within the policy limits set by the Commissioners of St. Mary’s County. Throughout the capital budget process, the Commissioners have carefully considered the impact of any proposed plan on its debt capacity. As a part of the budget process, the Commissioners critically evaluate the requests based on priorities and affordability, and each year projects have been deferred, eliminated, and/or adjusted in order to get to a balanced plan, a plan that addresses needs and priorities, which is still well below the stated caps for our debt capacity calculations.

Obtaining this authority is an initial step in the process. It allows the consideration and prioritization of requests. But as has been demonstrated, the County does not immediately convert its authority into debt. Because many of the projects the county has, requires multi-year funding, having adequate authority over a multi-year period is critical. We want to be sure that we can see projects through to their completion.

Attachment A

Current Bond Authority		Available for FY2021 and future	Request	12,400,841
Chapter 96 - 2013	0	Based on FY2020 Plan		
Chapter 427 - 2017	11,524,310	FY2022	34,632,243	47,033,084
Chapter 109 - 2018	24,600,000	FY2023		17,710,692
Chapter 180 - 2019	30,000,000	FY2024		33,829,476
Chapter 596 -2020	33,000,000	FY2025		21,155,829
Current Bond Authority	99,124,310	FY2026		32,466,155
		FY2027		0

Needed for projects through 7/31/2020	86,723,469	Bonds In Plan FY2021-FY2026	152,195,236
		Bond Authority Needed	(139,794,395)

As of	Average GOB in plan \$30.4 million						
	7/31/2020 FY2021 & Prior Unsold	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027
Based on Approved FY2021 - FY2026 Budget							
Adult Detention Center Upgrades	10,467,180	1,657,500	0	0	0	0	0
Airport Improvements	1,471,770	3,397,669	500,000	0	0	0	0
Animal Shelter New Building	1,965,225	0	0	0	0	0	0
Building Services Maint-Programatical	590,000	0	0	0	0	0	0
California Farmers Market	0	0	0	0	0	200,000	0
Charlotte Hall Farmer's Market Relocation	1,651,650	0	0	0	0	0	0
District 1 Sheriff Office	335,000	0	0	0	0	0	0
Emergency Comm Cntr Expan.	390,000	1,952,400	0	0	0	0	0
Health Department Renovations	282,000	880,258	1,378,113	3,306,602	0	0	0
Northern Senior Center - Addition	988,000	0	0	0	0	0	0
Public Safety Comp Aided Disp	83,400	0	0	0	0	0	0
Salt Storage Facility Replacement	2,608,200	0	0	0	0	0	0
Sheriff's Office District 3 - Comm. Space	557,300	0	0	0	0	0	0
Sheriff's Headquarters Facility	1,800,000	0	710,925	8,803,100	910,925	24,465,155	0
Vehicle Maintenance Facility	0	420,000	0	0	0	0	0
Sub-Total Public Facilities	23,189,725	8,307,827	2,589,038	12,109,702	910,925	24,665,155	0
Bridge Culvert/Replacement	2,347,177	545,000	0	0	0	0	0
Essex South Drainage Rehabilitation	100,000	0	0	0	0	0	0
FDR Boulevard Extended (MD 4 to Pegg Rd)	9,044,708	12,225,000	0	0	0	0	0
Mt. Wolf Roundabout	841,084	0	0	0	0	0	0
Neighborhood Drainage Improvements	1,210,000	620,000	620,000	570,000	570,000	0	0
South Shangri-La Drive Side	100,000	0	0	0	0	0	0
Johnson Farm Pond	20,000	0	0	0	0	0	0
Mattapan Road	68,000	0	0	0	0	0	0
Patuxent Park Neighborhood Preservation Program	6,044,000	0	0	0	0	0	0
Regional Water Quality & Nutrient Removal	1,161,786	0	0	0	0	0	0
Retrofit Sidewalk Program	280,000	0	0	0	0	0	0
Ricky Drive Drainage Improvements	100,000	0	0	0	0	0	0
Roadway & Safety Improvements	2,634,896	3,000,000	1,711,654	1,272,654	116,654	70,000	0
Side-Path or Bikeways	20,000	160,000	20,000	0	0	0	0
Southampton Neighborhood Revitalization	725,220	2,338,200	0	2,553,120	0	0	0
Sub-Total Highways	24,696,871	18,888,200	2,351,654	4,395,774	686,654	70,000	0
Shoreline Resiliency	0	0	0	0	0	1,000,000	0
National Fish & Wildlife	125,000						
St. Jerome's Creek Jetties	73,175	0	1,367,000	1,367,000	0	0	0
Sub-Total Marine	198,175	0	1,367,000	1,367,000	0	1,000,000	0
Clements Convenience Center Improvements	80,000	0	0	0	0	0	0
Sub-Total Solid Waste	80,000	0	0	0	0	0	0
Central County Park	0	320,000	0	3,740,000	0	0	0
Chaptico Park - BMX Lights	0	0	0	0	0	0	0
Elms Beach Park Improvements	0	1,156,275	0	0	0	0	0
Lexington Manor Passive Park	364,298	0	0	0	0	0	0
Multi-Purpose Turf Field	4,905,000	0	0	0	0	0	0
Myrtle Point Park	0	2,650,000	0	0	0	0	0
Nicolet Park Entrance	0	0	0	0	0	0	0
Recreation Facility & Park Improvements	3,789,241	640,000	0	0	0	0	0
Recreation/Community Center	0	450,000	0	0	10,600,000	0	0
Shannon Farm Property	367,966	0	0	2,360,000	0	0	0
Snow Hill Park	150,000	2,340,000	2,340,000	0	0	0	0
Sports Complex	370,000	2,668,750	0	0	1,741,250	0	0
St. Clement's Island Museum Renovations	566,750	120,000	0	0	0	0	0
Three Notch Trail - Phase Eight	0	0	1,020,000	0	0	0	0

As of

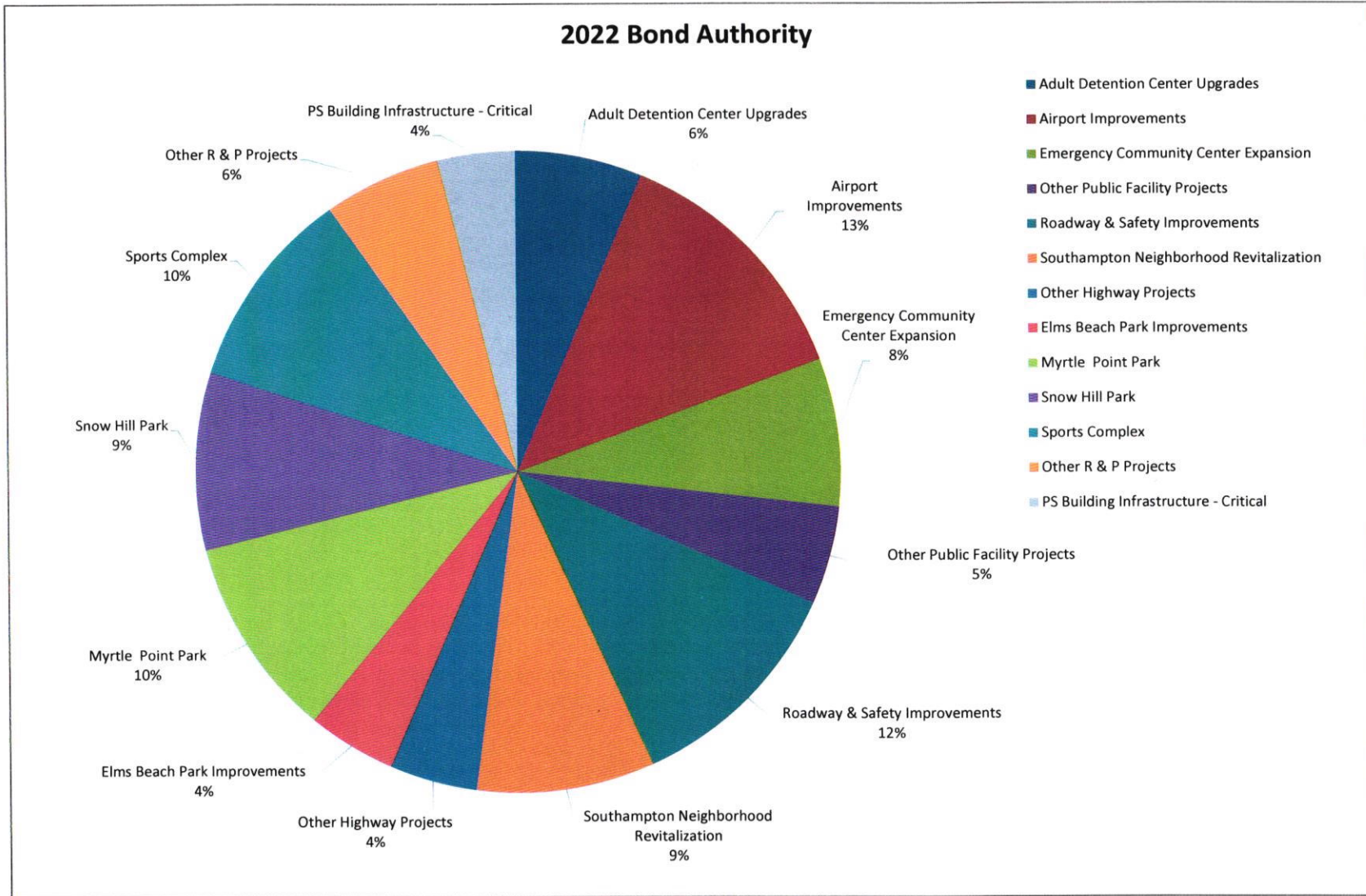
7/31/2020
FY2021 & Prior
Unsold

Average GOB in plan \$30.4 million

Based on Approved FY2021 - FY2026 Budget

	<u>Unsold</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>
Three Notch Trail - Phase Seven	1,154,000	0	0	0	0	0	0
Sub-Total Recreation Facilities	11,667,255	10,345,025	3,360,000	6,100,000	12,341,250	0	0
Auditorium Lighting Replacement	528,930	0	0	0	0	0	0
Building Infrastructure - Critical	1,924,000	1,024,000	421,000	465,000	653,000	330,000	0
Building Infrastructure - Programmatic	1,555,000	1,066,032	316,000	345,000	775,000	709,000	0
Chopticon High School - HVAC Systemic Reno.	0	0	0	0	1,112,000	5,692,000	0
DSS IT and Warehouse Facility	1,252,085	0	0	0	0	0	0
Dynard E.S. Roof/HVAC Repl & Emergency Power	3,377,000	1,262,000	0	0	0	0	0
Great Mills High School - Partial Roof Replacement PS1903	1,558,000	0	0	0	0	0	0
Great Mills High School - Partial Roof Replacement PS2103	0	0	907,000	4,442,000	0	0	0
Green Holly Ele Roof/HVAC Systemic (PS-2301)	0	0	0	903,000	4,284,000	0	0
Green Holly Elementary School - Partial Roof Replacement	1,153,000	0	0	0	0	0	0
Green Holly Elementary School - Switch Gear & HVAC	3,270,000	0	0	0	0	0	0
Hollywood ES Roof/HVAC	3,294,019	0	0	0	0	0	0
Lettie Dent ES - Modernization	62,000	400,000	2,312,000	1,702,000			
Mechanicsville Elementary School - Modernization	422,000	2,421,000	2,116,000	0	0	0	0
Park Hall ES Roof/HVAC	3,509,409	0	0	0	0	0	0
Piney Point ES HVAC System Reno	0	0	501,000	2,000,000	393,000	0	0
Safety & Security Projects	4,986,000	3,000,000	0	0	0	0	0
Town Creek ES HVAC Systemic Reno	0	319,000	1,470,000	0	0	0	0
Sub-Total Public Schools	26,891,443	9,492,032	8,043,000	9,857,000	7,217,000	6,731,000	0

General Obligation Bond Funding Required Based on Approved FY2021 Projects and plan to FY2026	<u>86,723,469</u>	<u>47,033,084</u>	<u>17,710,692</u>	<u>33,829,476</u>	<u>21,155,829</u>	<u>32,466,155</u>	<u>0</u>
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Attachment C

Debt Capacity with METCOM 2.15%

Fiscal year	2019	2020	2021	2022	2023	2024	2025	2026
Projected Assessable Base 3-2020	12,624,397,947	12,849,448,781	13,173,395,000	13,436,862,900	13,705,600,158	13,979,712,161	14,259,306,404	14,544,492,532
% increase	1.5%	1.8%	2.5%	2.0%	2.0%	2.0%	2.0%	2.0%
Legal Debt Limit - 2.15% SB737	271,424,556	276,263,149	283,227,993	288,892,552	294,670,403	300,563,811	306,575,088	312,706,589
Potential Borrowing - County	-	30,000,000	30,000,000	30,000,000	25,000,000	25,000,000	20,000,000	20,000,000
Potential Borrowing - METCOM (Based on FY21 METCOM CIB)	-	16,209,770	12,307,638	11,716,931	5,592,127	8,695,959	6,980,668	4,555,481
Calculations based on potential borrowing								
Outstanding Debt - METCOM	92,297,615	101,971,629	107,379,038	111,917,635	110,038,488	111,078,633	110,260,530	107,106,131
Outstanding Debt - County	93,651,454	113,588,014	134,791,553	154,494,655	169,668,292	183,599,009	192,964,788	202,444,062
Total Debt - County & METCOM	185,949,069	215,559,643	242,170,591	266,412,290	279,706,780	294,677,642	303,225,318	309,550,193
Outstanding Debt as % of Base	1.47%	1.68%	1.84%	1.98%	2.04%	2.11%	2.13%	2.13%
Debt Margin	85,475,487	60,703,506	41,057,402	22,480,262	14,963,623	5,886,169	3,349,770	3,156,396
20 years, 3% County								
PRINCIPAL	9,092,956	10,063,440	8,796,461	10,296,898	9,826,363	11,069,283	10,634,221	10,520,726
INTEREST	2,693,427	3,077,441	3,806,932	4,723,589	5,202,422	5,589,490	5,895,785	6,111,318
Total debt service	11,786,383	13,140,881	12,603,393	15,020,487	15,028,785	16,658,773	16,530,006	16,632,044
Approved Bond Authority \$99,124,310 after sale 4-28-2020	-	48,813,472	37,909,998	12,400,840				
Bonds Unissued - beginning of year	64,738,782	59,206,307	48,813,472	56,723,470	73,756,554	66,467,246	75,296,722	76,452,551
Borrowing - Estimated each year	(30,000,000)	(30,000,000)	(30,000,000)	(30,000,000)	(25,000,000)	(25,000,000)	(20,000,000)	(20,000,000)
Adjustments to current unexpended (i.e. FINXX) through 7-7-2020	(5,776,862)	(15,101,116)						
Premium from Bond Sale		(2,209,722)						
GOB - as of 5-12-2020	30,244,387	36,918,003	37,909,998	47,033,084	17,710,692	33,829,476	21,155,829	32,466,155
New Bonds Unissued	59,206,307	48,813,472	56,723,470	73,756,554	66,467,246	75,296,722	76,452,551	88,918,706
Prior Outstanding Debt	72,744,410	93,651,454	113,588,014	134,791,553	154,494,655	169,668,292	183,599,009	192,964,788
Plus New Debt	30,000,000	30,000,000	30,000,000	30,000,000	25,000,000	25,000,000	20,000,000	20,000,000
Less Principal Payments	(9,092,956)	(10,063,440)	(8,796,461)	(10,296,898)	(9,826,363)	(11,069,283)	(10,634,221)	(10,520,726)
Outstanding Debt	93,651,454	113,588,014	134,791,553	154,494,655	169,668,292	183,599,009	192,964,788	202,444,062
General Fund Operating Budget - Revenues - multi-yr 5-19-2020								
Approved Recurring	228,070,443	238,232,064	248,250,005	259,083,636	265,746,049	272,953,449	279,596,341	287,984,231
Percent Increase/Change	3.0%	4.5%	4.2%	4.4%	2.6%	2.7%	2.4%	3.0%
Debt Service	11,786,383	13,140,881	12,603,393	15,020,487	15,028,785	16,658,773	16,530,006	16,632,044
Debt Service as % of Total Revenues	5.17%	5.52%	5.08%	5.80%	5.66%	6.10%	5.91%	5.78%

Chapter 596

(House Bill 97)

AN ACT concerning

St. Mary's County – Public Facilities Bond

FOR the purpose of authorizing and empowering the County Commissioners of St. Mary's County, from time to time, to borrow not more than \$33,000,000 in order to finance the construction, improvement, or development of certain public facilities in St. Mary's County, as herein defined, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, county, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and generally relating to the issuance and sale of such bonds.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, as used herein, the term "County" means the body politic and corporate of the State of Maryland known as the County Commissioners of St. Mary's County, and the term "construction, improvement, or development of public facilities" means the acquisition, alteration, construction, reconstruction, enlargement, equipping, expansion, extension, improvement, rehabilitation, renovation, upgrading, and repair of public buildings and facilities and public works projects, including, but not limited to, public works projects such as highways, roads, bridges and storm drains, public school buildings and facilities, boating facilities, shore erosion and other marine property, landfills, and recycling facilities, public operational buildings and facilities such as buildings and facilities for County administrative use, capital improvements to the Wicomico Shores Taxing District, County athletic facilities, the community college, community swimming pools, public safety, health, and social services, libraries, commuter air service facilities, refuse disposal buildings and facilities, and parks and recreation buildings and facilities, together with the costs of acquiring land or interests in land as well as any related architectural, financial, legal, planning, or engineering services.

SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby authorized to finance any part or all of the costs of the public facilities described in Section 1 of this Act, and to borrow money and incur indebtedness for that purpose, at one time or

from time to time, in an amount not exceeding, in the aggregate, \$33,000,000, and to evidence such borrowing by the issuance and sale upon its full faith and credit of general obligation bonds in like par amount, which may be issued at one time or from time to time, in one or more groups or series, as the County may determine.

SECTION 3. AND BE IT FURTHER ENACTED, That the bonds shall be issued in accordance with a resolution of the County, which shall describe generally the construction, improvement, or development of public facilities for which the proceeds of the bond sale are intended and the amount needed for those purposes. The County shall have and is hereby granted full and complete authority and discretion in the resolution to fix and determine with respect to the bonds of any issue: the designation, date of issue, denomination or denominations, form or forms, and tenor of the bonds which, without limitation, may be issued in registered form within the meaning of § 19–204 of the Local Government Article of the Annotated Code of Maryland, as amended; the rate or rates of interest payable thereon, or the method of determining the same, which may include a variable rate; the date or dates and amount or amounts of maturity, which need not be in equal par amounts or in consecutive annual installments, provided only that no bond of any issue shall mature later than 30 years from the date of its issue; the manner of selling the bonds, which may be at either public or private sale, for such price or prices as may be determined to be in the best interests of St. Mary’s County; the manner of executing and sealing the bonds, which may be by facsimile; the terms and conditions, if any, under which bonds may be tendered for payment or purchase prior to their stated maturity; the terms or conditions, if any, under which bonds may or shall be redeemed prior to their stated maturity; the place or places of payment of the principal of and the interest on the bonds, which may be at any bank or trust company within or without the State of Maryland; covenants relating to compliance with applicable requirements of federal income tax law, including (without limitation) covenants regarding the payment of rebate or penalties in lieu of rebate; covenants relating to compliance with applicable requirements of federal or state securities laws; and generally all matters incident to the terms, conditions, issuance, sale, and delivery thereof.

The bonds may be made redeemable before maturity, at the option of the County, at such price or prices and under such terms and conditions as may be fixed by the County prior to the issuance of the bonds, either in the resolution or in a bond order pursuant to the bond resolution. The bonds may be issued in registered form and provision may be made for the registration of the principal only. In case any officer whose signature appears on any bond ceases to be such officer before the delivery thereof, such signature shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery. The bonds and the issuance and sale thereof shall be exempt from the provisions of §§ 19–205 and 19–206 of the Local Government Article of the Annotated Code of Maryland, as amended.

The County may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purpose of enhancing the marketability of any security for the bonds and for the purpose of securing any tender option that may be granted to holders of the bonds, all as may be determined and presented in the aforesaid resolution, which may (but need not)

state as security for the performance by the County of any monetary obligations under such agreements the same security given by the County to bondholders for the performance by the County of its monetary obligations under the bonds.

If the County determines in the resolution to offer any of the bonds by solicitation of competitive bids at public sale, the resolution shall fix the terms and conditions of the public sale and shall adopt a form of notice of sale, which shall outline the terms and conditions, and a form of advertisement, which shall be published in one or more daily or weekly newspapers having a general circulation in the County and which may also be published in one or more journals having a circulation primarily among banks and investment bankers. At least one publication of the advertisement shall be made not less than 10 days before the sale of the bonds.

Upon delivery of any bonds to the purchaser or purchasers, payment therefor shall be made to the Treasurer of St. Mary's County or such other official of St. Mary's County as may be designated to receive such payment in a resolution passed by the County before such delivery.

SECTION 4. AND BE IT FURTHER ENACTED, That the net proceeds of the sale of bonds shall be used and applied exclusively and solely for the acquisition, construction, improvement, or development of public facilities for which the bonds are sold. If the amounts borrowed shall prove inadequate to finance the projects described in the resolution, the County may issue additional bonds with the limitations hereof for the purpose of evidencing the borrowing of additional funds for such financing, provided the resolution authorizing the sale of additional bonds shall so recite, but if the net proceeds of the sale of any issue of bonds exceed the amount needed to finance the projects described in the resolution, the excess funds so borrowed and not expended shall be applied to the payment of the next principal maturity of the bonds or to the redemption of any part of the bonds which have been made redeemable or to the purchase and cancellation of bonds, unless the County shall adopt a resolution allocating the excess funds to the acquisition, construction, improvement, or development of other public facilities, as defined and within the limits set forth in this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That the bonds hereby authorized shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest on the bonds as and when they become payable. In each and every fiscal year that any of the bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all the assessable property within the corporate limits of the County in rate and amount sufficient to provide for or assure the payment, when due, of the principal of and interest on all the bonds maturing in each such fiscal year and, in the event the proceeds from the taxes so levied in any such fiscal year shall prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any such deficiency. The County may apply to the payment of the principal of and interest on any bonds issued hereunder any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality thereof, or from any other source, if such funds are

granted for the purpose of assisting the County in financing the acquisition, construction, improvement, or development of the public facilities defined in this Act and, to the extent of any such funds received or receivable in any fiscal year, the taxes that are required to be levied under this Act may be reduced accordingly.

SECTION 6. AND BE IT FURTHER ENACTED, That the County is further authorized and empowered, at any time and from time to time, to issue its bonds in the manner hereinabove described for the purpose of refunding, by payment at maturity or upon purchase or redemption, any bonds issued hereunder. The validity of any such refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the obligations so refunded. The powers herein granted with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds. Such refunding bonds may be issued by the County in such an amount as shall be necessary for the purpose of providing it with funds to pay any of its outstanding bonds issued hereunder at maturity, for the purpose of providing it with funds to purchase in the open market any of its outstanding bonds issued hereunder, prior to the maturity thereof, or for the purpose of providing it with funds for the redemption prior to maturity of any outstanding bonds issued hereunder which are, by their terms, redeemable, for the purpose of providing it with funds to pay interest on any outstanding bonds issued hereunder prior to their payment at maturity of purchase or redemption in advance of maturity, or for the purpose of providing it with funds to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds issued hereunder. The proceeds of the sale of any such refunding bonds shall be segregated and set apart by the County as a separate trust fund to be used solely for the purpose of paying the purchase or redemption prices of the bonds to be refunded.

SECTION 7. AND BE IT FURTHER ENACTED, That the County may, prior to the preparation of definitive bonds, issue interim certificates or temporary bonds, exchangeable for definitive bonds when such bonds have been executed and are available for such delivery, provided, however, that any such interim certificates or temporary bonds shall be issued in all respects subject to the restrictions and requirements set forth in this Act. The County may, by appropriate resolution, provide for the replacement of any bonds issued hereunder which shall have become mutilated or lost or destroyed upon such conditions and after receiving such indemnity as the County may require.

SECTION 8. AND BE IT FURTHER ENACTED, That any and all obligations issued pursuant to the authority of this Act, their transfer, the interest payable thereon, and any income derived therefrom in the hands of the holders thereof from time to time (including any profit made in the sale thereof) shall be and are hereby declared to be at all times exempt from State, county, municipal, or other taxation of every kind and nature whatsoever within the State of Maryland. Nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes.

SECTION 9. AND BE IT FURTHER ENACTED, That the authority to borrow money and issue bonds conferred on the County by this Act shall be deemed to provide an additional and alternative authority for borrowing money and shall be regarded as

supplemental and additional to powers conferred upon the County by other laws and shall not be regarded as in derogation of any power now existing; and all Acts of the General Assembly of Maryland heretofore passed authorizing the County to borrow money are hereby continued to the extent that the powers contained in such Acts have not been exercised, and nothing contained in this Act may be construed to impair, in any way, the validity of any bonds that may have been issued by the County under the authority of any said Acts, and the validity of the bonds is hereby ratified, confirmed, and approved. This Act, being necessary for the welfare of the inhabitants of St. Mary's County, shall be liberally construed to effect the purposes hereof. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.

" Attachment E "

McGUIREWOODS

MEMORANDUM

TO: Jeannett Cudmore
FROM: Cheryl Guth
DATE: August 26, 2020
RE: St. Mary's County Outstanding Borrowing Authority

As you requested, here is the status of the various outstanding bond authorizing statutes:

<u>Bill</u>	<u>Original Amount</u>	<u>Amount Used to Date</u>	<u>Available Balance</u>
Ch. 96, 2013	\$30,000,000	\$30,000,000	\$ 0
Ch. 427, 2017	26,300,000	14,775,690	11,524,310
Ch. 109, 2018	24,600,000	0	24,600,000
Ch. 180, 2019	30,000,000	0	30,000,000
Ch. 596, 2020	<u>33,000,000</u>	<u>0</u>	<u>33,000,000</u>
TOTAL	<u>\$143,900,000</u>	<u>\$44,775,690</u>	<u>\$99,124,310</u>

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ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

September 29, 2020

The Honorable Matthew Morgan
Maryland House of Delegates
310 House Office Building
6 Bladen Street
Annapolis, MD 21401

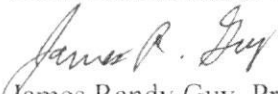
Re: St. Mary's Co. – request for authority to issue public facility bonds in the amount of (\$34.7 Million)/("TBD") for the FY 2022 budget

Dear Chairman Morgan:

The Commissioners of St. Mary's County support the request for authority to issue public facility bonds in the amount of (\$34.7 million)/("TBD") for the FY 2022 budget as requested by Jeannett Cudmore, Chief Financial Officer.

We appreciate the introduction of this legislation and believe this legislation will benefit the citizens of St. Mary's County. We look forward to working with you on this and other initiatives throughout the session.

Sincerely,
COMMISSIONERS OF ST. MARY'S COUNTY


James Randy Guy, President

CSMC/AB/sf
T:/Consent/2020/132

Cc: Senator Jack Bailey
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

**HB _____ – St. Mary's County –
Public Facilities Bond**

SUPPORT

_____, 2021

Delegate _____, Chair
_____ Committee
House Office Building, Room 101
6 Bladen Street
Annapolis, MD 21401

Re: House Bill #: _____ - St. Mary's County – Public Facilities Bond
Hearing on _____, 2021

Dear Chairman _____:

The Commissioners of St. Mary's County support House Bill #: _____ – St. Mary's
County – Public Facilities Bond which is being heard in the _____ Committee on
_____, 2021.

We request a favorable report on House Bill _____. We support the introduction of this
legislation and believe it would benefit the citizens of St. Mary's County. Thank you for your
consideration as well as your attention to this matter.

Sincerely,

COMMISSIONERS OF ST. MARY'S COUNTY

James Randy Guy, President

Cc: Senator Jack Bailey
Delegate Matthew Morgan
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

**Senate Bill _____ – St. Mary's County –
Public Facilities Bond**

SUPPORT

_____, 2021

Senator _____, Chair
_____ Committee
_____ West
Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

Re: Bill #: _____ - St. Mary's County – Public Facilities Bond
Hearing on _____, 2021

Dear Chairman _____:

The Commissioners of St. Mary's County support Bill #: _____ – Public Facilities Bond which is being heard in the _____ Committee on _____, 2021.

We request a favorable report on Senate Bill _____. We support the introduction of this legislation and believe it would benefit the citizens of St. Mary's County. Thank you for your consideration as well as your attention to this matter.

Sincerely,

COMMISSIONERS OF ST. MARY'S COUNTY

James Randy Guy, President

Cc: Senator Jack Bailey
Delegate Matthew Morgan
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

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**COMMISSIONERS OF ST. MARY'S COUNTY
2021 LEGISLATIVE PROPOSAL FORM**

JOINT MEETING

ST. MARY'S COUNTY LEGISLATIVE DELEGATION AND COMMISSIONERS OF ST. MARY'S COUNTY

OCTOBER 6, 2020 AT 6:00 P.M.

41770 BALDRIDGE STREET, LEONARDTOWN, MARYLAND

August 26 – Legislative Proposals are due to Commissioners and Delegate Morgan.

September 22 – Legislative Proposals will be presented to the Commissioners at their regular meeting at 9:00 a.m.

September 29 - Commissioners will take positions/vote on legislative proposals at their regular meeting at 9:00 a.m.

October 6 – Joint Public Meeting with Commissioners and St. Mary's County Delegation at 6:00 p.m.

Requestors will be given WEBEX contact information prior to the meetings to participate.

REQUESTOR: JEANNETT CUDMORE, CHIEF FINANCIAL OFFICER

ADDRESS: 41770 BALDRIDGE STREET, P.O. BOX 653, LEONARDTOWN, MD 20650

TELEPHONE: 301-475-4200

EMAIL: JEANNETT.CUDMORE@STMARYSMD.COM

SUBJECT MATTER: TO REQUEST THAT ST. MARY'S COUNTY BE AUTHORIZED TO ENACT EITHER A DEVELOPMENT IMPACT FEE OR BUILDING EXCISE TAX, BUT NOT BOTH

LEGISLATIVE REFERENCE: Local Government Article §20-706

FISCAL IMPACT: YES ___ No ___ AMOUNT: _____

REQUEST: To request authority to enact a Development Impact Fee or Building Excise Tax in St. Mary's County, but not both.

§ 20-706. St. Mary's County

(a) Building permit fees. --

(1) The Commissioners of St. Mary's County may impose building permit fees in an amount up to 2% of the cost of any new construction of any living units:

(i) built in St. Mary's County; or

(ii) prebuilt and brought into St. Mary's County.

(2) The county commissioners shall set the building permit fees in December of each year.

(B) BUILDING EXCISE TAX. –

(1) SUBJECT TO SUBSECTIONS (D) AND (F) OF THIS SECTION, BY ORDINANCE, THE COMMISSIONERS OF ST. MARY'S COUNTY MAY IMPOSE A BUILDING EXCISE TAX ON ANY BUILDING CONSTRUCTION IN ST. MARY'S COUNTY.

(2) CONTENTS OF ORDINANCE. -- THE COMMISSIONERS OF ST. MARY'S COUNTY SHALL SPECIFY IN THE ORDINANCE THE TYPES OF BUILDING CONSTRUCTION THAT ARE SUBJECT TO THE TAX.

(3) RATES OF EXCISE TAX. -- THE COMMISSIONERS OF ST. MARY'S COUNTY MAY IMPOSE DIFFERENT TAX RATES ON DIFFERENT TYPES OF BUILDING CONSTRUCTION.

(C) Development impact fee. -- Subject to subsection **(D) AND (F) OF THIS SECTION**, by ordinance or resolution, the Commissioners of St. Mary's County may impose a development impact fee to finance any of the costs for facilities described in subsection (c) of this section required to accommodate new construction or development.

(D) EXEMPTIONS, WAIVERS, AND DEFERRALS

(1) By ordinance, the county commissioners may enact an exemption to the development impact fee **OR BUILDING EXCISE TAX** imposed under subsection **(B) AND (C)** for the first three lots in a minor subdivision that are:

- (i)** recorded after June 1, 2000, and created from a parcel of record or a lot of record; and
- (ii)** transferred to a natural, direct lineal descendant or a legally adopted child or grandchild.

(2) **(i)** Subject to subparagraphs (ii) and (iii) of this paragraph, for each fiscal year, the county commissioners may:

- 1.** waive the development impact fee **OR BUILDING EXCISE TAX** imposed under subsection **(B) AND (C)** for up to 60 newly constructed living units, excluding mobile homes; and
- 2.** defer or provide for the amortization of the development impact fee **OR BUILDING EXCISE TAX** for up to 70 newly constructed living units, excluding mobile homes.

(ii) The county commissioners may waive, defer, or amortize the development impact fee **OR BUILDING EXCISE TAX** only for newly constructed living units that:

- 1.** are considered affordable for individuals whose family income in the previous fiscal year was less than 60% of the county median family income as reported by the U.S. Department of Housing and Urban Development; and
- 2.** do not exceed a specified square footage determined by the county commissioners.

(iii) The total amount of development impact fees **OR BUILDING EXCISE TAX** waived, deferred, or amortized shall be reflected in the St. Mary's County annual capital budget for the fiscal year in which the waiver, deferral, or amortization is granted.

(3) The county commissioners may defer the building impact fee **OR BUILDING EXCISE TAX** imposed on a newly constructed living unit constructed in accordance with a building trades program approved by the St. Mary's County Board of Education until the earlier of:

- (i)** 1 year from the time the fee would otherwise have been payable; or
- (ii)** the time the living unit is sold and conveyed.

(E) Use of revenues. –

(1) The revenue derived from **SUBsection (A) AND (C)** shall be used to defray the cost to St. Mary's County for additional educational, water, sewerage, road, sanitation, solid waste, park, or similar facilities.

(2) THE REVENUE DERIVED FROM SUBSECTION (B):

- (I) SHALL BE DEPOSITED IN THE COUNTY'S GENERAL FUND; AND**
- (II) MAY BE USED FOR ANY LAWFUL PURPOSE IN THE COUNTY.**

(F) RESTRICTIONS. – THE COMMISSIONERS OF ST. MARY'S COUNTY MAY IMPOSE EITHER A BUILDING EXCISE TAX OR A DEVELOPMENT IMPACT FEE, BUT NOT BOTH.

SUBMIT BY AUGUST 26, 2020 TO:

COMMISSIONERS OF ST. MARY'S COUNTY
41770 BALDRIDGE STREET
P.O. BOX 653
LEONARDTOWN MARYLAND 20650
csmc@stmarysmd.com

AND

MATT MORGAN, DELEGATE
DISTRICT 29A, ST. MARY'S COUNTY
310 HOUSE OFFICE BUILDING
6 BLADEN STREET
ANNAPOLIS, MD 21401
matt.morgan@house.state.md.us

Md. LOCAL GOVERNMENT Code Ann. § 20-706

Statutes current through legislation effective October 1, 2020

MD - Annotated Code of Maryland > LOCAL GOVERNMENT > DIVISION IV. LOCAL FINANCE > TITLE 20. TAXES AND DEVELOPMENT IMPACT FEES > SUBTITLE 7. DEVELOPMENT IMPACT FEES

§ 20-706. St. Mary's County

(a) Building permit fees. --

(1) The County Commissioners of St. Mary's County may impose building permit fees in an amount up to 2% of the cost of any new construction of any living units:

- (i) built in St. Mary's County; or
- (ii) prebuilt and brought into St. Mary's County.

(2) The county commissioners shall set the building permit fees in December of each year.

(b) Development impact fee. --

(1) Subject to paragraphs (2), (3), and (4) of this subsection, by ordinance or resolution, the County Commissioners of St. Mary's County may impose a development impact fee to finance any of the costs for facilities described in subsection (c) of this section required to accommodate new construction or development.

(2) By ordinance, the county commissioners may enact an exemption to the development impact fee imposed under paragraph (1) of this subsection for the first three lots in a minor subdivision that are:

- (i) recorded after June 1, 2000, and created from a parcel of record or a lot of record; and
- (ii) transferred to a natural, direct lineal descendant or a legally adopted child or grandchild.

(3)(i) Subject to subparagraphs (ii) and (iii) of this paragraph, for each fiscal year, the county commissioners may:

1. waive the development impact fee imposed under paragraph (1) of this subsection for up to 60 newly constructed living units, excluding mobile homes; and
2. defer or provide for the amortization of the development impact fee for up to 70 newly constructed living units, excluding mobile homes.

(ii) The county commissioners may waive, defer, or amortize the development impact fee only for newly constructed living units that:

1. are considered affordable for individuals whose family income in the previous fiscal year was less than 60% of the county median family income as reported by the U.S. Department of Housing and Urban Development; and
2. do not exceed a specified square footage determined by the county commissioners.

(iii) The total amount of development impact fees waived, deferred, or amortized shall be reflected in the St. Mary's County annual capital budget for the fiscal year in which the waiver, deferral, or amortization is granted.

Md. LOCAL GOVERNMENT Code Ann. § 20-706

(4) The county commissioners may defer the building impact fee imposed on a newly constructed living unit constructed in accordance with a building trades program approved by the St. Mary's County Board of Education until the earlier of:

- (i) 1 year from the time the fee would otherwise have been payable; or
- (ii) the time the living unit is sold and conveyed.

(c) **Use of revenues.** --The revenue derived from this section shall be used to defray the cost to St. Mary's County for additional educational, water, sewerage, road, sanitation, solid waste, park, or similar facilities.

History

An. Code 1957, art. 25, § 10D-1; 2013, ch. 119, § 2; ch. 378.

Annotations

Notes

SPECIAL REVISOR'S NOTE.

As enacted by Ch. 119, Acts of 2013, this section was new language derived without substantive change from former Art. 25, § 10D-1. However, Ch. 378, Acts of 2013, amended this section to add a new paragraph (b)(4).

In subsection (a) of this section, the reference to authority to "impose building permit fees in an amount up to 2%" of the cost of any new construction was substituted by Ch. 119 for the former reference to authority to "raise the building permit fees up to two percent" for clarity.

In subsection (b) of this section, the references to a "development impact fee" were substituted by Ch. 119 for the former references to a "building impact fee" for clarity and consistency with other provisions of this subtitle authorizing counties to impose development impact fees.

In subsection (b)(1) of this section, the reference to "impos[ing] a development impact fee to finance any of the costs for facilities described in subsection (c) of this section required to accommodate new construction or development" was substituted by Ch. 119 for the former reference to "requir[ing] every person, firm, partnership, corporation, or other legal entity which submits its property plans for approval to the planning commission of St. Mary's County (or the appropriate approving authority) to pay a fixed sum as set by the County Commissioners to defray the additional cost for additional public facilities as required by local ordinance or resolution" for clarity and consistency with other provisions of this subtitle authorizing counties to impose development impact fees.

In subsection (c) of this section, the former reference to the "additional" cost was deleted by Ch. 119 as surplusage.

EFFECT OF AMENDMENTS. --

Chapter 378, Acts 2013, effective October 1, 2013, substituted "paragraphs (2), (3), and (4)" for "paragraphs (2) and (3)" in (b)(1) and added (b)(4).

[Md. LOCAL GOVERNMENT Code Ann. § 20-803](#)

This documents reflects changes received through chapter 18 of the 2020 session

MD - Annotated Code of Maryland > LOCAL GOVERNMENT > DIVISION IV. LOCAL FINANCE > TITLE 20. TAXES AND DEVELOPMENT IMPACT FEES > SUBTITLE 8. DEVELOPMENT EXCISE TAXES

§ 20-803. Calvert County

(a) **Authorization.** --By ordinance, the County Commissioners of Calvert County may impose a building excise tax on any building construction in Calvert County.

(b) **Contents of ordinance.** --The County Commissioners of Calvert County shall specify in the ordinance the types of building construction that are subject to the tax.

(c) **Rates of excise tax.** --The County Commissioners of Calvert County may impose different tax rates on different types of building construction.

(d) **Revenues.** --The revenues from the tax:

- (1) shall be deposited in the county's general fund; and
- (2) may be used for any lawful purpose in the county.

History

An. Code 1957, art. 25, § 9G; [2013, ch. 119, § 2](#).

Annotations

Notes

REVISOR'S NOTE

This section is new language derived without substantive change from former Art. 25, § 9G.

In subsection (a) of this section and throughout this subtitle, the former references to "fix[ing]" a tax are deleted as implicit in the references to "impos[ing]" a tax.

In subsection (c) of this section, the former reference to building construction "subject to the building excise tax" is deleted as implicit in the reference to the imposition of the tax.

Case Notes



MEMORANDUM

TO: Commissioners of St. Mary's County
FROM: David A. Weiskopf, County Attorney
DATE: September 29, 2020
RE: Memorandum Regarding Development Impact Fees and Building Excise Taxes

Introduction

The Maryland General Assembly has authorized local governments to impose development impact fees and building excise taxes to enable these entities to “collect revenue from builders for public facilities necessitated by new residential or commercial development.” Department of Legislative Services (“DLS”), *Overview of Maryland Local Governments: Finances and Demographics, Handbook Volume VI Local Government* 49 (Jan. 2019) (“2019 Overview”).

These charges enable local governments to collect revenue prior to constructing or expanding new public facilities, remove the need for jurisdiction-wide tax increases, and defray the cost of financing new public facilities “from existing taxpayers to individuals responsible for the development.” *Id.*

Local governments require General Assembly authorization before imposing a development impact fee or building excise tax, and the General Assembly has only authorized St. Mary's County to impose development impact fees. Md. Dec. of R. art. 14 (“That no aid, charge, tax, burthen or fees ought to be rated or levied, under any pretense, without the consent of the Legislature.”); Md. Code Ann., Local Gov't, § 20-706(b)(1).

This memorandum serves to differentiate between the definitions, purposes, and restrictions of both building excise taxes and development impact fees.

Development Impact Fees

A. Generally

A development impact fee is fee imposed on new development and is designed to fund public facilities that will specifically serve the new development. Such a fee seeks to alleviate the impact of new development on existing public facilities. *2019 Overview* at 50.

The Maryland Court of Appeals has held that there must be a rational nexus, or reasonable connection, between the amount of the development impact fee and the actual cost of providing new public facilities to serve the assessed properties. *E. Diversified Props., Inc. v. Montgomery Cnty.*, 319 Md. 45, 55 (1990) (“[t]he amount must be reasonable and have some definite relation to the purpose of the Act.”) (citations omitted); 89 Op. of the Att’y Gen. 212, 218 (2004) (“Att’y Gen.”); *see generally Dolan v. City of Tigard*, 512 U.S. 374 (1994); *Nollan v. Ca. Coastal Comm’n*,

483 U.S. 825 (1987).

Whether a development impact fee meets this standard is a two-step analysis. Att’y Gen. at 218 (citing 8 McQuillin, *The Law of Municipal Corporations* § 25.118.60 (3rd ed. rev. 2000)). First, a county must demonstrate a rational nexus, or reasonable connection, between the population growth resulting from the new development and the need for new facilities to serve that development. Second, a county must show a rational nexus, or reasonable connection, between the use of development impact fee revenue and the benefits to the property assessed. *Id.* To ensure such a connection, any revenue derived from a development impact fee “must be appropriately earmarked so as to substantially benefit that property.” *Id.* at 212. Consequently, St. Mary’s County could not impose a development impact fee in one geographic area and spend the revenue in another, i.e., it may not impose a development impact fee in Ridge and spend the revenue on public facilities in Charlotte Hall. *2019 Overview* at 50.

Significantly, if the “primary purpose” of a development impact fee is to raise revenue—even if incidental benefits accrue to the assessed properties—it will be deemed a tax and invalid unless the jurisdiction has authority from the General Assembly to impose such a tax. *E. Diversified*, 319 Md. at 53–55 (holding that a development impact fee was actually a tax and therefore invalid where nothing in the local law suggested that the fee was charged to provide services to new development or to defray regulatory expenses, even though the assessed property owner “received some benefit” from road construction).

As the amount of a development impact fee is subject to judicial review, a county must conduct a study measuring the effects that new development will have on public facilities before imposing a development impact fee. *Id.*

B. St. Mary’s County

Maryland Code Annotated, Local Government, § 20-706(b)(1) enables St. Mary’s County to impose a development impact fee to finance the costs for certain public facilities that are “required to accommodate new construction or development.” Such projects include “additional educational, water, sewerage, road, sanitation, solid waste, park, or similar facilities.” § 20-706(c).

Chapter 223 of the Code of St. Mary’s County codifies the authority from the General Assembly for St. Mary’s County to impose development impact fees on an “Applicant for a building permit for a dwelling unit on a parcel of record, including a lot of record.” *Id.* § 223.4-2(1). Such applicants may not receive a building permit prior to paying the development impact fee. § 223.4-2(1). The amount of the fee is determined each year in the Revenue Tax Ordinance adopted as part of the annual budget. § 223.4-2(2).

Finally, Section 223.4-4 enumerates the same public facilities in Local Government § 20-706(c) that may be funded through development impact fee revenue. Specifically, Section 223.4-4 provides, “Funds collected as development impact fees may be appropriated, from time to time, to fund educational, water, sewerage, road, sanitation, solid waste, park, or similar facilities required to accommodate new construction or development.”

Building Excise Taxes

Building excise taxes serve an additional means of raising revenue. Unlike development impact fees, however, the amount of a building excise tax need not be reasonably connected to the actual cost of providing public facilities to serve the new development. Att'y Gen. at 219 ("The advantage of this approach is that there would be no need to show a nexus between the assessment and the use of the revenue."); *see 2019 Overview* at 50.

Moreover, unlike a development impact fee, the amount of a building excise tax is not subject to judicial review. *Mayor of Ocean City v. Purnell-Jarvis, Ltd.*, 86 Md. App. 390, 405 (1991). In further contrast to development impact fees, St. Mary's County would not be obligated to spend building excise tax revenue to specifically benefit the taxed properties. Rather, excise tax revenue may generally be spent throughout the County. *Id.*

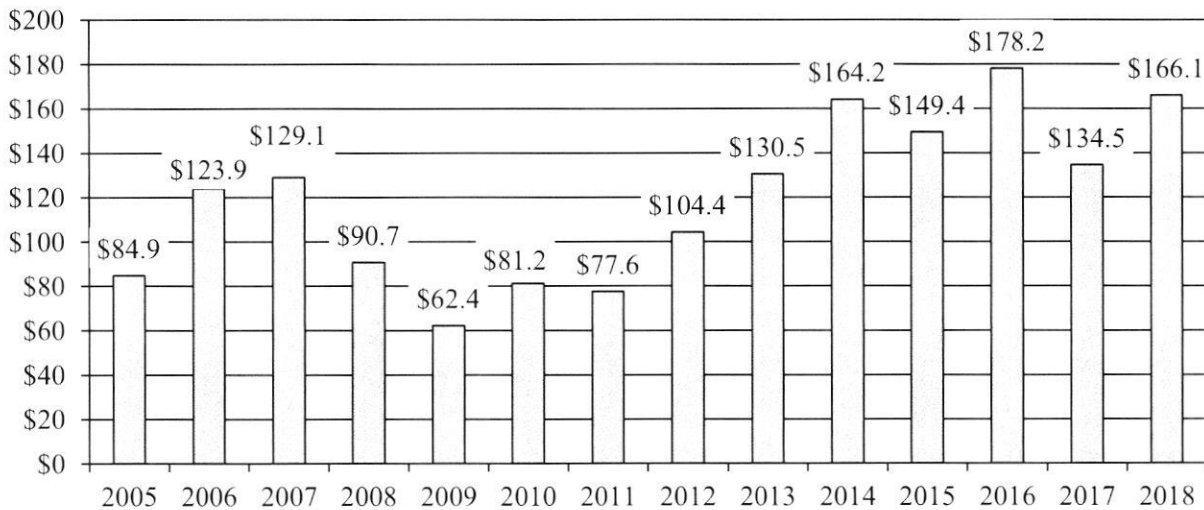
Notwithstanding these advantages, General Assembly enabling legislation is required before St. Mary's County may impose a building excise tax. Md. Dec. of R. art. 14

Chapter 10. Development Impact Fees and Excise Taxes

Managing growth continues to be an issue confronting local governments in Maryland. In order to better manage growth, local governments have several tools that they may use, including imposing development impact fees and excise taxes. Development impact fees and excise taxes are charges on new development used to fund capital programs and services necessitated by new growth. These development charges allow local governments to shift the costs of financing new public facilities from existing taxpayers to those responsible for the development. In many situations, the use of such development charges may eliminate the need for jurisdiction-wide tax increases.

Fourteen counties in Maryland impose development impact fees or excise taxes, with estimated fiscal 2018 collections totaling \$166.1 million. After generally increasing for a number of years through fiscal 2007, revenues decreased considerably in fiscal 2008 and 2009. More recently, revenues have increased again (Exhibit 10.1).

Exhibit 10.1
Development Impact Fee and Excise Tax Revenue
Fiscal 2005-2018
(\$ in Millions)



Source: Department of Legislative Services

Development Impact Fees

A development impact fee is a regulatory measure designed to fund facilities specifically required by new development projects in order to mitigate the impact of such development on infrastructure or public facilities. However, there must be a reasonable connection between the amount of the impact fee imposed and the actual cost of providing facilities to the properties assessed. In order to justify the imposition of an impact fee, a jurisdiction must conduct a study that measures the effects that new development will have on public facilities. The amount of an impact fee is subject to judicial review. Moreover, the revenue from the fee must be dedicated to substantially benefit the assessed properties. Thus, a county cannot collect an impact fee in one geographic area and spend the funds in another area.

Development Excise Taxes

A development excise tax is another means of raising revenue from new development. Unlike a regulatory impact fee, the amount of an excise tax does not have to be closely related to the actual cost of providing public facilities to serve new development. In addition, excise tax revenues do not have to be spent to specifically benefit the properties that are taxed but may generally be spent throughout the county.

Imposition and Administration

In counties that impose development impact fees and excise taxes, the charges are collected by the county and are often required to be paid before a building permit or zoning certificate is issued. Municipalities may, in some cases, assist counties in the collection of the charges within their jurisdictions. Exhibit 10.2 shows the counties that impose development impact fees and excise taxes, corresponding legislative references, fiscal 2018 rates, and fiscal 2018 estimated revenues. In a given county, other charges imposed on new development (while not accounted for here as development impact fees or excise taxes) may also be directed partially or wholly toward new or expanded facilities (*e.g.*, water/sewer system development charges or connection charges).

Governmental Uses

Public services funded by development impact fees and excise taxes include public school construction, libraries, community colleges, transportation, public safety, parks and recreation, and utilities.

Statutory restrictions on allowable uses of the impact fee and excise tax revenue vary from county to county. Use of the revenue for creation or expansion of public facilities rather than for maintenance or operations of existing facilities is often required. Some county ordinances also require, to one extent or another, that the additional or expanded facilities benefit the development from which the revenue was generated or benefit a defined district or area in which the development is located.

Legal Authority

Local governments must have authority from the General Assembly in order to impose a development impact fee or excise tax. Code home rule counties are authorized as a group to impose specified impact fees and excise taxes and a number of other counties have specific authorizations from the General Assembly.

Tax Rate Setting Authority

The impact fee amounts and excise tax rates are generally established in the county implementing ordinance for the impact fee or excise tax or by county resolution. In some cases, limits on the fees or rates are set in the General Assembly authorization for the fee or tax. Different fees and rates often apply to different types of development and, in some cases, development in different areas of the county. Exemptions and/or waivers or deferrals are often available for certain types of development, such as affordable housing. A number of counties also allow certain conveyances or dedications of land or construction of public facilities by the developer to substitute for payment of the fee or tax.

Legal Reference

Local Government Article, Sections 1-101, 1-1308, 5-102, and 20-701 through 20-806

Public Local Laws

Exhibit 10.2
Maryland Counties with Development Impact Fees and Excise Taxes
Fiscal 2018

County	Type	Legislative Reference	Rate Per Dwelling ¹	Estimated Revenues
Anne Arundel ²	Impact Fee	Ch. 350 of 1986	\$12,963	\$16,300,000
Calvert	Excise Tax	Ch. 232 of 2001	12,950	3,333,586
Caroline ³	Excise Tax	Ch. 565 of 1993 Ch. 566 of 1993 Ch. 538 of 2004	5,000	75,000
Carroll	Impact Fee	Ch. 108 of 1987	533	80,466
Charles	Excise Tax	Ch. 476/586 of 2002	15,229	9,427,178
Dorchester ^{4, 5}	Excise Tax	Ch. 401 of 2004	0	0
Frederick ⁶	Impact Fee/Excise Tax	Ch. 468 of 1990 Ch. 690 of 2001	15,515	13,393,656
Harford	Impact Fee	Ch. 389 of 2004	6,000	2,500,000
Howard ⁷	Excise Tax/Surcharge	Ch. 285 of 1992 Ch. 420 of 2004	2.44/sq. ft.	15,251,380
Montgomery ^{4, 8}	Impact Tax	Ch. 808 of 1963 Ch. 707 of 1990	45,159	65,800,000
Prince George's ^{4, 9}	Surcharge	Ch. 66 of 1995 Ch. 431 of 2003 Ch. 594 of 2005	23,513	35,760,700
Queen Anne's	Impact Fee	Ch. 532 of 1992	5.29/sq. ft.	1,770,000
St. Mary's	Impact Fee	Ch. 814 of 1974	5,500	1,470,000
Talbot ⁴	Impact Fee	Ch. 642 of 1991	7,427	318,000
Washington	Excise Tax	Ch. 468 of 2003 Ch. 598 of 2005 Ch. 533 of 2008	1.00/sq. ft.	600,000
Total				\$166,079,966

¹The rates shown are generally those applicable to single-family detached dwellings.

²Rate for a 2,000-2,499 square foot residential unit. Residential rates vary by square footage.

³A \$750 excise tax for agricultural land preservation also applies to new lots created by subdivision in a "rural district."

⁴These counties have one or more additional rate(s) applicable to different areas of the county.

⁵The county development excise tax is suspended through June 30, 2020.

⁶Rate per dwelling shown represents the public school and library impact fee total.

⁷Rate per dwelling shown represents the total of the roads tax amount (\$1.18/sq. ft.) and the school surcharge amount (\$1.26/sq. ft.).

⁸Rate per dwelling shown represents \$23,062 for schools and \$22,097 for transportation.

⁹Rate per dwelling shown represents \$15,972 for school facilities and \$7,541 for public safety.

Source: Department of Legislative Services

Neil Murphy

From: Neil Murphy
Sent: Wednesday, September 23, 2020 3:25 PM
To: Neil Murphy
Subject: FW: Transfer Tax - repeal of sunset
Attachments: Memorandum Regarding Development Impact Fees and Excise Taxes.docx

From: Neil Murphy
Sent: Wednesday, September 23, 2020 10:48 AM
To: David Weiskopf <David.Weiskopf@stmarysmd.com>; Angela Blondino <Angela.Blondino@stmarysmd.com>
Subject: RE: Transfer Tax - repeal of sunset

Hi Dave,

The Commissioners asked the benefit of an excise tax. Below is from my attached memorandum, which explored development impact fees and excise taxes:

Building excise taxes serve an additional means of raising revenue. Unlike development impact fees, however, the amount of a building excise tax need not be reasonably connected to the actual cost of providing public facilities to serve the new development. 89 Op. of the Att’y Gen. 212, 219 (2004) (“The advantage of this approach is that there would be no need to show a nexus between the assessment and the use of the revenue.”); see Department of Legislative Services (“DLS”), *Overview of Maryland Local Governments: Finances and Demographics, Handbook Volume VI Local Government* 50 (Jan. 2019). Moreover, unlike a development impact fee, the amount of a building excise tax is not subject to judicial review. *Mayor of Ocean City v. Purnell-Jarvis, Ltd.*, 86 Md. App. 390, 405 (1991). In further contrast to development impact fees, St. Mary’s County would not be obligated to spend building excise tax revenue to specifically benefit the taxed properties. Rather, excise tax revenue may generally be spent throughout the County. *Id.*

Sincerely,

Neil

Neil A. Murphy
Deputy County Attorney
St. Mary’s County Government
41770 Baldrige Street
Post Office Box 653



Leonardtown, Maryland 20650
Phone: 301-475-4200, ext. 71704
Fax: 301-475-4660
Email: Neil.Murphy@stmarysmd.com
<https://www.stmarysmd.com/>

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Neil Murphy

From: Jeannett Cudmore
Sent: Wednesday, September 23, 2020 3:28 PM
To: Neil Murphy; Angela Blondino; David Weiskopf
Subject: RE: Transfer Tax - repeal of sunset

Yes – again same as Transfer Tax – if the impact fee is removed, then we would need additional revenue for funding our CIP projects – such as Bond funds.

From: Neil Murphy <Neil.Murphy@stmarysmd.com>
Sent: Wednesday, September 23, 2020 3:13 PM
To: Jeannett Cudmore <Jeannett.Cudmore@stmarysmd.com>; Angela Blondino <Angela.Blondino@stmarysmd.com>; David Weiskopf <David.Weiskopf@stmarysmd.com>
Subject: RE: Transfer Tax - repeal of sunset

Hi Jeannett,

Thanks so much for helping us out earlier. Are we making our ends meet with the development impact fee?

Sincerely,

Neil

Neil A. Murphy
Deputy County Attorney
St. Mary's County Government
41770 Baldrige Street
Post Office Box 653

Leonardtown, Maryland 20650
Phone: 301-475-4200, ext. 71704
Fax: 301-475-4660
Email: Neil.Murphy@stmarysmd.com
<https://www.stmarysmd.com/>



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From: Jeannett Cudmore <Jeannett.Cudmore@stmarysmd.com>
Sent: Wednesday, September 23, 2020 2:41 PM
To: Neil Murphy <Neil.Murphy@stmarysmd.com>; Angela Blondino <Angela.Blondino@stmarysmd.com>; David

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

September 29, 2020

The Honorable Matthew Morgan
Maryland House of Delegates
310 House Office Building
6 Bladen Street
Annapolis, MD 21401

Dear Chairman Morgan:

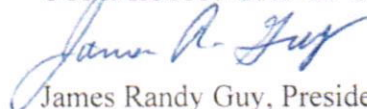
Re: St. Mary's County - To request amendment of §20-706 of the *Local Government Article* to give St. Mary's County the authority to enact either a Development Impact Fee **OR BUILDING EXCISE TAX, BUT NOT BOTH**

Dear Chairman Morgan:

The Commissioners of St. Mary's County support the request for amendment of §20-706 of the *Local Government Article of the Annotated Code of Maryland* to give St. Mary's County the authority to enact either a Development Impact Fee **OR BUILDING EXCISE TAX, BUT NOT BOTH**, as requested by Chief Financial Officer, Jeannett Cudmore.

We appreciate the introduction of this legislation and believe this legislation will benefit the citizens of St. Mary's County. We look forward to working with you on this and other initiatives throughout the session.

Sincerely,
COMMISSIONERS OF ST. MARY'S COUNTY


James Randy Guy, President

CSMC/AB/sf
T:/Consent/2020/133

Cc: Senator Jack Bailey
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

HB _____ – St. Mary's County –
Building Excise Tax

SUPPORT

_____, 2021

Delegate _____, Chair
_____ Committee
House Office Building, Room 101
6 Bladen Street
Annapolis, MD 21401

Re: House Bill #: _____ - St. Mary's County – Building Excise Tax
Hearing on _____, 2021

Dear Chairman _____:

The Commissioners of St. Mary's County support House Bill #: _____ St. Mary's County
– Building Excise Tax which is being heard in the _____ Committee
on _____, 2021.

We request a favorable report on House Bill _____. We support the introduction of this
legislation and believe it would benefit the citizens of St. Mary's County. Thank you for your
consideration as well as your attention to this matter.

Sincerely,

COMMISSIONERS OF ST. MARY'S COUNTY

James Randy Guy, President

Cc: Senator Jack Bailey
Delegate Matthew Morgan
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

**Senate Bill _____ – St. Mary's County –
Building Excise Tax**

SUPPORT

_____, 2021

Senator _____, Chair
_____ Committee
_____ West
Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

Re: Bill #: _____ - St. Mary's County – Building Excise Tax
Hearing on _____, 2021

Dear Chairman _____:

The Commissioners of St. Mary's County support Bill #: _____ – St. Mary's County –
Building Excise Tax which is being heard in the _____ Committee on
_____, 2021.

We request a favorable report on Senate Bill _____. We support the introduction of this
legislation and believe it would benefit the citizens of St. Mary's County. Thank you for your
consideration as well as your attention to this matter.

Sincerely,

COMMISSIONERS OF ST. MARY'S COUNTY

James Randy Guy, President

Cc: Senator Jack Bailey
Delegate Matthew Morgan
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

5

**COMMISSIONERS OF ST. MARY'S COUNTY
2021 LEGISLATIVE PROPOSAL FORM**

JOINT MEETING

ST. MARY'S COUNTY LEGISLATIVE DELEGATION AND COMMISSIONERS OF ST. MARY'S COUNTY

OCTOBER 6, 2020 AT 6:00 P.M.

41770 BALDRIDGE STREET, LEONARDTOWN, MARYLAND

August 26 – Legislative Proposals are due to Commissioners and Delegate Morgan.

September 22 – Legislative Proposals will be presented to the Commissioners at their regular meeting at 9:00 a.m.

September 29 - Commissioners will take positions/vote on legislative proposals at their regular meeting at 9:00 a.m.

October 6 – Joint Public Meeting with Commissioners and St. Mary's County Delegation at 6:00 p.m.

Requestors will be given WEBEX contact information prior to the meetings to participate.

REQUESTOR: JEANNETT CUDMORE, CFO

ADDRESS: 41770 BALDRIDGE STREET, LEONARDTOWN, MD 20650

TELEPHONE: 301-475-4200

EMAIL: JEANNETT.CUDMORE@STMARYSMD.COM

**SUBJECT MATTER: TO REQUEST THAT CH. 138-1.F – TRANSFER TAX SUNSET/TERMINATION DATE
BE REPEALED**

LEGISLATIVE REFERENCE (IF KNOWN): Article 19 Public Local Laws of St. Mary's County Code Section
138-1.F

FISCAL IMPACT: YES NO AMOUNT: _____

REQUEST:

To revise Chapter 138 of the St. Mary's Code that imposes a sunset date of October 1, 2024 on the imposition of transfer taxes so that the sunset date is REPEALED. Transfer taxes form a critical non-debt component of the capital plan. Loss of this revenue stream has an annual impact of approximately \$6.7 million on the annual capital program. The Commissioners of St. Mary's County have maintained the debt ratios at lower than the goal by being able to use transfer taxes to fund capital projects, in addition to other local sources such as impact fees, dedicated recordation tax, pay-go and bonds.

Annually, over a \$1 million of the transfer tax is used for land preservation (helping to maximize the State allocation). Additionally, in the FY 2021 to FY 2026 capital plan, as part of the FY2021 request, transfer taxes are used to fund:

*Facility projects: \$6.5 million for a variety of projects, including major repair and minor renovations to County facilities – including \$100,000 to the F & R Revolving Loan Fund

*Roads Projects: \$23 million, including Roadway & Safety Improvements, Asphalt Overlay, Retrofit Sidewalk Program and Water Quality & Nutrient Removal

*Parks Projects: \$1 million for Recreation Facilities & Parks Improvements

*School Projects: \$1.7 million, Building Infrastructure Critical & Programmatic

Transfer taxes are often used for those capital needs that do not lend themselves to bond financing and are often the local match to state or federal funds. Absent transfer taxes, the County would need to sell general obligation bonds in order to fund the equivalent of these sources for the necessary capital projects. Over a 5-year period, that would have increased the amount of debt by approximately \$40 million, with an annual debt service costs of \$2.6 million.

At this time we request that Ch. 138 of Article 19 of the Public Local Laws of St. Mary's County be amended to **REPEAL/REMOVE** the termination date of the Transfer Tax as follows:

~~[Sec. 138-1.F~~

~~The authority granted to impose a transfer tax under this section shall terminate and be of no effect after October 1, 2024.]~~

SUBMIT BY AUGUST 26, 2020 TO:

COMMISSIONERS OF ST. MARY'S COUNTY
41770 BALDRIDGE STREET
P.O. Box 653
LEONARDTOWN MARYLAND 20650
csmc@stmarysmd.com

AND

MATT MORGAN, DELEGATE
DISTRICT 29A, ST. MARY'S COUNTY
310 HOUSE OFFICE BUILDING
6 BLADEN STREET
ANNAPOLIS, MD 21401
matt.morgan@house.state.md.us

Sec. 138-1. - Implementation.

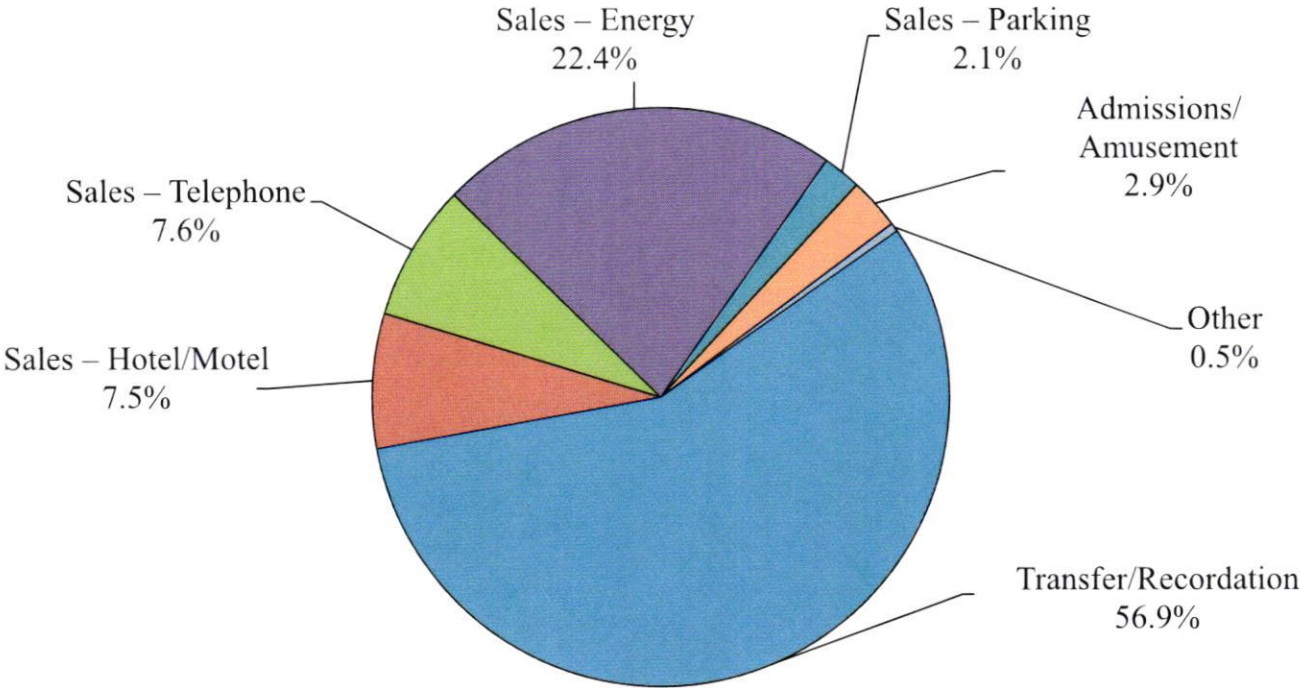
- A. (1) In this section "instrument of writing" means a written instrument that conveys title to, or a leasehold interest in, real property.
- (2) "Instrument of writing" includes:
- (a) A deed or contract;
 - (b) A lease;
 - (c) An assignment of a lessee's interest;
 - (d) Articles of transfer;
 - (e) Articles of merger or other document which evidences a merger of foreign corporations or foreign limited partnerships; and
 - (f) Articles of consolidation or other document which evidences a consolidation of foreign corporations.
- (3) "Instrument of writing" does not include:
- (a) A mortgage, deed of trust, or other contract that creates an encumbrance on real property; or
 - (b) A security agreement, as defined in § 12-101(e) of the Tax-Property Article of the Annotated Code of Maryland.
- B. The County Commissioners may impose a transfer tax on an instrument of writing:
- (1) Recorded with the Clerk of the Circuit Court for St. Mary's County; or
 - (2) Filed with the State Department of Assessments and Taxation.
- C. A transfer tax under this section:
- (1) Shall be established by ordinance;
 - (2) May not exceed one (1) percent; and
 - (3) Does not apply to:
 - (a) An instrument of writing exempt from the State transfer tax under § 13-207 of the Tax-Property Article of the Annotated Code of Maryland; or
 - (b) A transfer of land subject to the agricultural land transfer tax under Title 13, Subtitle 3 of the Tax - Property Article of the Annotated Code of Maryland.
- D. (1) The proceeds from the transfer tax may only be used to pay for capital projects.
- (2) The County Commissioners shall state in the county budget each year:
- (a) An estimate of the revenue to be received from the transfer tax for both the current and the ensuing fiscal years;
 - (b) The revenue received from the transfer tax during the previous fiscal year; and
 - (c) The capital projects for which the County Commissioners anticipate the proceeds from the transfer tax will be used.
- E. Before the county imposes a transfer tax under this section, the County Commissioners shall hold a public hearing that:
- (1) Shall be advertised by publication in a newspaper of general circulation in the county at least ten (10) days before the hearing; and
 - (2) May not be part of the annual budget hearing.
- F. The authority granted to impose a transfer tax under this section shall terminate and be of no effect after October 1, 2024.

(1990, ch. 599; 1994, ch. 377; 2000, ch. 195; 2004, ch. 411; 2007, ch. 71; 2020, ch. 199)

Chapter 9. Other Local Taxes

Other local taxes, which account for 6.6% of county revenues and 2.0% of municipal revenues, include transfer taxes, recordation taxes, hotel/motel taxes, sales taxes, and admissions/amusement taxes. As illustrated in Exhibit 9.1, transfer and recordation taxes generate a significant portion of the county revenues from these sources. Exhibit 9.2 shows local transfer and recordation tax collections from fiscal 2008 to 2019.

Exhibit 9.1
Other Local Taxes – County Revenues
Fiscal 2017



Source: Department of Legislative Services

Exhibit 9.2
Local Transfer and Recordation Tax Revenues
 (\$ in Millions)

<u>Fiscal</u>	<u>Transfer</u>	<u>Recordation</u>	<u>Total</u>	<u>% Change</u>
2008	\$375.1	\$372.3	\$747.4	
2009	269.5	255.6	525.1	-29.7%
2010	291.6	237.9	529.6	0.8%
2011	272.1	239.6	511.8	-3.4%
2012	286.8	266.2	553.0	8.1%
2013	326.8	367.9	694.7	25.6%
2014	350.7	348.7	699.5	0.7%
2015	388.1	376.9	765.1	9.4%
2016	463.0	428.6	891.7	16.5%
2017	494.9	488.4	983.3	10.3%
2018	496.3	485.3	981.7	-0.2%
2019	474.6	470.8	945.4	-3.7%

Source: Department of Legislative Services

Local Transfer Tax

Tax Base

A local transfer tax may be imposed on instruments of writing conveying title to or a leasehold interest in real property. A charter county, a commission county, and Baltimore City must have specific authority from the General Assembly to levy a transfer tax. The General Assembly has authorized all code counties to impose a transfer tax. A distinction is made in the local codes between instruments conveying title such as a deed or certain leaseholds and instruments securing real property such as a mortgage. Transfer taxes are also imposed on the transfer of real property with a value of \$1.0 million or more when the transfer is achieved through the sale of a “controlling interest” in a specified corporation, partnership, limited liability company, limited liability partnership, or other form of unincorporated business. Controlling interest is defined as more than 80% of the total value of the stock or the interest in capital and profits.

Tax Rate Setting Authority

Eighteen counties and Baltimore City currently impose a local transfer tax. Code counties are authorized to impose the transfer tax at a maximum rate of 0.5%. The tax rates imposed in charter and commission counties vary, with the rates being established by public local laws and local ordinances. Tax rates in effect for fiscal 2019 are shown in Exhibit 9.3, along with the tax rates and revenues collected in fiscal 2017. Local transfer tax rates remained relatively constant from fiscal 2015 to 2019. Cecil County enacted a 0.5% transfer tax rate effective for fiscal 2016.

Exhibit 9.3
Local Transfer Taxes

County	County Tax Rates		FY 2017 Revenues	Per Capita Revenues	Per Capita Ranking
	FY 2017	FY 2019			
Allegany	0.5%	0.5%	\$628,188	\$9	19
Anne Arundel	1.0%	1.0%	58,436,909	103	4
Baltimore City	1.5%	1.5%	48,179,234	78	8
Baltimore	1.5%	1.5%	76,293,908	92	6
Calvert	0.0%	0.0%	0	0	20
Caroline	0.5%	0.5%	599,344	18	16
Carroll	0.0%	0.0%	0	0	20
Cecil	0.5%	0.5%	1,540,036	15	18
Charles	0.5%	0.5%	6,982,932	44	12
Dorchester	0.75%	0.75%	1,193,644	37	14
Frederick	0.0%	0.0%	0	0	20
Garrett	1.0%	1.0%	2,183,536	74	9
Harford	1.0%	1.0%	15,762,182	63	10
Howard	1.0%	1.0%	32,015,788	101	5
Kent	0.5%	0.5%	645,483	33	15
Montgomery	1.0%	1.0%	118,000,203	113	3
Prince George's	1.4%	1.4%	113,354,607	124	1
Queen Anne's	0.5%	0.5%	2,051,755	42	13
St. Mary's	1.0%	1.0%	5,954,272	53	11
Somerset	0.0%	0.0%	0	0	20
Talbot	1.0%	1.0%	4,460,772	120	2
Washington	0.5%	0.5%	2,321,470	15	17
Wicomico	0.0%	0.0%	0	0	20
Worcester	0.5%	0.5%	4,271,320	83	7
Total			\$494,875,583	\$82	

Note: Amounts include only county revenues. Municipalities are not authorized to impose these taxes.

Source: Department of Legislative Services

Tax Exemptions

State law provides for the following exemptions to the local transfer tax in code counties:

- transfers to public agencies;
- transfers between relatives of the immediate family involving assumed debt;
- transfers between spouses or former spouses, including those pursuant to divorce decrees or settlements;
- transfers between certain domestic partners;
- supplemental instruments without new consideration or debt;
- previously recorded instruments;
- judgments;
- orders of satisfaction;
- participation agreements;
- transfers of property between related business entities;
- corporate, partnership, and limited liability company conveyances to certain persons on dissolution;
- land installment contracts;
- options to purchase real property;
- deeds for prior recorded contracts of sale with same parties;
- leases of seven years or less;
- articles of merger and consolidation, under certain circumstances;
- transfers from cooperative housing corporations on termination;
- transfers from certain entities to limited liability companies;
- certain transfers to land trusts;
- transfers involving certain Maryland Stadium Authority affiliates;
- transfers of real property or an interest in real property by a personal representative of an estate without consideration;
- transfers of real property or an interest in real property to a trust or from a trust to beneficiaries without consideration;
- transfers from a certified community development financial institution; and
- transfers of a principal residence surrendered in bankruptcy to the holder of the purchase money mortgage or purchase money deed of trust.

Of the charter and commission counties that impose a transfer tax, some incorporate the exemptions applicable to code counties, while exemptions in other counties are

independently defined. Some State-mandated exemptions are applicable to all counties, including transfers between spouses and former spouses pursuant to a property settlement or divorce decree. All counties are authorized to exempt a portion of the consideration payable on owner-occupied residential property. Counties may also provide an exemption for first-time homebuyers. Certain rate limitations apply to the imposition of a local transfer tax on agricultural land, as set forth in the Annotated Code.

Administration of Tax

Generally, transfer tax revenues are collected within each county by the clerk of the court or the director of finance. Local transfer taxes on transactions involving articles of consolidation, articles of merger, other documents which evidence the merger or consolidation of foreign business entities, and transfers of controlling interest are collected by the State Department of Assessments and Taxation and remitted to the Comptroller. The Comptroller deducts the administrative costs associated with collecting the tax and distributes the remainder to the subdivision, based upon the actual collections in the subdivision.

Legal Reference

Tax-Property Article, Title 13, Subtitle 4

Recordation Tax

Tax Base

The recordation tax base is composed of the following: (1) instruments conveying title to real property – the actual consideration paid; (2) instruments that create or give notice of a security interest in real property – the principal amount of debt secured; and (3) instruments that create or give notice of a security interest in personal property – the principal amount of debt secured. Recordation taxes are also imposed on the transfer of real property with a value of \$1.0 million or more when the transfer is achieved through the sale of a “controlling interest” in a specified corporation, partnership, limited liability company, limited liability partnership, or other form of unincorporated business. Controlling interest is defined as more than 80% of the total value of the stock or the interest in capital and profits. Recordation taxes are generally imposed on an “indemnity mortgage” in the same manner as if the guarantor were primarily liable for the guaranteed loan, unless the recordation tax is paid on another instrument of writing that secures the payment of the guaranteed loan or the indemnity mortgage secures a guarantee of repayment of a loan for less than \$3.0 million. An indemnity mortgage includes any

Angela Blondino

From: Jeannett Cudmore
Sent: Wednesday, September 23, 2020 1:34 PM
To: Neil Murphy; Angela Blondino; David Weiskopf
Subject: RE: Transfer Tax - repeal of sunset
Attachments: FY21 CIP TrsfrTax 8-25-2020.xls

1 – Transfer Tax is revenue for the Capital Project Fund – see listing of uses in the approved FY2021 Plan attached. This is the County’s Transfer Tax generated by the 1% charged – based on transfer value.

2 – Recordation Tax is split between Operating (General Fund) 3.65 and CIP-Agricultural Projects .35
In Operating – it is not designated to a specific item – it is general fund revenues toward the entire budget.
In CIP – it is designated to Agricultural Projects
Last three years breakdown is as follows:

Actual Receipts	FY2018	FY2019	FY2020 (unaudited)
Operating 3.65	5,918,163	6,387,490	6,160,565
CIP – Ag .35	567,495	612,499	590,739
Total 4.00	6,485,658	6,999,989	6,751,304

Thanks, Jeannett

From: Neil Murphy <Neil.Murphy@stmarysmd.com>
Sent: Tuesday, September 22, 2020 2:41 PM
To: Jeannett Cudmore <Jeannett.Cudmore@stmarysmd.com>; Angela Blondino <Angela.Blondino@stmarysmd.com>; David Weiskopf <David.Weiskopf@stmarysmd.com>
Subject: RE: Transfer Tax - repeal of sunset

Hi Jeannett,

Hope you’re great!

We had a few follow-up questions from today’s hearing with the Commissioners.

1. Where does the revenue for the transfer tax go? Our understanding is that it goes to Program Open Space and some agricultural programs. Is this correct?
2. Where does the revenue from the recordation tax go? Similarly, our understanding is that it goes to these two programs. Is this correct as well?

Thanks so much!

Sincerely,

Neil

**SUMMARY - Transfer Tax
Capital Improvement Projects - FY2021 to FY2026**

FOR 2020 LEGISLATION

	FY21	FY22	FY23	FY24	FY25	FY26
CAPITAL PROJECT	X-fer Tax	X-fer Tax	X-fer Tax	X-fer Tax	X-fer Tax	X-fer Tax
PUBLIC FACILITIES						
Airport Improvements	319,600	915,500	75,000	0	0	0
Building Maintenance & Repair - Critical	440,000	443,000	418,000	435,000	400,000	300,000
Building Maintenance & Repair - Program	415,000	425,000	375,000	415,000	410,000	330,000
Fire & Rescue Revolving Loan Fund	0	0	100,000	0	0	0
Parking and Site Improvements	195,000	60,000	60,000	60,000	0	0
Total Public Facilities	1,369,600	1,843,500	1,028,000	910,000	810,000	630,000
HIGHWAYS						
Culvert Replacement & Repair	0	0	585,000	525,000	525,000	525,000
Retrofit Sidewalk Program	255,483	1,088,378	767,500	210,000	200,000	200,000
Roadway & Safety Improvements	1,981,604	1,075,000	2,363,346	2,802,346	3,708,346	3,755,000
Southampton Neighborhood Revitalization	60,000	0	0	0	0	0
Street Lighting & Streetscape Improvements	255,000	60,000	0	0	0	0
Water Quality & Nutrient Removal	400,000	450,000	360,000	380,000	600,000	0
Total Highways	2,952,087	2,673,378	4,075,846	3,917,346	5,033,346	4,480,000
LAND CONSERVATION						
Agriculture Land Preservation Programs	743,333	346,679	346,679	346,679	346,679	346,679
Rural Legacy Program	1,050,000	750,000	750,000	750,000	750,000	750,000
Urban Legacy Program	0	0	0	0	0	600,000
Total Land Conservation	1,793,333	1,096,679	1,096,679	1,096,679	1,096,679	1,696,679
RECREATION & PARKS						
Recreation Facilities & Parks Improvements	0	300,000	285,000	275,000	180,000	0
Total Parks Acquisition /Development	0	300,000	285,000	275,000	180,000	0
MARINE						
St. Jerome's Creek Jetties	59,075	71,600	0	0	0	0
St. Patrick's Creek Maintenance Dredge	100,000	0	0	0	0	0
Total Marine	159,075	71,600	0	0	0	0
PUBLIC SCHOOLS						
Building Infrastructure - Critical	0	0	264,000	90,000	0	0
Building Infrastructure - Programmatic	0	469,968	210,000	147,000	0	0
Chopticon HS HVAC Systemic Renovation	0	0	0	125,000	0	0
Great Mills HS - Partial Roof Replacement	42,000	0	0	0	0	0
Green Holly Ele School-Roof/HVAC Systemic	0	0	59,000	0	0	0
Lexington Park Ele School - Roof Replace	0	0	0	0	0	40,000
Piney Point Ele School-HVAC System	0	40,000	0	0	0	0
Ridge Ele School-HVAC System Renovation	0	0	0	0	0	40,000
School Capacity Study K-12	175,000	0	0	0	0	0
Town Creek Ele School - HVAC Systemic	24,000	0	0	0	0	0
	0	0	0	0	0	0
Total Public Schools	241,000	509,968	533,000	362,000	0	80,000
TOTAL	6,515,095	6,495,125	7,018,525	6,561,025	7,120,025	6,886,679

Neil Murphy

From: Jeannett Cudmore
Sent: Wednesday, September 23, 2020 2:41 PM
To: Neil Murphy; Angela Blondino; David Weiskopf
Subject: RE: Transfer Tax - repeal of sunset

1 – Are we having trouble making our ends meet – this is CIP revenue – if this goes away, then the Bond Funding will need to be increased for the loss revenue.

Transfer Tax as already indicated go towards the County Ag projects – about a \$1 million each each, and the rest for other CIP projects – primarily those that are smaller, like studies, And other expenses that would not normally go towards Bonds.

2 – Approximately \$1 million each fiscal year

From: Neil Murphy <Neil.Murphy@stmarysmd.com>
Sent: Wednesday, September 23, 2020 10:33 AM
To: Jeannett Cudmore <Jeannett.Cudmore@stmarysmd.com>; Angela Blondino <Angela.Blondino@stmarysmd.com>; David Weiskopf <David.Weiskopf@stmarysmd.com>
Subject: RE: Transfer Tax - repeal of sunset

Hi Jeanette,

In reviewing the questions of the meeting, the Commissioners also had the following questions:

- Are we having trouble making our ends meet?
- How much money is coming out of the transfer and recordation taxes towards agricultural land preservation CIP projects?

Sincerely,

Neil

Neil A. Murphy

Deputy County Attorney

St. Mary's County Government

41770 Baldrige Street

Post Office Box 653

Leonardtown, Maryland 20650

Phone: 301-475-4200, ext. 71704

Fax: 301-475-4660

Email: Neil.Murphy@stmarysmd.com

<https://www.stmarysmd.com/>



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is strictly prohibited. If you have received this message in error, please advise the sender by immediate reply and delete the original message.

From: Neil Murphy

Sent: Tuesday, September 22, 2020 2:41 PM

To: Jeannett Cudmore <Jeannett.Cudmore@stmarysmd.com>; Angela Blondino <Angela.Blondino@stmarysmd.com>; David Weiskopf <David.Weiskopf@stmarysmd.com>

Subject: RE: Transfer Tax - repeal of sunset

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We had a few follow-up questions from today's hearing with the Commissioners.

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2. Where does the revenue from the recordation tax go? Similarly, our understanding is that it goes to these two programs. Is this correct as well?

Thanks so much!

Sincerely,

Neil

Neil A. Murphy

Deputy County Attorney

St. Mary's County Government

41770 Baldrige Street

Post Office Box 653

Leonardtown, Maryland 20650 —

Phone: 301-475-4200, ext. 71704

Fax: 301-475-4660

Email: Neil.Murphy@stmarysmd.com

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FOR THE PURPOSE OF SETTING A RECORDATION TAX AND RATE IN ACCORDANCE WITH AND PURSUANT TO THE AUTHORITY GRANTED UNDER MARYLAND ANNOTATED CODE, TAX-PROPERTY ARTICLE, §12-101, ET SEQ. AND DESIGNATING A PORTION OF THE REVENUE THEREBY GENERATED FOR THE PURCHASE OF DEVELOPMENT RIGHTS THAT WILL PRESERVE AGRICULTURAL LANDS.

RECORDING FEE 0.00
TOTAL 0.00
Res#3902 Rpt#999999
CWA PL BIK#1757
Jul 20, 2001 11:31 am

ORDINANCE

WHEREAS, Maryland Annotated Code, Tax-Property Article, §12-103(b) provides that “[t]he Mayor and City Council of Baltimore City or the governing body of a county may set, by law, the recordation tax rate in the county”; and

WHEREAS, the Board of County Commissioners for St. Mary’s County, Maryland exercised such authority in enacting Resolutions 69-1 and 82-16, each setting the Recordation Tax rate at Three and 30/100 Dollars, (\$3.30) per Five Hundred Dollars, (\$500.00), of consideration payable or of the principal amount of the debt secured for an instrument of writing; and

WHEREAS, pursuant to Maryland Annotated Code, Article 25, Section 3(r), a public hearing was held on June 12, 2001, after due and appropriate notice was published in The Enterprise, a newspaper of general circulation in St. Mary’s County, on June 1 and 8, 2001 and in the Washington Post, a newspaper of general circulation in St. Mary’s County, on June 6, 7, 10, and 11, 2001, for at least two successive weeks; and

WHEREAS, the Board of County Commissioners for St. Mary’s County, Maryland desire to protect the health, safety and well-being of present and future residents of St. Mary’s County by conserving and protecting agricultural land as an environmental resource of major importance and as the basis of a viable sector of the County’s economy; and

WHEREAS, after public input and serious consideration of input from staff and the public it is determined that it is in the County’s best interest to repeal, modify and re-enact the Recordation Tax, establishing the rate at Four Dollars, (\$4.00), per each or fraction of Five Hundred Dollars, (\$500.00), of consideration payable or of the principal amount of the debt secured for an instrument of writing recorded with the Clerk of the Circuit Court for St. Mary’s County, Maryland.

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners for St. Mary’s County, Maryland that, pursuant to the authority granted under Maryland Annotated Code, Tax-Property Article, §12-103(b), there shall continue to be a Recordation Tax for each or fraction of Five Hundred Dollars, (\$500.00), of consideration payable or of the principal amount of the debt secured for an instrument of writing recorded with the Clerk of the Circuit Court for St. Mary’s County, Maryland.

BE IT FURTHER ORDAINED, by the Board of County Commissioners for St. Mary’s County, Maryland that the Recordation Tax Rate for St. Mary’s County shall be Four Dollars, (\$4.00) per each or fraction of Five Hundred Dollars, (\$500.00), of consideration payable or of the principal amount of the debt secured for an instrument of writing recorded with the Clerk of the Circuit Court for St. Mary’s County, Maryland.

BE IT FURTHER ORDAINED, by the Board of County Commissioners for St. Mary’s County, Maryland that 35/100 Dollars, (\$0.35), of each Four Dollars, (\$4.00)

collected after September 1, 2001, and each fiscal year thereafter, shall be applied to conserve and protect rural lands.

BE IT FURTHER ORDAINED, by the Board of County Commissioners for St. Mary's County, Maryland that this enactment shall be effective September 1, 2001.

BE IT FURTHER ORDAINED, 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 ORDAINED, by the Board of County Commissioners for St. Mary's County, Maryland that the provision of this Ordinance shall be codified at Chapter 267, Article XI of the St. Mary's County Code.

Those voting Aye: Randall, Anderson, Guazzo, Raley

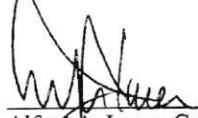
Those voting Nay: Mattingly

Those Absent: _____

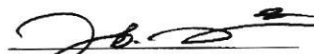
ADOPTED: 6/28/01

EFFECTIVE: September 1, 2001

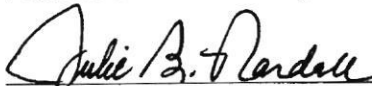
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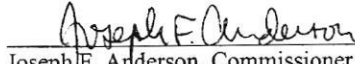

Alfred A. Lacer, County Administrator

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



John B. Norris, III
Deputy County Attorney

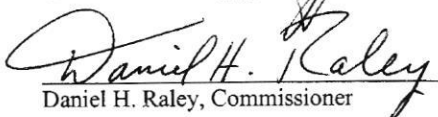
BOARD OF COUNTY COMMISSIONERS FOR ST. MARY'S COUNTY, MARYLAND


Julie B. Randall, President


Joseph F. Anderson, Commissioner


Shelby P. Guazzo, Commissioner


Thomas A. Mattingly, Sr., Commissioner


Daniel H. Raley, Commissioner

Md. TAX-PROPERTY Code Ann. § 12-101

Statutes current through legislation effective July 10, 2020

MD - Annotated Code of Maryland > TAX - PROPERTY > TITLE 12. RECORDATION TAXES

§ 12-101. Definitions

(a) **In general.** --In this title the following words have the meanings indicated.

(b) **Articles of consolidation.** --"Articles of consolidation" means a document filed with the Department under [§ 3-107 of the Corporations and Associations Article](#) which evidences a consolidation of at least one Maryland corporation with another corporation to form a new Maryland corporation.

(c) **Articles of merger.** --"Articles of merger" means a document filed with the Department under § 3-107, § 4A-703, § 9A-903, or [§ 10-208 of the Corporations and Associations Article](#) which evidences a merger involving at least one Maryland corporation, Maryland limited liability company, Maryland partnership, or Maryland limited partnership.

(d) **Documents which evidence the merger or consolidation of foreign corporations, foreign partnerships, foreign limited liability companies, or foreign limited partnerships.** --"Documents which evidence the merger or consolidation of foreign corporations, foreign partnerships, foreign limited liability companies, or foreign limited partnerships" means those documents that are filed or recorded with:

(1) the Department under § 3-117, § 4A-1012, § 9A-910, or [§ 10-912 of the Corporations and Associations Article](#); or

(2) the clerk of the circuit court of a county evidencing that title to real property has been conveyed through a merger or consolidation of 2 or more foreign corporations, foreign limited liability companies, foreign partnerships, or foreign limited partnerships.

(e) **Domestic partner.** --"Domestic partner" means an individual with whom another individual has established a domestic partnership.

(f) **Domestic partnership.** --"Domestic partnership" means a relationship between two individuals who:

(1) are at least 18 years old;

(2) are not related to the other by blood or marriage within four degrees of consanguinity under the civil law rule;

(3) are not married or a member of a civil union or domestic partnership with another individual;

(4) agree to be in a relationship of mutual interdependence in which each domestic partner contributes to the maintenance and support of the other domestic partner and the relationship, even if both domestic partners are not required to contribute equally to the relationship; and

(5) share a common residence where both domestic partners live, even if:

(i) only one of the domestic partners has the right to legal possession of the common residence; or

(ii) one of the domestic partners has an additional residence.

(g) **Evidence of a domestic partnership.** --"Evidence of a domestic partnership" means:

(1) an affidavit signed under penalty of perjury by two individuals stating that they have established a domestic partnership; and

(2) evidence of any two of the following:

Md. TAX-PROPERTY Code Ann. § 12-101

- (i) joint liability of the individuals for a mortgage or other loan or for a lease;
- (ii) the designation of one of the individuals as the primary beneficiary under a life insurance policy on the life of the other individual or under a retirement plan of the other individual;
- (iii) the designation of one of the individuals as the primary beneficiary of the will of the other individual;
- (iv) a durable power of attorney for health care or financial management granted by one of the individuals to the other individual;
- (v) joint ownership or lease by the individuals of a motor vehicle;
- (vi) a joint checking account, joint investments, or a joint credit account;
- (vii) a joint renter's or homeowner's insurance policy;
- (viii) coverage of one of the individuals under a health insurance policy of the other individual;
- (ix) joint responsibility for childcare, such as school documents or guardianship documents; or
- (x) a relationship or cohabitation contract.

(h) Evidence of dissolution of a domestic partnership. --"Evidence of dissolution of a domestic partnership" means:

- (1) a death certificate; or
- (2) an affidavit signed under penalty of perjury by two individuals who formerly established a domestic partnership stating that the domestic partnership has been dissolved.

(i) Former domestic partner. --"Former domestic partner" means an individual with whom another individual had established a domestic partnership that has subsequently been dissolved.

(j) Instrument of writing. --

- (1) "Instrument of writing" means a written instrument that:
 - (i) conveys title to or creates or gives notice of a security interest in real property; or
 - (ii) creates or gives notice of a security interest in personal property.
- (2) "Instrument of writing" includes:
 - (i) a deed or contract;
 - (ii) a mortgage, deed of trust, or other contract that creates an encumbrance on real property;
 - (iii) a lease of real property;
 - (iv) an assignment of a lessee's interest in real property;
 - (v) a security agreement;
 - (vi) articles of merger or other document which evidences a merger of foreign corporations, foreign partnerships, foreign limited liability companies, or foreign limited partnerships; and
 - (vii) articles of consolidation or other document which evidences a consolidation of foreign corporations.

(k) Recordation tax. --"Recordation tax" means the tax imposed under this title.

(l) Security agreement. --

- (1) "Security agreement" means an agreement that creates or provides for a security interest.
- (2) "Security agreement" includes a financing statement filed under the Maryland Uniform Commercial Code to perfect a security interest.

(m) Security interest. --

(1)"Security interest" means an interest in real property or personal property that secures payment or performance of an obligation.

(2)"Security interest" includes a lien or encumbrance on real property or personal property.

(n) Subsidiary corporation. --"Subsidiary corporation" includes any corporation that is a subsidiary of either a parent corporation or any other subsidiary corporation of the parent corporation.

(o) Successor. --"Successor" has the meaning stated in [§ 1-101\(dd\) of the Corporations and Associations Article](#).

(p) Supplemental instrument of writing. --

(1)"Supplemental instrument of writing" means an instrument of writing that confirms, corrects, modifies, supplements, or amends and restates a previously recorded instrument of writing, regardless of whether recordation tax was paid on such instrument of writing.

(2)"Supplemental instrument of writing" includes an instrument of writing that secures a debt and grants a security interest in property in addition to or in substitution for property described in the previously recorded instrument of writing.

History

An. Code 1957, art. 81, § 277; 1985, ch. 8, § 2; 1986, ch. 686; 1987, ch. 11, § 1; 1988, ch. 550; [1989, ch. 5, § 1](#); [1992, ch. 536](#); [1997, ch. 14, § 1](#); [ch. 654, § 2](#); [1998, ch. 743, § 3](#); 2007, ch. 5, § 7; [2008, ch. 599](#); [2010, ch. 72, § 5](#); [2013, ch. 43, § 5](#); [chs. 267, 268](#); [2017, ch. 62, § 6](#); [2018, ch. 720, §§ 1, 3](#); [2019, ch. 8, § 5](#).

Annotations

Notes

EFFECT OF AMENDMENTS. --

[Chapter 599, Acts 2008](#), effective July 1, 2008, added (e-1) through (e-5).

Chapters 267 and 268, Acts 2013, effective July 1, 2013, made identical changes. Each in (l)(1) added "or amends and restates" and "regardless of whether recordation tax was paid on such instrument of writing" and made a related change.

[Section 1, ch. 720, Acts 2018](#), effective October 1, 2018, deleted (d) and (f)(2)(v) and redesignated accordingly; and § 3, ch. 720 renumbered (e), (e-1) through (e-5), and (f) through (l) as (d) through (p).

EDITOR'S NOTE. --

Section 7, ch. 5, Acts 2007, approved March 22, 2007, and effective from date of enactment, provides that "the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, at the time of publication of a new supplement, new volume, or replacement volume of the Annotated Code, shall make nonsubstantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any reference rendered obsolete by an Act of the General Assembly, with no further action required by the General Assembly. The publisher shall adequately describe any such correction in an editor's note following the section affected." Pursuant to § 7 of ch. 5, "[§ 1-101 \(x\) of the Corporations and Associations Article](#)" was

Md. TAX-PROPERTY Code Ann. § 12-101

substituted for "[§ 1-101 \(u\) of the Corporations and Associations Article](#)" in (k), following the redesignations made by § 7, *ch. 5, Acts 2007*.

[Section 2, ch. 599, Acts 2008](#), provides that "this Act may not be construed to have any effect on [§ 2-201 of the Family Law Article](#)."

Pursuant to § 5, [ch. 72, Acts 2010](#), "§ 1-101(y)" was substituted for "§ 1-101(x)" in (k) following the amendment by [Chapter 611, Acts 2010](#).

Pursuant to § 5, [ch. 43, Acts 2013](#), "[§ 1-101\(bb\) of the Corporations and Associations Article](#)" was substituted for "[§ 1-101\(y\) of the Corporations and Associations Article](#)" in (k), following the multiple amendments and redesignations by chs. 68, 527, and 528, Acts 2013.

Pursuant to § 6, [ch. 62, Acts 2017](#), "§ 1-101(cc)" was substituted for "§ 1-101(bb)" in (k), following the amendment by [ch. 674, Acts 2017](#).

Pursuant to § 5, [ch. 8, Acts 2019](#), "[§ 1-101\(dd\) of the Corporations and Associations Article](#)" was substituted for "[§ 1-101\(cc\) of the Corporations and Associations Article](#)" in (o), following the amendment by [ch. 289, Acts 2019](#).

Case Notes

ORIGINAL AND SUPPLEMENTAL INSTRUMENTS DISTINGUISHED. --If the refunding is accomplished without the need of the original mortgage, then the new instrument is not supplemental, but original, and the recordation tax must be paid. If the lien of the old instrument is retained, only the evidence of the same debt is changed; if the new instrument cannot operate without the retention of the old, then the last is supplemental to the first within the meaning of the Maryland recordation tax statute, and is exempted from the tax. [Hammond v. Philadelphia Elec. Power Co., 192 Md. 179, 63 A.2d 759 \(1949\)](#); [Howard County v. Howard Research & Dev. Corp., 34 Md. App. 411, 367 A.2d 18 \(1977\)](#).

CONSTRUCTION OF TITLE. --Mortgage indenture held a supplemental instrument within the meaning of those words as used in (g). [Hammond v. Philadelphia Elec. Power Co., 192 Md. 179, 63 A.2d 759 \(1949\)](#).

This title represents a general statutory scheme, and therefore the sections within the title must be read and considered together to ascertain the true intention of the [General Assembly. Prince George's County v. Brown, 334 Md. 650, 640 A.2d 1142 \(1994\)](#).

EXEMPTION OF SUPPLEMENTAL INSTRUMENT. --In order for an instrument that creates a security interest to be exempt as a supplemental instrument, it must supplement an instrument creating a security interest previously recorded in this [State. Prince George's County v. Brown, 334 Md. 650, 640 A.2d 1142 \(1994\)](#).

The rationale of the supplemental instrument exemption is that it was not the intention of the General Assembly to impose the recordation tax twice upon the same debt. [Prince George's County v. Brown, 334 Md. 650, 640 A.2d 1142 \(1994\)](#).

DEEDS CONVEYING PROPERTY BY GIFT. --Deeds conveying property by way of gift submitted for record are "instrument[s] taxable." 63 Op. Att'y Gen. 623 (1978).

Md. TAX-PROPERTY Code Ann. § 12-101

TAX ON TRANSFERS OF PROPERTY NOT PREEMPTED BY SECTION. --There are no provisions in this section which expressly or impliedly preempt to the State the entire field of taxing of transfers of property. [Hampton Assocs. v. Baltimore County, 66 Md. App. 551, 505 A.2d 537 \(1986\)](#), cert. denied, 307 Md. 406, 514 A.2d 24 (1986).

[QUOTED IN Prince George's County v. Brown, 348 Md. 708, 705 A.2d 1158 \(1998\)](#).

CITED [IN Port v. Cowan, 426 Md. 435, 44 A.3d 970 \(2012\)](#).

Annotated Code of Maryland

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ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

September 29, 2020

The Honorable Matthew Morgan
Maryland House of Delegates
310 House Office Building
6 Bladen Street
Annapolis, MD 21401

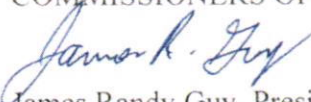
Re: St. Mary's County – to request to repeal §138-1.F of *Article 19 of the Public Local Laws of St. Mary's County* - to repeal the termination date for the Transfer Tax

Dear Chairman Morgan:

The Commissioners of St. Mary's County support the request to repeal the termination date for the Real Property Transfer Tax located in §138-1.F of *Article 19 of the Public Local Laws of St. Mary's County* as requested by Jeannett Cudmore, Chief Financial Officer.

We appreciate the introduction of this legislation and believe this legislation will benefit the citizens of St. Mary's County. We look forward to working with you on this and other initiatives throughout the session.

Sincerely,
COMMISSIONERS OF ST. MARY'S COUNTY


James Randy Guy, President

CSMC/AB/sf
T:/Consent/2020/134

Cc: Senator Jack Bailey
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

HB _____ – St. Mary's County –
Repeal of Real Property Transfer Tax sunset/
termination date

SUPPORT

_____, 2021

Delegate _____, Chair
_____ Committee
House Office Building, Room 101
6 Bladen Street
Annapolis, MD 21401

Re: House Bill #: _____ - St. Mary's County – Repeal of Real Property Transfer Tax
sunset/ termination date
Hearing on _____, 2021

Dear Chairman _____:

The Commissioners of St. Mary's County support House Bill #: ____ St. Mary's County
– Repeal of Real Property Transfer Tax sunset/ termination date which is being heard in the
_____ Committee on _____, 2021.

We request a favorable report on House Bill _____. We support the introduction of this
legislation and believe it would benefit the citizens of St. Mary's County. Thank you for your
consideration as well as your attention to this matter.

Sincerely,

COMMISSIONERS OF ST. MARY'S COUNTY

James Randy Guy, President

Cc: Senator Jack Bailey
Delegate Matthew Morgan
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

**Senate Bill ____ – St. Mary's County –
Repeal of Real Property Transfer Tax sunset/
termination date
SUPPORT**

_____, 2021

Senator _____, Chair
_____ Committee
_____ West
Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

Re: Bill #: _____ - St. Mary's County - Repeal of Real Property Transfer Tax sunset/
termination date
Hearing on _____, 2021

Dear Chairman _____:

The Commissioners of St. Mary's County support Bill #: ____ – St. Mary's County -
Repeal of Real Property Transfer Tax sunset/ termination date which is being heard in the
_____ Committee on _____, 2021.

We request a favorable report on Senate Bill _____. We support the introduction of this
legislation and believe it would benefit the citizens of St. Mary's County. Thank you for your
consideration as well as your attention to this matter.

Sincerely,

COMMISSIONERS OF ST. MARY'S COUNTY

James Randy Guy, President

Cc: Senator Jack Bailey
Delegate Matthew Morgan
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

6

**COMMISSIONERS OF ST. MARY'S COUNTY
2021 LEGISLATIVE PROPOSAL FORM**

JOINT MEETING

**ST. MARY'S COUNTY LEGISLATIVE DELEGATION AND COMMISSIONERS OF ST. MARY'S COUNTY
OCTOBER 6, 2020 AT 6:00 P.M.
41770 BALDRIDGE STREET, LEONARDTOWN, MARYLAND**

August 26 – Legislative Proposals are due to Commissioners and Delegate Morgan.

September 22 – Legislative Proposals will be presented to the Commissioners at their regular meeting at 9:00 a.m.

September 29 - Commissioners will take positions/vote on legislative proposals at their regular meeting at 9:00 a.m.

October 6 – Joint Public Meeting with Commissioners and St. Mary's County Delegation at 6:00 p.m.

Requestors will be given WEBEX contact information prior to the meetings to participate.

REQUESTOR: COMMISSIONER PRESIDENT RANDY GUY

ADDRESS: 41770 BALDRIDGE STREET, LEONARDTOWN, MD 20650

TELEPHONE: 301-475-4200

EMAIL: RANDY.GUY@STMARYSMD.COM

SUBJECT MATTER: TO REQUEST THE AUTHORITY TO INCREASE THE CAP ON THE ST. MARY'S COUNTY PUBLIC ACCOMMODATIONS TAX FROM 5% TO 7%

LEGISLATIVE REFERENCE (IF KNOWN): Annotated Code of Maryland,
Local Government Article §20-405

FISCAL IMPACT: YES NO **AMOUNT:** _____

REQUEST:

To request the authority to increase the cap on the St. Mary's County Public Accommodations Tax from five (5) Percent to Seven (7) Percent by amending the Local Government Article, §20-405 § 20-405. Tax rates

(a) In general. -- Subject to this section, the hotel rental tax rate is the rate that the county sets by resolution.

(b) Limitations. -- The hotel rental tax rate may not exceed:

(1) except as otherwise provided in this section, 3% in a code county;

(2) 3% in Cecil County;

(3) 4% in Talbot County;

(4) 5% in Calvert County, Carroll County, Charles County, Dorchester County, Frederick County, ~~St. Mary's County~~, and Somerset County;

(5) 6% in Wicomico County; and

(6) 8% in Garrett County.

(7) 7% IN ST. MARY'S COUNTY.

(c) Code counties. -- With the unanimous consent of the county commissioners:

(1) a code county other than a Western Maryland code county may set a hotel rental tax rate up to 5%; and

(2) a Western Maryland code county may set a hotel rental tax rate up to 8%.

(d) Washington County. -- The hotel rental tax rate in Washington County is 6%.

SUBMIT BY AUGUST 26, 2020 TO:

COMMISSIONERS OF ST. MARY'S COUNTY
41770 BALDRIDGE STREET
P.O. BOX 653
LEONARDTOWN MARYLAND 20650
csmc@stmarysmd.com

AND

MATT MORGAN, DELEGATE
DISTRICT 29A, ST. MARY'S COUNTY
310 HOUSE OFFICE BUILDING
6 BLADEN STREET
ANNAPOLIS, MD 21401
matt.morgan@house.state.md.us

Md. LOCAL GOVERNMENT Code Ann. § 20-405

This documents reflects changes received through chapter 18 of the 2020 session

MD - Annotated Code of Maryland > LOCAL GOVERNMENT > DIVISION IV. LOCAL FINANCE > TITLE 20. TAXES AND DEVELOPMENT IMPACT FEES > SUBTITLE 4. HOTEL RENTAL TAXES > PART I. COUNTY HOTEL RENTAL TAXES

§ 20-405. Tax rates

- (a) **In general.** --Subject to this section, the hotel rental tax rate is the rate that the county sets by resolution.
- (b) **Limitations.** --The hotel rental tax rate may not exceed:
- (1) except as otherwise provided in this section, 3% in a code county;
 - (2) 3% in Cecil County;
 - (3) 4% in Talbot County;
 - (4) 5% in Calvert County, Carroll County, Charles County, Dorchester County, Frederick County, St. Mary's County, and Somerset County;
 - (5) 6% in Wicomico County; and
 - (6) 8% in Garrett County.
- (c) **Code counties.** --With the unanimous consent of the county commissioners:
- (1) a code county other than a Western Maryland code county may set a hotel rental tax rate up to 5%; and
 - (2) a Western Maryland code county may set a hotel rental tax rate up to 8%.
- (d) **Washington County.** --The hotel rental tax rate in Washington County is 6%.

History

An. Code 1957, art. 24, § 9-304; [2013, ch. 119, § 2](#); [2019, chs. 593, 594](#).

Annotations

Notes

REVISOR'S NOTE

This section is new language derived without substantive change from former Art. 24, § 9-304.

In subsection (a) of this section, the reference to "this section" is substituted for the former reference to "the limitations in subsections (b) and (c) of this section" for accuracy.

[Print](#)

Garrett County, MD Code of Ordinances

HOTEL RENTAL TAX**§ 37.070 TAX IMPOSED.**

The Board of County Commissioners of Garrett County, Maryland, under and by virtue of the power granted to the Board under the provisions of the State Act, Md. Code, 20-405 *et seq.*, does hereby impose a hotel rental tax rate effective January 1, 2020 of 8% in Garrett County.

(1986 Code, § 263-13) (Ord. —, passed 1-19-1988; Am. Res. 2012-7, passed 5-15-2012; Am. Res. 2019-5, passed 7-8-2019)

§ 37.071 DISTRIBUTION OF USE OF TAX.

Distribution of tax collected pursuant to § 37.070 shall be made in accordance with the provisions of Maryland law (State Act, Md. Code, § 20-415 *et seq.*

(1986 Code, § 263-14) (Ord. —, passed 1-19-1988; Am. Res. 2019-5, passed 7-8-2019)

§ 37.072 USE OF TAX.

The net proceeds received by the county from the hotel rental tax be and are designated for the promotion of tourism and economic development within the county.

(1986 Code, § 263-14) (Ord. —, passed 1-19-1988)

§ 37.073 (RESERVED)**§ 37.074 EFFECTIVE DATE.**

The hotel rental tax rate of 5% shall be effective 7-1-2005.

(1986 Code, § 263-16) (Ord. —, passed 1-19-1988)

Chapter 594

(Senate Bill 216)

AN ACT concerning

Garrett County – Hotel Rental Tax – Rate and Distribution of Revenue

FOR the purpose of increasing the maximum hotel rental tax rate that Garrett County may impose; altering the distribution of hotel rental tax revenue in Garrett County; and generally relating to the hotel rental tax in Garrett County.

BY repealing and reenacting, with amendments,
Article – Local Government
Section 20–405 and 20–415
Annotated Code of Maryland
(2013 Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Local Government

20–405.

(a) Subject to this section, the hotel rental tax rate is the rate that the county sets by resolution.

(b) The hotel rental tax rate may not exceed:

(1) except as otherwise provided in this section, 3% in a code county;

(2) 3% in Cecil County;

(3) 4% in Talbot County;

(4) 5% in Calvert County, Carroll County, Charles County, Dorchester County, Frederick County, St. Mary’s County, and Somerset County; [and]

(5) 6% in [Garrett County and] Wicomico County; **AND**

(6) 8% IN GARRETT COUNTY.

(c) With the unanimous consent of the county commissioners:

(1) a code county other than a Western Maryland code county may set a

hotel rental tax rate up to 5%; and

(2) a Western Maryland code county may set a hotel rental tax rate up to 8%.

(d) The hotel rental tax rate in Washington County is 6%.

20-415.

(a) Except as otherwise provided in this part, a code county, Calvert County, Cecil County, Garrett County, or St. Mary's County shall distribute the hotel rental tax revenue as follows:

(1) a reasonable sum for hotel rental tax administrative costs to the general fund of the county;

(2) after the distribution in item (1) of this subsection, the revenue attributable to a hotel located in a municipality to the municipality; and

(3) the remaining balance to the general fund of the county.

(b) Cecil County may not deduct more than 5% of the revenue for administrative costs under subsection (a)(1) of this section.

[(c) Garrett County shall designate a part of the balance under subsection (a)(3) of this section for the promotion of the county.]

(C) (1) FROM THE PART OF THE BALANCE UNDER SUBSECTION (A)(3) OF THIS SECTION THAT IS ATTRIBUTABLE TO A TAX RATE OF 6% OR LESS, GARRETT COUNTY SHALL DESIGNATE A PORTION FOR THE PROMOTION OF THE COUNTY.

(2) IF GARRETT COUNTY IMPOSES A TAX RATE GREATER THAN 6%, THE PART OF THE BALANCE UNDER SUBSECTION (A)(3) OF THIS SECTION THAT IS ATTRIBUTABLE TO THE RATE GREATER THAN 6% SHALL BE DISTRIBUTED TO THE GENERAL FUND OF THE COUNTY.

(d) If a Western Maryland code county imposes a tax rate greater than 5%, the revenue attributable to the rate greater than 5% and attributable to a hotel located in a municipality shall be distributed to the general fund of the county.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

September 29, 2020

The Honorable Matthew Morgan
Maryland House of Delegates
310 House Office Building
6 Bladen Street
Annapolis, MD 21401

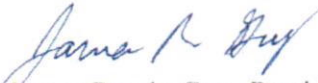
Re: St. Mary's County - To request to amend §20-405 of the *Local Government Article* to request authority to increase the cap on the St. Mary's County Public Accommodations Tax from five (5) percent to seven (7) percent.

Dear Chairman Morgan:

The Commissioners of St. Mary's County support the request to amend §20-405 of the *Local Government Article* of the *Annotated Code of Maryland* to request authority to increase the cap on the St. Mary's County Public Accommodations Tax from five (5) percent to seven (7) percent as requested by Commissioner President Randy Guy.

We appreciate the introduction of this legislation and believe this legislation will benefit the citizens of St. Mary's County. We look forward to working with you on this and other initiatives throughout the session.

Sincerely,
COMMISSIONERS OF ST. MARY'S COUNTY


James Randy Guy, President

CSMC/AB/sf
T:/Consent/2020/135

Cc: Senator Jack Bailey
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

**HB ____ – St. Mary's County –
Increase Cap on Accommodations Tax**

SUPPORT

_____, 2021

Delegate _____, Chair
_____ Committee
House Office Building, Room 101
6 Bladen Street
Annapolis, MD 21401

Re: House Bill #: _____ - St. Mary's County – Increase Cap on Accommodations Tax
Hearing on _____, 2021

Dear Chairman _____:

The Commissioners of St. Mary's County support House Bill #: ____ St. Mary's County
– Increase Cap on the Accommodations Tax which is being heard in the _____
Committee on _____, 2021.

We request a favorable report on House Bill _____. We support the introduction of this
legislation and believe it would benefit the citizens of St. Mary's County. Thank you for your
consideration as well as your attention to this matter.

Sincerely,

COMMISSIONERS OF ST. MARY'S COUNTY

James Randy Guy, President

Cc: Senator Jack Bailey
Delegate Matthew Morgan
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

**Senate Bill _____ – St. Mary's County –
Increase Cap on Accommodations Tax**

SUPPORT

_____, 2021

Senator _____, Chair
_____ Committee
_____ West
Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

Re: Bill #: _____ - St. Mary's County – Increase Cap on Accommodations Tax
Hearing on _____, 2021

Dear Chairman _____:

The Commissioners of St. Mary's County support Bill #: _____ – St. Mary's County –
Increase the Cap on the Accommodations Tax which is being heard in the
_____ Committee on _____, 2021.

We request a favorable report on Senate Bill _____. We support the introduction of this
legislation and believe it would benefit the citizens of St. Mary's County. Thank you for your
consideration as well as your attention to this matter.

Sincerely,

COMMISSIONERS OF ST. MARY'S COUNTY

James Randy Guy, President

Cc: Senator Jack Bailey
Delegate Matthew Morgan
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

7

**COMMISSIONERS OF ST. MARY'S COUNTY
2021 LEGISLATIVE PROPOSAL FORM**

JOINT MEETING

**ST. MARY'S COUNTY LEGISLATIVE DELEGATION AND COMMISSIONERS OF ST. MARY'S COUNTY
OCTOBER 6, 2020 AT 6:00 P.M.
41770 BALDRIDGE STREET, LEONARDTOWN, MARYLAND**

August 26 – Legislative Proposals are due to Commissioners and Delegate Morgan.

September 22 – Legislative Proposals will be presented to the Commissioners at their regular meeting at 9:00 a.m.

September 29 - Commissioners will take positions/vote on legislative proposals at their regular meeting at 9:00 a.m.

October 6 – Joint Public Meeting with Commissioners and St. Mary's County Delegation at 6:00 p.m.

Requestors will be given WEBEX contact information prior to the meetings to participate.

REQUESTOR: COMMISSIONER ERIC COLVIN

ADDRESS: 41770 BALDRIDGE STREET, P.O. BOX 653, LEONARDTOWN, MD 20650

TELEPHONE: 301-475-4200

EMAIL: ERIC.COLVIN @STMARYSMD.COM

SUBJECT MATTER: TO REPEAL THE ST. MARY'S COUNTY OPEN MEETINGS ACT AND TO REQUIRE ST. MARY'S COUNTY TO FOLLOW THE MARYLAND STATE OPEN MEETINGS ACT

LEGISLATIVE REFERENCE: Maryland Annotated Code:

Local Government Article §§ 9-501 through 9-516 – St. Mary's County Open Meetings Act

FISCAL IMPACT: YES **NO** **AMOUNT: N/A**

REQUEST: To repeal the St. Mary's County Open Meetings Act and require that St. Mary's County follow the Maryland Open Meetings Act instead.

BACKGROUND: The St. Mary's County Open Meetings Act was enacted in 1976. The following year, the Maryland State Open Meetings Act was enacted, and ALL counties in the State of Maryland follow the Maryland Open Meetings Act, including St. Mary's County. Consequently, St. Mary's County is the ONLY county that has BOTH its own open meetings act and also follows the Maryland Open Meetings Act. Following two open meetings acts creates enormous confusion and regularly requires legal opinions, guidance, and interpretations because, while the two acts share a number of similarities, at times they vary significantly. Because the two acts are different, we do not have clear cut answers and often must seek opinions of the Attorney General and/or look to rulings, interpretations, etc.

Training – At least one member of every public body in Maryland is required to take training on the Maryland Open Meetings Act. However, there is no training module for the St. Mary's County Open Meetings Act. Therefore, everyone in St. Mary's County must take training on the Maryland Open

Meetings Act, which is confusing because the two acts are different, and we normally follow the St. Mary's County Act as it is more stringent.

Manual – There is 76-page Manual and a 7-page Frequently Asked Questions reference guide for the Maryland Open Meetings act while there is no manual for the St. Mary's County Open Meetings Act. St. Mary's County must look to the Maryland Open Meetings Act Manual for interpretation for both acts.

Compliance Board and Compliance Board Attorney – The Maryland Open Meetings Act is subject to the review of the State Open Meetings Law Compliance Board and has access to the Compliance Board Attorney who helps interpret the Maryland Act and provides guidance on its application and interpretation. The Compliance Board Attorney does not advise on the St. Mary's County Open Meetings Act for application or interpretation.

Exceptions - The St. Mary's County Open Meetings Act enumerates ten (10) instances (this number will increase to thirteen (13) after Oct. 1, 2020) during which a public agency may meet in closed session, as opposed to fifteen (15) under the Maryland Open Meetings Act. *Compare* Local Gov't § 9-512(a), *with* Gen. Prov. § 3-305. Two examples of closed session exceptions that Maryland provides would be: 1. to consider a proposal for business to locate, expand or remain in State and 2. the marketing of public securities.

A chart outlining the specifics of the State Open Meetings Act exceptions compared to the St. Mary's County Open Meetings Act exceptions is attached.

Subcommittees - Subcommittees must comply with the St. Mary's County Open Meetings Act, whereas subcommittees are exempt under the Maryland Open Meetings Act. § 9-501(c)(2). In St. Mary's County our board and commission subcommittees only gather information and report back to the main body. Subcommittees do not make decisions but are required to give notice of meetings, post agendas, and use our meeting rooms.

Functions - The Maryland Open Meetings Act applies to advisory, legislative and quasi-legislative functions and licensing, permitting and land use deliberations. The Act does not apply to judicial functions (those performed by courts), quasi-judicial functions (a public body's determination of a case that can be appealed to a court), and administrative functions.(performance of tasks such as the application of set policies to a set of facts). In contrast, the St. Mary's County Open Meetings Act does not differentiate between types of functions. The St. Mary's County Open Meetings Act applies to "public business," which includes all matters within the jurisdiction of and before a public agency for official action or which reasonably or foreseeably may come before the agency in the future.

The example of agenda setting by a public agency is illustrative. Under the Maryland Open Meetings Act, if a local board of education were to set its agenda, such a function would be deemed administrative and could occur in closed session. In contrast, because the St. Mary's County Open Meetings Act does not distinguish among types of functions, a 2010 Attorney General opinion from the, the St. Mary's Open Meetings Act requires the St. Mary's Board of Education and other public bodies to meet in open session for this same purpose. 95 Op. Att'y 152 (2010).

Updates – While the Maryland Open Meetings Act and Manual have been updated continuously over the years to include digital recordings, computer website notices, etc., the St. Mary's County Open Meetings Act has not been updated.

However, for the first time in many years, the St. Mary's County Open Meetings Act was amended in 2020 to add exceptions for closed sessions (legal advice, cybersecurity, the investment of public funds) to add the St. Mary's County Metropolitan Commission (MetCom), the Board of Library Trustees for the St. Mary's County Library (Board of Trustees), and the Housing Authority of St. Mary's County (Housing Authority) as public agencies required to follow the St. Mary's County Open Meetings Act and to encourage the use of technology.

Public Agencies – MetCom, the Board of Trustees and the Housing Authority would follow the State Open Meetings Act if the St. Mary's County Act is repealed.

By repealing the St. Mary's County Open Meetings Act, we are not removing transparency. We are merely simplifying government.

SUBMIT BY AUGUST 26, 2020 TO:

COMMISSIONERS OF ST. MARY'S COUNTY
41770 BALDRIDGE STREET
P.O. BOX 653
LEONARDTOWN MARYLAND 20650
csmc@stmarysmd.com

AND

MATT MORGAN, DELEGATE
DISTRICT 29A, ST. MARY'S COUNTY
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**ST. MARY'S COUNTY GOVERNMENT
OFFICE OF THE COUNTY ATTORNEY**

*David A. Weiskopf, County Attorney
Neil A. Murphy, Deputy County Attorney*



Commissioners of St. Mary's County

James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

MEMORANDUM

TO: Commissioners of St. Mary's County
FROM: David A. Weiskopf, Deputy County Attorney
DATE: September 29, 2020
RE: Maryland and St. Mary's County Open Meetings Acts Advantages and Disadvantages

The following charts outline the advantages and disadvantages of requiring adherence to only the Maryland Open Meetings Act and both the Maryland Open Meetings Act and St. Mary's County Open Meetings Act.

Only The Maryland Open Meetings Act

<u>Advantages</u>	<u>Disadvantages</u>
<ul style="list-style-type: none"> • Statewide compliance <ul style="list-style-type: none"> ○ Allows the County to confer with the Attorney General's Office and with other jurisdictions if they have had similar questions. 	<ul style="list-style-type: none"> • Required adherence to the Act is determined by function, i.e., administrative, advisory, judicial, legislative, or quasi-legislative, which could cause initial confusion upon a switch. Md. Code Ann., General Provisions ("GP") §§ 3-101, 3-103(a)(1).
<ul style="list-style-type: none"> • Simplicity in only following one law 	<ul style="list-style-type: none"> • Does not apply to subcommittees
<ul style="list-style-type: none"> • At times more stringent <ul style="list-style-type: none"> ○ MD OMA requires agendas for all meetings. GP § 3-302.1. In contrast, the SMC OMA only requires agendas for special or rescheduled meetings. Md. Code Ann., Local Gov't ("LG") § 9-505(c). 	
<ul style="list-style-type: none"> • 76-page manual from the Attorney General 	
<ul style="list-style-type: none"> • Updated more frequently 	
<ul style="list-style-type: none"> • Allows certain "administrative functions," like agenda setting, to be conducted in closed session. 95 Op. Att'y Gen. 152 (2010) 	

<ul style="list-style-type: none"> • Training is available and, in fact, required for at least one member of every public body. 	
<ul style="list-style-type: none"> • Use of the Open Meetings Act Compliance Board and Attorney General opinion databases 	

Both Maryland Open Meetings Act and St. Mary’s County Open Meetings Act

<u>Advantages</u>	<u>Disadvantages</u>
<ul style="list-style-type: none"> • At times, the SMC OMA is more stringent <ul style="list-style-type: none"> ○ SMC OMA applies to subcommittees. LG § 9-501(c)(2). The MD OMA does not. ○ SMC OMA requires notice of agency meetings either at the beginning of the calendar or fiscal year or when the agency begins to function. LG § 9-505(b). MD OMA requires “reasonable notice.” GP § 3-302(a). 	<ul style="list-style-type: none"> • Definition of “public agency” in the SMC OMA has caused confusion as to applicability of the SMC OMA for some boards and commissions, as “public agency” requires the board or commission to be “supported in whole or in part by public funds or authorized to expend public funds.” LG § 9-501(c)(1)(i).
	<ul style="list-style-type: none"> • No manual
	<ul style="list-style-type: none"> • No training on only the St. Mary’s County Open Meetings Act
	<ul style="list-style-type: none"> • Updated infrequently
	<ul style="list-style-type: none"> • No ability to confer with other jurisdictions about SMC OMA questions.
	<ul style="list-style-type: none"> • Adherence to multiple, sometimes conflicting laws, creates confusion among agencies.
	<ul style="list-style-type: none"> • After boards and commissions train in the MD OMA, we have to have a separate training to advise them of what does not apply.

ST. MARY'S COUNTY OPEN MEETINGS ACT

§9–501 through §9–516 of the *Local Government Article of the Annotated Code of Maryland*

§9–501. Definitions.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Official action” means a phase of the process in which a public agency in St. Mary’s County makes a decision or recommendation, including receipt of information and deliberation.
- (c) (1) “Public agency” means:
 - (i) a governmental unit of St. Mary’s County, including an advisory or quasi-judicial agency, that is:
 - 1. supported in any part by public money; or
 - 2. authorized to spend public money; and
 - (ii) the St. Mary’s County Board of Education.
(III) the St. Mary’s County Board of Library Trustees; (effective 10/1/20)**
(IV) the St. Mary’s County Metropolitan Commission; (effective Oct. 1, 2020)**
(V) the St. Mary’s county Housing Authority. (effective Oct. 1, 2020)**
- (2) “Public agency” includes a subcommittee or other subordinate unit of a governmental unit listed in paragraph (1) of this subsection.
- (3) “Public agency” does not include:
 - (i) a grand jury;
 - (ii) a petit jury;
 - (iii) a law enforcement agency; or
 - (iv) the judicial branch.
- (d) “Public agency meeting” means the convening of a quorum of the constituent membership of a public agency to deliberate or act on a matter under the supervision, control, jurisdiction, or advisory power of the public agency.
- (e) “Quorum”, unless otherwise defined by applicable law, means a simple majority of the constituent membership of a public agency.
- (f) “Staff meeting” means a meeting of three or more staff members of one or more public agencies.

§9–502. Public Policy.

It is the policy of St. Mary’s County that:

- (1) public officials shall engage in official action in an open and public manner so that voters are advised of the performance of public officials and of decisions made in forming public policy;
- (2) public agencies exist to aid in conducting the people’s business;
- (3) the people of the county, in delegating authority, do not yield their sovereignty or give public agencies the right to decide what is good for the people to know and what is not good for them to know; and
- (4) the right of the people to remain informed is protected so that they may retain control over the instruments they create.

§9–503. Conflict with another statute, ordinance, regulation, or rule.

This subtitle prevails if it conflicts with another statute, ordinance, regulation, or rule, unless the other statute, ordinance, regulation, or rule is more stringent.

§9–504. Open Meetings of public agency.

- (a) Except as provided in § 9–512 of this subtitle, a public agency meeting at which official action is taken shall be open to the public.

(b) A final decision whether to purchase or dispose of real property shall be at a public agency meeting open to the public.

§9-505. Notice.

(a) This section does not apply to a staff meeting.

(b) A public agency shall provide written public notice of the schedule of its regular public agency meetings, including their dates, times, and places:

(1) at the beginning of each calendar or fiscal year; or

(2) at the time the public agency begins to function.

(c) (1) Except as provided in § 9-506 or § 9-507 of this subtitle, a public agency shall provide supplemental written public notice of any special or rescheduled public agency meeting at least 48 hours before the meeting.

(2) The notice shall include the agenda, date, time, and place of the public agency meeting.

(d) A public agency shall provide written public notice by:

(1) posting a copy of the notice prominently at the principal office of the public agency or at the building in which the public agency meeting is to be held; and

(2) sending a copy of the notice to any person who requests to be notified of the public agency meetings.

(e) A public agency shall give notice of intent to purchase or dispose of real property at least 15 days before a voting session on the action.

§9-506. Reconvened public agency meetings.

A public agency meeting may be adjourned and reconvened at another time without additional public notice if:

(1) notice of the time and place of the reconvened meeting is provided before adjournment;

(2) the agenda for the reconvened meeting is published in advance; and

(3) the agenda for the original meeting is available to observers at the beginning of the original meeting.

§9-507. Emergency public agency meetings.

(a) This section does not apply to a staff meeting.

(b) A public agency may schedule an emergency public agency meeting to discuss unforeseen emergency conditions.

(c) A public agency shall make a reasonable effort to provide notice of the date, time, and place of an emergency public agency meeting by telephone to the news media immediately after participants have been notified.

§9-508. Meeting minutes.

(a) This section does not apply to:

(1) a staff meeting; or

(2) a working session if a final decision is not made.

(b) A public agency shall take and, in a timely manner, record minutes of each public agency meeting open to the public.

(c) Minutes of a public agency meeting are a public record open for inspection and copying by any person.

§9-509. Broadcasting and recording of meeting.

(a) A public agency that conducts a meeting that is open to the public shall allow recorded or live radio and television broadcasting and the use of recording devices.

(b) A public agency may adopt rules and regulations regarding the recording and broadcasting of public agency meetings.

(c) Public agencies are encouraged to use new technology when available to aid in public accessibility and transparency. (effective 10/1/20)**

§9-510. Staff meetings.

Except as provided in § 9-512 of this subtitle, a staff meeting shall be open to the public.

§9-511. Meeting location.

A public agency meeting that is required to be open to the public under this subtitle shall be conducted in a location with reasonable facilities for public observation.

§9-512. Closed Sessions.

(a) A public agency meeting or a staff meeting may be conducted in a closed session only:

- (1) to consider or discuss the assignment, promotion, resignation, salary, demotion, dismissal, reprimand, or appointment of a member of a public agency or employee, unless the individual, as a matter of public record, makes a written request for an open session;
- (2) to discuss strategy in collective bargaining or litigation;
- (3) to engage in collective bargaining;
- (4) to discuss the distribution of police forces to cope with public safety emergencies;
- (5) to discuss cost estimates for capital projects to be subsequently placed through the bidding process;
- (6) to hold preliminary discussions concerning the purchase or disposition of real property;
- (7) when State law or federal regulation prohibits a meeting open to the public;
- (8) to meet a condition for anonymity of a donor contained in a gift or bequest to the public agency;
- (9) when secrecy is necessary to prevent the premature disclosure of the format or content of examinations or the disclosure of results of examinations as related to individual students; or
- (10) if the meeting is conducted by the County Board of Education or its staff to:
 - (i) consider the discipline of a student, unless the parent, guardian, or student requests an open session of the County Board of Education; or
 - (ii) discuss specific students, families, or personnel and the disclosure of the discussions could prove detrimental or harmful to those individuals.

(11) to consider the investment of public funds; (effective 10/1/20)**

(12) to consult with counsel to obtain legal advice; or (effective 10/1/20)**

(13) to discuss cybersecurity, if the public body determines that public discussion would constitute a risk to: (effective 10/1/20)**

(I) security assessments or deployments relating to information resources technology;

(II) network security information, including information that is:

- 1. Related to passwords, personal identification numbers, access codes, encryption, or other components of the security system of a governmental entity;**
- 2. Collected, assembled, or maintained by or for a governmental entity to prevent, detect, or investigate criminal activity; or**
- 3. Related to an assessment, made by or for a governmental entity or maintained by a governmental entity, of the vulnerability of a network to criminal activity; or**

(III) deployments or implementation of security personnel, critical infrastructure, or security devices.

- (b) (1) A closed session shall be announced in advance at a meeting that is open to the public.
- (2) An announcement of a closed session shall include the nature of the business of the closed session.
- (3) The closed session shall be limited to the matters described in subsection (a) of this section.
- (c) The minutes of the next open session shall include the justification for holding the closed session, the names of those in attendance, and the times the meeting begins and ends.
- (d) An ordinance, resolution, rule, regulation, or decision may not be finally adopted at a closed session.

§9-513. Rules and Regulations.

A public agency may adopt rules and regulations to maintain order at its public agency meetings.

§9-514. Judicial Review.

- (a) (1) A person denied a right conferred by this subtitle may file a complaint for mandamus, injunction, or other appropriate remedy in circuit court.
- (2) A plaintiff need not allege or prove an irreparable injury or an injury different from the public at large.
- (b) A complaint under this section shall be filed within 1 year after the date of the alleged violation.
- (c) The court shall conduct a hearing within 7 days after a complaint is filed.
- (d) A violation of this subtitle is deemed an injury to the public at large.
- (e) (1) The court shall issue an order that:
 - (i) grants or denies all or part of the relief sought;
 - (ii) awards appropriate attorney's fees or costs; and
 - (iii) determines the effect of the action alleged to be in violation of this subtitle.
- (2) The court may void an action taken at a public agency meeting in violation of this subtitle.

§9-515. Penalty.

- (a) (1) A person who knowingly violates this subtitle more than twice is guilty of a misdemeanor.
- (2) A person who willfully violates this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.
- (b) If a civil order finding the defendant in violation of this subtitle is not entered at least once before the occurrence of an alleged misdemeanor, a violation of this subtitle is presumed not to be willful.

§9-516. Short Title.

This subtitle may be cited as the St. Mary's County Open Meetings Act.

**GENERAL PROVISIONS ARTICLE
TITLE 3. OPEN MEETINGS ACT**

SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS

§ 3-101. Definitions.

- (a) *In general* — In this title the following words have the meanings indicated.
- (b) *Administrative function*. —
- (1) “Administrative function” means the administration of:
 - (i) a law of the State;
 - (ii) a law of a political subdivision of the State; or
 - (iii) a rule, regulation, or bylaw of a public body.
 - (2) “Administrative function” does not include:
 - (i) an advisory function;
 - (ii) a judicial function;
 - (iii) a legislative function;
 - (iv) a quasi-judicial function; or
 - (v) a quasi-legislative function.
- (c) “*Advisory function*. — Advisory function” means the study of a matter of public concern, or the making of recommendations on the matter, under a delegation of responsibility by:
- (1) law;
 - (2) the Governor or an official who is subject to the policy direction of the Governor;
 - (3) the chief executive officer of a political subdivision of the State or an official who is subject to the policy direction of the chief executive officer; or
 - (4) formal action by or for a public body that exercises an administrative function, judicial function, legislative function, quasi-judicial function, or quasi-legislative function.
- (d) *Board* — “Board” means the State Open Meetings Law Compliance Board.
- (d-1) *Class on the open meetings law* — “Class on the open meetings law” means:
- (1) an online class on the requirements of the open meetings law offered by the Office of the Attorney General and the University of Maryland's Institute for Governmental Service and Research;
 - (2) a class on the requirements of the open meetings law offered by the Maryland Association of Counties or the Maryland Municipal League through the Academy for Excellence in Local Governance; or
 - (3) a class on the requirements of the open meetings law offered by the Maryland Association of Boards of Education through the Boardmanship Academy Program.
- (e) *Judicial function*.
- (1) “Judicial function” means the exercise of any power of the Judicial Branch of the State government.
 - (2) “Judicial function” includes the exercise of:
 - (i) a power for which Article IV, § 1 of the Maryland Constitution provides;
 - (ii) a function of a grand jury;
 - (iii) a function of a petit jury;

- (iv) a function of the Commission on Judicial Disabilities; and
 - (v) a function of a judicial nominating commission.
- (3) “Judicial function” does not include the exercise of rulemaking power by a court.
- (f) *Legislative function.* — “Legislative function” means the process or act of:
- (1) approving, disapproving, enacting, amending, or repealing a law or other measure to set public policy;
 - (2) approving or disapproving an appointment;
 - (3) proposing or ratifying a constitution or constitutional amendment; or
 - (4) proposing or ratifying a charter or charter amendment.
- (g) *Meet.* — “Meet” means to convene a quorum of a public body to consider or transact public business.
- (h) *Public body.* —
- (1) “Public body” means an entity that:
 - (i) consists of at least two individuals; and
 - (ii) is created by:
 - 1. the Maryland Constitution;
 - 2. a State statute;
 - 3. a county or municipal charter;
 - 4. a memorandum of understanding or a master agreement to which a majority of the county boards of education and the State Department of Education are signatories;
 - 5. an ordinance;
 - 6. a rule, resolution, or bylaw;
 - 7. an executive order of the Governor; or
 - 8. an executive order of the chief executive authority of a political subdivision of the State
 - (2) “Public body” includes:
 - (i) any multimember board, commission, or committee appointed by the Governor or the chief executive authority of a political subdivision of the State, or appointed by an official who is subject to the policy direction of the Governor or chief executive authority of the political subdivision, if the entity includes in its membership at least two individuals not employed by the State or the political subdivision;
 - (ii) any multimember board, commission, or committee that:
 - 1. is appointed by:
 - A. an entity in the Executive Branch of the State government, the members of which are appointed by the Governor, and that otherwise meets the definition of a public body under this subsection; or
 - B. an official who is subject to the policy direction of an entity described in item A of this item; and
 - 2. includes in its membership at least two individuals who are not members of the appointing entity or employed by the State; and
 - (iii) The Maryland School for the Blind.
 - (3) “Public body” does not include:
 - (i) any single member entity;
 - (ii) any judicial nominating commission;
 - (iii) any grand jury;

- (iv) any petit jury;
- (v) the Appalachian States Low Level Radioactive Waste Commission established in § 7-302 of the Environment Article;
- (vi) except when a court is exercising rulemaking power, any court established in accordance with Article IV of the Maryland Constitution;
- (vii) the Governor's cabinet, the Governor's Executive Council as provided in Title 8, Subtitle 1 of the State Government Article, or any committee of the Executive Council;
- (viii) a local government's counterpart to the Governor's cabinet, Executive Council, or any committee of the counterpart of the Executive Council;
- (ix) except as provided in paragraph (1) of this subsection, a subcommittee of a public body as defined in paragraph (2)(i) of this subsection;
- (x) the governing body of a hospital as defined in § 19-301 of the Health—General Article; and
- (xi) a self-insurance pool that is established in accordance with Title 19, Subtitle 6 of the Insurance Article or § 9-404 of the Labor and Employment Article by:
 - 1. a public entity, as defined in § 19-602 of the Insurance Article; or
 - 2. a county or municipal corporation, as described in § 9-404 of the Labor and Employment Article.
- (i) *Quasi-judicial function*. — “Quasi-judicial function” means a determination of:
 - (1) a contested case to which Title 10, Subtitle 2 of the State Government Article applies;
 - (2) a proceeding before an administrative agency for which Title 7, Chapter 200 of the Maryland Rules would govern judicial review; or
 - (3) a complaint by the Board in accordance with this title.
- (j) *Quasi-legislative function*. — “Quasi-legislative function” means the process or act of:
 - (1) adopting, disapproving, amending, or repealing a rule, regulation, or bylaw that has the force of law, including a rule of a court;
 - (2) approving, disapproving, or amending a budget; or
 - (3) approving, disapproving, or amending a contract.
- (k) *Quorum*. — “Quorum” means:
 - (1) a majority of the members of a public body; or
 - (2) the number of members that the law requires.

§ 3-102. Legislative policy

- (a) *In general*. — It is essential to the maintenance of a democratic society that, except in special and appropriate circumstances:
 - (1) public business be conducted openly and publicly; and
 - (2) the public be allowed to observe:
 - (i) the performance of public officials; and
 - (ii) the deliberations and decisions that the making of public policy involves.
- (b) *Accountability; faith in government; effectiveness of public involvement*.
 - (1) The ability of the public, its representatives, and the media to attend, report on, and broadcast meetings of public bodies and to witness the phases of the

deliberation, policy formation, and decision making of public bodies ensures the accountability of government to the citizens of the State.

- (2) The conduct of public business in open meetings increases the faith of the public in government and enhances the effectiveness of the public in fulfilling its role in a democratic society.
- (c) *Public policy.* — Except in special and appropriate circumstances when meetings of public bodies may be closed under this title, it is the public policy of the State that the public be provided with adequate notice of the time and location of meetings of public bodies, which shall be held in places reasonably accessible to individuals who would like to attend these meetings.

§ 3-103. Scope of title

- (a) *Not applicable.* — Except as provided in subsection (b) of this section and § 3-104 of this subtitle, this title does not apply to:
 - (1) a public body when it is carrying out:
 - (i) an administrative function;
 - (ii) a judicial function; or
 - (iii) a quasi-judicial function; or
 - (2) a chance encounter, a social gathering, or any other occasion that is not intended to circumvent this title.
- (b) *Applicable.* — This title applies to a public body when it is meeting to consider:
 - (1) granting a license or permit; or
 - (2) a special exception, variance, conditional use, or zoning classification, the enforcement of any zoning law or regulation, or any other zoning matter.

§ 3-104. Minutes for closed session

If a public body recesses an open session to carry out an administrative function in a meeting that is not open to the public, the minutes for the public body's next meeting shall include:

- (1) a statement of the date, time, place, and persons present at the administrative function meeting; and
- (2) a phrase or sentence identifying the subject matter discussed at the administrative function meeting.

§ 3-105. Conflict of laws.

Whenever this title and another law that relates to meetings of public bodies conflict, this title applies unless the other law is more stringent.

SUBTITLE 2. STATE OPEN MEETINGS LAW COMPLIANCE BOARD.

§ 3-201. Established.

There is a State Open Meetings Law Compliance Board.

§ 3-202. Membership

- (a) *Composition; appointment of members* —
 - (1) The Board consists of three members.
 - (2) At least one of the members shall be an attorney admitted to the Maryland Bar.
 - (3) The Governor shall appoint the members with the advice and consent of the Senate.
- (b) *Chair*. — From among the members of the Board, the Governor shall appoint a chair.
- (c) *Tenure*. —
 - (1) The term of a member is 3 years.
 - (2) The terms of members are staggered as required by the terms provided for members of the Board on October 1, 2014.
 - (3) At the end of a term, a member continues to serve until a successor is appointed.
 - (4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed.
 - (5) A member may not serve for more than two consecutive 3-year terms.

§ 3-203. Quorum; meetings; compensation; staff

- (a) *Quorum*. — A majority of the full authorized membership of the Board is a quorum.
- (b) *Meetings*. — The Board shall determine the times and places of its meetings.
- (c) *Compensation; reimbursement for expenses*. — A member of the Board:
 - (1) may not receive compensation as a member of the Board; but
 - (2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.
- (d) *Staff*. — The Office of the Attorney General shall provide staff for the Board.

§ 3-204. Duties

- (a) *Complaints on violations; written opinion*. — The Board shall:
 - (1) receive, review, and, subject to § 3-207 of this subtitle, resolve complaints from any person alleging a violation of this title; and
 - (2) issue a written opinion as to whether a violation has occurred.
- (b) *Complaints on prospective violations*. — The Board shall receive and review any complaint alleging a prospective violation of this title as provided under § 3-212 of this subtitle.
- (c) *Compliance; recommendations*. — The Board shall:
 - (1) study ongoing compliance with this title by public bodies; and
 - (2) make recommendations to the General Assembly for improvements in this title.
- (d) *Educational programs and materials*. — The Board, in conjunction with the Office of the Attorney General and other interested organizations or persons, shall develop and conduct educational programs and distribute educational materials on the requirements of the open meetings law for the staffs and attorneys of:
 - (1) public bodies;
 - (2) the Maryland Municipal League;
 - (3) the Maryland Association of Counties; and

- (4) the Maryland Association of Boards of Education.
- (e) *Annual report.* —
 - (1) On or before October 1 of each year, the Board shall submit an annual report to the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly.
 - (2) The report shall:
 - (i) describe the activities of the Board;
 - (ii) describe the opinions of the Board;
 - (iii) state the number and nature of complaints filed with the Board and discuss complaints that reasonable notice of a meeting was not given;
 - (iv) identify the provisions of this title that the Board has found a public body to have violated and the number of times each provision has been violated;
 - (v) identify each public body that the Board has found to have violated a provision of this title; and
 - (vi) recommend any improvements to this title.

§ 3-205. Complaint

- (a) *In general.* — Any person may file a written complaint with the Board seeking a written opinion from the Board on the application of this title to the action of a public body covered by this title.
- (b) *Requirements.* — The complaint shall:
 - (1) identify the public body that is the subject of the complaint;
 - (2) describe the action of the public body, the date of the action, and the circumstances of the action; and
 - (3) be signed by the complainant.

§ 3-206. Receipt of complaint; response

- (a) *Receipt of complaint.* — Except as provided in subsection (c) of this section, on receipt of the written complaint, the Board promptly shall:
 - (1) send the complaint to the public body identified in the complaint; and
 - (2) request that a response to the complaint be sent to the Board.
- (b) *Response required.* —
 - (1) The public body shall file a written response to the complaint within 30 days after it receives the complaint.
 - (2) On request of the Board, the public body shall include with its written response to the complaint a copy of:
 - (i) the notice provided under § 3-302 of this title;
 - (ii) any written statement made under § 3-305(d)(2)(ii) of this title; and
 - (iii) the minutes and any recording made by the public body under § 3-306 of this title.
 - (3) The Board shall maintain the confidentiality of the minutes and any recording submitted by a public body that are sealed in accordance with § 3-306(c)(3)(ii) of this title.
- (c) *Procedure for public body no longer existing.* —

- (1) If the public body identified in the complaint no longer exists, the Board promptly shall send the complaint to the official or entity that appointed the public body.
- (2) The official or entity that appointed the public body shall comply, to the extent feasible, with the requirements of subsection (b) of this section.
- (d) *Effect of failure to respond.* — If a written response is not received within 45 days after the notice is sent, the Board shall decide the case on the facts before the Board.

§ 3-207. Review and written opinion by Board

- (a) *Information sufficient for determination.* —
 - (1) The Board shall review the complaint and any response.
 - (2) If the information in the complaint and response is sufficient for making a determination, within 30 days after receiving the response the Board shall issue a written opinion as to whether a violation of this title has occurred or will occur.
- (b) *Informal conference for additional information.* —
 - (1) If the Board is unable to reach a determination based on the written submissions before it, the Board may schedule an informal conference to hear from the complainant, the public body, or any other person with relevant information about the subject of the complaint.
 - (2) An informal conference scheduled by the Board is not a contested case within the meaning of § 10-202(d) of the State Government Article.
 - (3) The Board shall issue a written opinion within 30 days after the informal conference.
- (c) *Extension of time for opinion; Board unable to resolve complaint.* —
 - (1) If the Board is unable to render an opinion on a complaint within the time periods specified in subsection (a) or (b) of this section, the Board shall:
 - (i) state in writing the reason for its inability to render an opinion; and
 - (ii) issue an opinion as soon as possible but not later than 90 days after the filing of the complaint.
 - (2) An opinion of the Board may state that the Board is unable to resolve the complaint.
- (d) *Required recipients of opinion.* — The Board shall send a copy of the written opinion to the complainant and the affected public body.

§ 3-208. Distribution of opinions

- (a) *In general.* — The Board may send to any public body in the State any written opinion that will provide the public body with guidance on compliance with this title.
- (b) *On request.* — On request, the Board shall provide a copy of a written opinion to any person.

§ 3-209. Opinions are advisory only

The opinions of the Board are advisory only.

§ 3-210. Limit on authority of Board

Except as provided in § 3-211 of this subtitle, the Board may not require or compel any specific actions by a public body.

§ 3-211. Announcement of violation; summary of opinion

- (a) *Scope of Section.* — This section does not apply to a public body that is:
 - (1) in the Judicial Branch of State government; or
 - (2) subject to governance by rules adopted by the Court of Appeals.
- (b) *If violation has occurred.* — If the Board determines that a violation of this title has occurred:
 - (1) at the next open meeting of the public body after the Board has issued its opinion, a member of the public body shall announce the violation and orally summarize the opinion; and
 - (2) a majority of the members of the public body shall sign a copy of the opinion and return the signed copy to the Board.
- (c) *Representative may not provide announcement and summary.* — The public body may not designate its counsel or another representative to provide the announcement and summary.
- (d) *Limitations on compliance.* — Compliance by a public body or a member of a public body with subsections (b) and (c) of this section:
 - (1) is not an admission to a violation of this title by the public body; and
 - (2) may not be used as evidence in a proceeding conducted in accordance with § 3-401 of this title.
- (e) *Posting* — If the Board determines that a public body has violated a provision of this title, the Board shall post on the Maryland Open Meetings Act page of the Office of the Attorney General Web site the name of the public body and the opinion that describes the violation.

§ 3-212. Complaint process for prospective violation

- (a) *In general.* — On receipt of an oral or written complaint by any person that a meeting required to be open under this title will be closed in violation of this title, the Board, acting through its chair, a designated Board member, or any authorized staff person available to the Board, may contact the public body to determine the nature of the meeting that will be held and the reason for the expected closure of the meeting.
- (b) *Notice of potential violation.* — When at least two members of the Board conclude that a violation of this title may occur if the closed meeting is held, the person acting for the Board immediately shall inform the public body of the potential violation and any lawful means that are available for conducting its meeting to achieve the purposes of the public body.
- (c) *Notice to complainant.* — The person acting for the Board shall inform the person who filed the complaint under subsection (a) of this section of the result of any effort to achieve compliance with this title under subsection (b) of this section.
- (d) *Written report.* — The person acting for the Board shall file a written report with the Board describing the complaint, the effort to achieve compliance, and the results of the effort.

(c) *Effect of complaint and action by Board.* — The filing of a complaint under subsection (a) of this section and action by a person acting for the Board under subsections (b), (c), and (d) of this section may not prevent or bar the Board from considering and acting on a written complaint filed in accordance with § 3-205 of this subtitle.

§ 3-213. Required Training.

- (a) *Scope of Section.* — This section does not apply to a public body that is:
- (1) in the Judicial Branch of State government; or
 - (2) subject to governance by rules adopted by the Court of Appeals.
- (b) *Designation of individual.* — Each public body shall designate at least one individual who is an employee, an officer, or a member of the public body to receive training on the requirements of the open meetings law.
- (c) *Timing for Completion of Class.* — Within 90 days after being designated under subsection (b) of this section, an individual shall complete a class on the open meetings law.
- (d) *Requirements for holding meetings.* —
- (1) This subsection applies to a public body that meets in a closed session on or after October 1, 2017.
 - (2) A public body may not meet in a closed session unless the public body has designated at least one member of the public body to receive training on the requirements of the open meetings law.
 - (3)(i) Except as provided in subparagraph (ii) of this paragraph, at least one individual designated under paragraph (2) of this subsection shall be present at each open meeting of the public body.
 - (ii) If an individual designated under paragraph (2) of this subsection cannot be present at an open meeting of the public body, the public body shall complete the Compliance Checklist for Meetings Subject to the Maryland Open Meetings Act developed by the Office of the Attorney General and include the completed checklist in the minutes for the meeting.

SUBTITLE 3. OPEN MEETINGS REQUIREMENTS

§ 3-301. Open sessions generally required.

Except as otherwise expressly provided in this title, a public body shall meet in open session.

§ 3-302. Notice.

- (a) *Required.* — Before meeting in a closed or open session, a public body shall give reasonable advance notice of the session.
- (b) *Form.* — Whenever reasonable, a notice under this section shall:
- (1) be in writing;
 - (2) include the date, time, and place of the session; and

- (3) if appropriate, include a statement that a part or all of a meeting may be conducted in closed session.
- (c) *Method.* — A public body may give the notice under this section as follows:
- (1) if the public body is a unit of State government, by publication in the Maryland Register;
 - (2) by delivery to representatives of the news media who regularly report on sessions of the public body or the activities of the government of which the public body is a part;
 - (3) if the public body previously has given public notice that this method will be used:
 - (i) by posting or depositing the notice at a convenient public location at or near the place of the session; or
 - (ii) by posting the notice on an Internet Web site ordinarily used by the public body to provide information to the public; or
 - (4) by any other reasonable method.
- (d) *Copy of notice.* — A public body shall keep a copy of a notice provided under this section for at least 1 year after the date of the session.

§ 3-302.1. Availability of agenda to public.

- (a) *Required.* —
- (1) Subject to subsection (b) of this section, before meeting in an open session, a public body shall make available to the public an agenda:
 - (i) containing known items of business or topics to be discussed at the portion of the meeting that is open; and
 - (ii) indicating whether the public body expects to close any portion of the meeting in accordance with § 3-305 of this subtitle.
 - (2) If an agenda has been determined at the time the public body gives notice of the meeting under § 3-302 of this subtitle, the public body shall make available the agenda at the same time the public body gives notice of the meeting.
 - (3) If an agenda has not been determined at the time the public body gives notice of the meeting, the public body shall make available the agenda as soon as practicable after the agenda has been determined but no later than 24 hours before the meeting.
- (b) *Emergency meetings.* — If a public body is unable to comply with the provisions of subsection (a) of this section because the meeting was scheduled in response to an emergency, a natural disaster, or any other unanticipated situation, the public body shall make available on request an agenda of the meeting within a reasonable time after the meeting occurs.
- (c) *Closed meetings.* — A public body is not required to make available any information in the agenda regarding the subject matter of the portion of the meeting that is closed in accordance with § 3-305 of this subtitle.
- (d) *Method for making available an agenda.* —
- (1) A public body required to make available an agenda under subsection (a) of this section may make available the agenda using a method authorized for giving notice under § 3-302(c) of this subtitle.
 - (2) The method a public body uses for making available an agenda may be different from the method a public body uses for giving notice.

- (e) *Alteration of agenda.* — Nothing in this section may be construed to prevent a public body from altering the agenda of a meeting after the agenda has been made available to the public.

§ 3-303. Attendance at open session

- (a) *In general.* — Whenever a public body meets in open session, the general public is entitled to attend.
- (b) *Rules.* — A public body shall adopt and enforce reasonable rules regarding the conduct of persons attending its meetings and the videotaping, televising, photographing, broadcasting, or recording of its meetings.
- (c) *Removal of individuals.* —
- (1) If the presiding officer determines that the behavior of an individual is disrupting an open session, the public body may have the individual removed.
 - (2) Unless the public body or its members or agents act maliciously, the public body, members, and agents are not liable for having an individual removed under this subsection.

§ 3-304. Interpreters

- (a) *Scope of section.* — This section applies only to the Executive and Legislative branches of the State government.
- (b) *In general.* — On request and to the extent feasible, a unit that holds a public hearing shall provide a qualified interpreter to assist deaf individuals to understand the proceeding.
- (c) *Form of request.* — A request for an interpreter must be submitted in writing or by telecommunication at least 5 days before the proceeding begins.
- (d) *Determination of feasibility.* — The unit shall determine, in each instance, whether it is feasible to provide an interpreter.

§ 3-305. Closed sessions

- (a) *Construction of section.* — The exceptions in subsection (b) of this section shall be strictly construed in favor of open meetings of public bodies.
- (b) *In general.* — Subject to subsection (d) of this section, a public body may meet in closed session or adjourn an open session to a closed session only to:
- (1) discuss:
 - (i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom it has jurisdiction; or
 - (ii) any other personnel matter that affects one or more specific individuals;
 - (2) protect the privacy or reputation of an individual with respect to a matter that is not related to public business;
 - (3) consider the acquisition of real property for a public purpose and matters directly related to the acquisition;
 - (4) consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;

- (5) consider the investment of public funds;
 - (6) consider the marketing of public securities;
 - (7) consult with counsel to obtain legal advice;
 - (8) consult with staff, consultants, or other individuals about pending or potential litigation;
 - (9) conduct collective bargaining negotiations or consider matters that relate to the negotiations;
 - (10) discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including:
 - (i) the deployment of fire and police services and staff; and
 - (ii) the development and implementation of emergency plans;
 - (11) prepare, administer, or grade a scholastic, licensing, or qualifying examination;
 - (12) conduct or discuss an investigative proceeding on actual or possible criminal conduct;
 - (13) comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; or
 - (14) discuss, before a contract is awarded or bids are opened, a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.
- (c) *Limitation.* — A public body that meets in closed session under this section may not discuss or act on any matter not authorized under subsection (b) of this section.
- (d) *Vote; written statement.* —
- (1) Unless a majority of the members of a public body present and voting vote in favor of closing the session, the public body may not meet in closed session.
 - (2) Before a public body meets in closed session, the presiding officer shall:
 - (i) conduct a recorded vote on the closing of the session; and
 - (ii) make a written statement of the reason for closing the meeting, including a citation of the authority under this section, and a listing of the topics to be discussed.
 - (3) If a person objects to the closing of a session, the public body shall send a copy of the written statement to the Board.
 - (4) The written statement shall be a matter of public record.
 - (5) A public body shall keep a copy of the written statement for at least 1 year after the date of the session.

§ 3-306. Minutes; tape recordings

- (a) *Scope of section.* — This section does not:
- (1) require any change in the form or content of the Journal of the Senate of Maryland or Journal of the House of Delegates of Maryland; or
 - (2) limit the matters that a public body may include in its minutes.
- (b) *Minutes required.* —
- (1) Subject to paragraphs (2) and (3) of this subsection, as soon as practicable after a public body meets, it shall have minutes of its session prepared.
 - (2) A public body need not prepare minutes of an open session if:

- (i) live and archived video or audio streaming of the open session is available; or
 - (ii) the public body votes on legislation and the individual votes taken by each member of the public body who participates in the voting are posted promptly on the Internet.
- (3) The information specified under paragraph (2) of this subsection shall be deemed the minutes of the open session.
- (c) *Content of minutes; tape recordings.* —
 - (1) The minutes shall reflect:
 - (i) each item that the public body considered;
 - (ii) the action that the public body took on each item; and
 - (iii) each vote that was recorded.
 - (2) If a public body meets in closed session, the minutes for its next open session shall include:
 - (i) a statement of the time, place, and purpose of the closed session;
 - (ii) a record of the vote of each member as to closing the session;
 - (iii) a citation of the authority under § 3-305 of this subtitle for closing the session; and
 - (iv) a listing of the topics of discussion, persons present, and each action taken during the session.
 - (3) (i) A session may be recorded by a public body.
 - (ii) Except as otherwise provided in paragraph (4) of this subsection, the minutes and any recording of a closed session shall be sealed and may not be open to public inspection.
- (4) The minutes and any recording shall be unsealed and open to inspection as follows:
 - (i) for a meeting closed under § 3-305(b)(5) of this subtitle, when the public body invests the funds;
 - (ii) for a meeting closed under § 3-305(b)(6) of this subtitle, when the public securities being discussed have been marketed; or
 - (iii) on request of a person or on the public body's own initiative, if a majority of the members of the public body present and voting vote in favor of unsealing the minutes and any recording.
- (d) *Access.* — Except as provided in subsection (c) of this section, minutes of a public body are public records and shall be open to public inspection during ordinary business hours.
- (e) *Retention of minutes and tape recordings.* —
 - (1) A public body shall keep a copy of the minutes of each session and any recording made under subsection (b)(2)(i) or (c)(3)(i) of this section for at least 5 years after the date of the session.
 - (2) To the extent practicable, a public body shall post online the minutes or recordings required to be kept under paragraph (1) of this subsection.

SUBTITLE 4. ENFORCEMENT.

§ 3-401. Application of section

(a) *Scope of section.* —

(1) This section does not apply to the action of:

- (i) appropriating public funds;
- (ii) imposing a tax; or
- (iii) providing for the issuance of bonds, notes, or other evidences of public obligation.

(2) This section does not authorize a court to void an action of a public body because of any violation of this title by another public body.

(3) This section does not affect or prevent the use of any other available remedies.

(b) *Petition authorized.* —

(1) If a public body fails to comply with § 3-301, § 3-302, § 3-303, § 3-305, or § 3-306(c) of this title, any person may file with a circuit court that has venue a petition that asks the court to:

- (i) determine the applicability of those sections;
- (ii) require the public body to comply with those sections; or
- (iii) void the action of the public body.

(2) If a violation of § 3-302, § 3-305, or § 3-306(c) of this title is alleged, the person shall file the petition within 45 days after the date of the alleged violation.

(3) If a violation of § 3-301 or § 3-303 of this title is alleged, the person shall file the petition within 45 days after the public body includes in the minutes of an open session the information specified in § 3-306(c)(2) of this title.

(4) If a written complaint is filed with the Board in accordance with § 3-205 of this title, the time between the filing of the complaint and the mailing of the written opinion to the complainant and the affected public body under § 3-207(d) of this title may not be included in determining whether a claim against a public body is barred by the statute of limitations set forth in paragraphs (2) and (3) of this subsection.

(c) *Presumption.* — In an action under this section:

- (1) it is presumed that the public body did not violate any provision of this title; and
- (2) the complainant has the burden of proving the violation.

(d) *Authority of court.* — A court may:

- (1) consolidate a proceeding under this section with another proceeding under this section or an appeal from the action of the public body;
- (2) issue an injunction;
- (3) determine the applicability of this title to the discussions or decisions of public bodies;
- (4) declare the final action of a public body void if the court finds that the public body willfully failed to comply with § 3-301, § 3-302, § 3-303, or § 3-306(c) of this title and that no other remedy is adequate;
- (5) as part of its judgment:
 - (i) assess against any party reasonable counsel fees and other litigation expenses that the party who prevails in the action incurred; and
 - (ii) require a reasonable bond to ensure the payment of the assessment; and
- (6) grant any other appropriate relief.

(e) *Petition.* —

- (1) A person may file a petition under this section without seeking an opinion from the Board.

- (2) The failure of a person to file a complaint with the Board is not a ground for the court to stay or dismiss a petition.

§ 3-402. Penalty.

- (a) *In general.* — In accordance with § 3-401 of this subtitle, a public body that willfully meets with knowledge that the meeting is being held in violation of this subtitle is subject to a civil penalty not to exceed:
 - (1) \$250 for the first violation; and
 - (2) \$1,000 for each subsequent violation that occurs within 3 years after the first violation.
- (b) *Determination of fine.* — When determining the amount of a fine under subsection (a) of this section, the court shall consider the financial resources available to the public body and the ability of the public body to pay the fine.

Subtitle 5. Short Title.

§ 3-501. Short title

This title may be cited as the Open Meetings Act.

St. Mary’s Open Meetings Act and Maryland Open Meetings Act
Line-by-Line Comparison Chart

Definitions

SMC OMA	MD OMA
<p>§ 9-501. Definitions. (a) In this subtitle the following words have the meanings indicated.</p>	<p>§ 3-101. Definitions. (a) In general — In this title the following words have the meanings indicated.</p> <p>(b) Administrative function. — (1) “Administrative function” means the administration of: (i) a law of the State; (ii) a law of a political subdivision of the State; or (iii) a rule, regulation, or bylaw of a public body. (2) “Administrative function” does not include: (i) an advisory function; (ii) a judicial function; (iii) a legislative function; (iv) a quasi-judicial function; or (v) a quasi-legislative function.</p> <p>(c) “Advisory function. — Advisory function” means the study of a matter of public concern, or the making of recommendations on the matter, under a delegation of responsibility by: (1) law; (2) the Governor or an official who is subject to the policy direction of the Governor; (3) the chief executive officer of a political subdivision of the State or an official who is subject to the policy direction of the chief executive officer; or (4) formal action by or for a public body that exercises an administrative function, judicial function, legislative function, quasi-judicial function, or quasi-legislative function.</p> <p>(d) Board — “Board” means the State Open Meetings Law Compliance Board. (d-1) Class on the open meetings law — “Class on the open meetings law” means: (1) an online class on the requirements of the open meetings law offered by the Office of the Attorney General and the University of Maryland’s Institute for Governmental Service and Research; (2) a class on the requirements of the open meetings law offered by the Maryland Association of</p>

<p>(b) “Official action” means a phase of the process in which a public agency in St. Mary’s County makes a decision or recommendation, including receipt of information and deliberation.</p> <p>(d) “Public agency meeting” means the convening of a quorum of the constituent membership of a public agency to deliberate or act on a matter under the supervision, control, jurisdiction, or advisory power of the public agency.</p> <p>(c) (1) “Public agency” means: (i) a governmental unit of St. Mary’s County, including an advisory or quasi-judicial agency, that is: 1. supported in any part by public money; or 2. authorized to spend public money; and (ii) the St. Mary’s County Board of Education.</p> <p>(2) “Public agency” includes a subcommittee or other subordinate unit of a</p>	<p>Counties or the Maryland Municipal League through the Academy for Excellence in Local Governance; or (3) a class on the requirements of the open meetings law offered by the Maryland Association of Boards of Education through the Boardsmanship Academy Program.</p> <p>(e) Judicial function. (1) “Judicial function” means the exercise of any power of the Judicial Branch of the State government. (2) “Judicial function” includes the exercise of: (i) a power for which Article IV, § 1 of the Maryland Constitution provides; (ii) a function of a grand jury; (iii) a function of a petit jury; (iv) a function of the Commission on Judicial Disabilities; and (v) a function of a judicial nominating commission. (3) “Judicial function” does not include the exercise of rulemaking power by a court.</p> <p>(f) Legislative function. — “Legislative function” means the process or act of: (1) approving, disapproving, enacting, amending, or repealing a law or other measure to set public policy; (2) approving or disapproving an appointment; (3) proposing or ratifying a constitution or constitutional amendment; or (4) proposing or ratifying a charter or charter amendment.</p> <p>(g) Meet. — “Meet” means to convene a quorum of a public body to consider or transact public business.</p> <p>(h) Public body. — (1) “Public body” means an entity that: (i) consists of at least two individuals; and (ii) is created by: 1. the Maryland Constitution; 2. a State statute; 3. a county or municipal charter; 4. a memorandum of understanding or a master agreement to which a majority of the county boards of education and the State Department of Education are signatories; 5. an ordinance; 6. a rule, resolution, or bylaw; 7. an executive order of the Governor; or 8. an executive order of the</p>
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governmental unit listed in paragraph (1) of this subsection.

(3) "Public agency" does not include: (i) a grand jury; (ii) a petit jury; (iii) a law enforcement agency; or (iv) the judicial branch.

chief executive authority of a political subdivision of the State (2) "Public body" includes: (i) any multimember board, commission, or committee appointed by the Governor or the chief executive authority of a political subdivision of the State, or appointed by an official who is subject to the policy direction of the Governor or chief executive authority of the political subdivision, if the entity includes in its membership at least two individuals not employed by the State or the political subdivision; (ii) any multimember board, commission, or committee that: 1. is appointed by: A. an entity in the Executive Branch of the State government, the members of which are appointed by the Governor, and that otherwise meets the definition of a public body under this subsection; or B. an official who is subject to the policy direction of an entity described in item A of this item; and 2. includes in its membership at least two individuals who are not members of the appointing entity or employed by the State; and (iii) The Maryland School for the Blind. (3) "Public body" does not include: (i) any single member entity; (ii) any judicial nominating commission; (iii) any grand jury; (iv) any petit jury; (v) the Appalachian States Low Level Radioactive Waste Commission established in § 7-302 of the Environment Article; (vi) except when a court is exercising rulemaking power, any court established in accordance with Article IV of the Maryland Constitution; (vii) the Governor's cabinet, the Governor's Executive Council as provided in Title 8, Subtitle 1 of the State Government Article, or any committee of the Executive Council; (viii) a local government's counterpart to the Governor's cabinet, Executive Council, or any committee of the counterpart of the Executive Council; (ix) except as provided in paragraph (1) of this subsection, a subcommittee of a public body as defined in paragraph (2)(i) of this subsection; (x) the governing body of a hospital as defined in § 19-301 of the Health—General Article;

<p>(e) “Quorum”, unless otherwise defined by applicable law, means a simple majority of the constituent membership of a public agency.</p> <p>(f) “Staff meeting” means a meeting of three or more staff members of one or more public agencies.</p>	<p>and (xi) a self-insurance pool that is established in accordance with Title 19, Subtitle 6 of the Insurance Article or § 9-404 of the Labor and Employment Article by: 1. a public entity, as defined in § 19-602 of the Insurance Article; or 2. a county or municipal corporation, as described in § 9-404 of the Labor and Employment Article.</p> <p>(i) Quasi-judicial function. — “Quasi-judicial function” means a determination of: (1) a contested case to which Title 10, Subtitle 2 of the State Government Article applies; (2) a proceeding before an administrative agency for which Title 7, Chapter 200 of the Maryland Rules would govern judicial review; or (3) a complaint by the Board in accordance with this title.</p> <p>(j) Quasi-legislative function. — “Quasi-legislative function” means the process or act of: (1) adopting, disapproving, amending, or repealing a rule, regulation, or bylaw that has the force of law, including a rule of a court; (2) approving, disapproving, or amending a budget; or (3) approving, disapproving, or amending a contract.</p> <p>(k) Quorum. — “Quorum” means: (1) a majority of the members of a public body; or (2) the number of members that the law requires.</p>
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Public Policy

SMC OMA	MD OMA
<p>§9-502. Public Policy. It is the policy of St. Mary’s County that: (1) public officials shall engage in official action in an open and public manner so that voters are advised of the performance of public officials and of decisions made in forming public policy; (2) public agencies exist to aid in conducting the people’s business; (3) the people of the county, in delegating authority, do not yield their sovereignty or give public agencies the right to decide what is good for the people to know and</p>	<p>§ 3-102. Legislative policy</p> <p>(c) Public policy. — Except in special and appropriate circumstances when meetings of public bodies may be closed under this title, it is the public policy of the State that the public be provided with adequate notice of the time and location of meetings of public bodies, which shall be held in places reasonably accessible to individuals who would like to attend these meetings.</p>

what is not good for them to know; and (4) the right of the people to remain informed is protected so that they may retain control over the instruments they create.	
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Act Applicable

SMC OMA	MD OMA
<p>§9-504. Open Meetings of public agency. (a) Except as provided in § 9–512 of this subtitle, a public agency meeting at which official action is taken shall be open to the public.</p> <p>(b) A final decision whether to purchase or dispose of real property shall be at a public agency meeting open to the public.</p>	<p>§ 3-301. Open sessions generally required. Except as otherwise expressly provided in this title, a public body shall meet in open session.</p> <p>§ 3-103. Scope of title (b) Applicable. — This title applies to a public body when it is meeting to consider: (1) granting a license or permit; or (2) a special exception, variance, conditional use, or zoning classification, the enforcement of any zoning law or regulation, or any other zoning matter.</p>

Act Not Applicable

SMC OMA	MD OMA
Anything that isn't listed in 9-504	<p>§ 3-103. Scope of title (a) Not applicable. — Except as provided in subsection (b) of this section and § 3-104 of this subtitle, this title does not apply to: (1) a public body when it is carrying out: (i) an administrative function; (ii) a judicial function; or (iii) a quasi-judicial function; or (2) a chance encounter, a social gathering, or any other occasion that is not intended to circumvent this title.</p>

Conflict of Laws

SMC OMA	MD OMA
<p>§9–503. Conflict with another statute, ordinance, regulation, or rule. This subtitle prevails if it conflicts with another statute, ordinance, regulation, or rule, unless the other statute, ordinance, regulation, or rule is more stringent.</p>	<p>§ 3-105. Conflict of laws. Whenever this title and another law that relates to meetings of public bodies conflict, this title applies unless the other law is more stringent</p>

Staff Meetings

SMC OMA	MD OMA
<p>§9-505. Notice. (a) This section does not apply to a staff meeting</p> <p>§9-508. Meeting minutes. (a) This section does not apply to: (1) a staff meeting;</p> <p>§9-510. Staff meetings. Except as provided in § 9-512 of this subtitle, a staff meeting shall be open to the public</p>	<p>Silent</p>

Notice & Content of Notice for All Open and Closed Meetings

SMC OMA	MD OMA
<p>SMC OMA splits notice & content of notice requirements by type of meeting</p>	<p>§ 3-302. Notice. (a) Required. — Before meeting in a closed or open session, a public body shall give reasonable advance notice of the session</p> <p>(b) Form. — Whenever reasonable, a notice under this section shall: (1) be in writing; (2) include the date, time, and place of the session; and (3) if appropriate, include a statement that a part or all of a meeting may be conducted in closed session</p> <p>§ 3-302.1. Availability of agenda to public. (a) Required. — (1) Subject to subsection (b) of this section, before meeting in an open session, a public body shall make available to the public an agenda: (i) containing known items of business or topics to be discussed at the portion of the meeting that is open; and (ii) indicating whether the public body expects to close any portion of the meeting in accordance with § 3-305 of this subtitle.</p> <p>(2) If an agenda has been determined at the time the public body gives notice of the meeting under § 3-302 of this subtitle, the public body shall make available the agenda at the same time the public body gives notice of the meeting.</p>

	(3) If an agenda has not been determined at the time the public body gives notice of the meeting, the public body shall make available the agenda as soon as practicable after the agenda has been determined but no later than 24 hours before the meeting.
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Notice & Content of Notice for Regular Public Agency Meetings

SMC OMA	MD OMA
§9-505. Notice. (b) A public agency shall provide written public notice of the schedule of its regular public agency meetings, including their dates, times, and places: (1) at the beginning of each calendar or fiscal year; or (2) at the time the public agency begins to function	See above

Notice & Content of Notice for Special/Rescheduled Public Agency Meetings

SMC OMA	MD OMA
§9-505. Notice (c) (1) Except as provided in § 9-506 or § 9-507 of this subtitle, a public agency shall provide supplemental written public notice of any special or rescheduled public agency meeting at least 48 hours before the meeting. (2) The notice shall include the agenda, date, time, and place of the public agency meeting.	See above

Notice for Disposition of Real Property

SMC OMA	MD OMA
§9-505. Notice. (e) A public agency shall give notice of intent to purchase or dispose of real property at least 15 days before a voting session on the action	See above

Method of Providing Notice

SMC OMA	MD OMA
§9-505(d) Notice. A public agency shall provide written public notice by: (1) posting a copy of the notice prominently at the principal office of the public agency or at the building in which the public agency meeting is to be held; and (2) sending a copy of the notice to any	§ 3-302. Notice. (c) Method. — A public body may give the notice under this section as follows: (1) if the public body is a unit of State government, by publication in the Maryland Register; (2) by delivery to representatives of the news media who regularly report on sessions of the public body or the activities of

<p>person who requests to be notified of the public agency meetings.</p>	<p>the government of which the public body is a part; (3) if the public body previously has given public notice that this method will be used: (i) by posting or depositing the notice at a convenient public location at or near the place of the session; or (ii) by posting the notice on an Internet Web site ordinarily used by the public body to provide information to the public; or (4) by any other reasonable method.</p> <p>(d) Copy of notice. — A public body shall keep a copy of a notice provided under this section for at least 1 year after the date of the session.</p> <p>§ 3-302.1(d) Method for making available an agenda. — (1) A public body required to make available an agenda under subsection (a) of this section may make available the agenda using a method authorized for giving notice under § 3-302(c) of this subtitle. (2) The method a public body uses for making available an agenda may be different from the method a public body uses for giving notice.</p>
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Notice & Content of Notice for Reconvened Agency Meetings

SMC OMA	MD OMA
<p>§9-506. Reconvened public agency meetings. A public agency meeting may be adjourned and reconvened at another time without additional public notice if: (1) notice of the time and place of the reconvened meeting is provided before adjournment; (2) the agenda for the reconvened meeting is published in advance; and (3) the agenda for the original meeting is available to observers at the beginning of the original meeting</p>	<p>See § 3-302(a) and (b) and § 3-302.1</p>

Notice & Content of Notice for Emergency Public Agency Meetings

SMC OMA	MD OMA
<p>§9-507. Emergency public agency meetings. (a) This section does not apply to a staff meeting. (b) A public agency may schedule an emergency public agency meeting to discuss unforeseen emergency conditions. (c) A public agency shall make a reasonable effort to</p>	<p>See § 3-302(a) and (b) and § 3-302.1 for notice, but § 3-302.1(b) lists the requirements for availability of agenda to public for Emergency meetings.</p>

provide notice of the date, time, and place of an emergency public agency meeting by telephone to the news media immediately after participants have been notified.	§ 3-302.1(b) Emergency Meetings. -- If a public body is unable to comply with the provisions of subsection (a) of this section because the meeting was scheduled in response to an emergency, a natural disaster, or any other unanticipated situation, the public body shall make available on request an agenda of the meeting within a reasonable time after the meeting occurs
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Amending Agendas

SMC OMA	MD OMA
Silent	§ 3-302.1(e) Alteration of agenda. — Nothing in this section may be construed to prevent a public body from altering the agenda of a meeting after the agenda has been made available to the public.

Minutes Requirements

SMC OMA	MD OMA
§9-508. Meeting minutes. (a) This section does not apply to: (1) a staff meeting; or (2) a working session if a final decision is not made. (b) A public agency shall take and, in a timely manner, record minutes of each public agency meeting open to the public. (c) Minutes of a public agency meeting are a public record open for inspection and copying by any person	<p>§ 3-104. Minutes for closed session</p> <p>If a public body recesses an open session to carry out an administrative function in a meeting that is not open to the public, the minutes for the public body's next meeting shall include: (1) a statement of the date, time, place, and persons present at the administrative function meeting; and (2) a phrase or sentence identifying the subject matter discussed at the administrative function meeting.</p> <p>(b) Minutes required. — (1) Subject to paragraphs (2) and (3) of this subsection, as soon as practicable after a public body meets, it shall have minutes of its session prepared. (2) A public body need not prepare minutes of an open session if: (i) live and archived video or audio streaming of the open session is available; or (ii) the public body votes on legislation and the individual votes taken by each member of the public body who participates in the voting are posted promptly on the Internet. (3) The information specified under paragraph (2) of this subsection shall be deemed the minutes of the open session. (c)</p>

Content of minutes; tape recordings. — (1) The minutes shall reflect: (i) each item that the public body considered; (ii) the action that the public body took on each item; and (iii) each vote that was recorded. (2) If a public body meets in closed session, the minutes for its next open session shall include: (i) a statement of the time, place, and purpose of the closed session; (ii) a record of the vote of each member as to closing the session; (iii) a citation of the authority under § 3-305 of this subtitle for closing the session; and (iv) a listing of the topics of discussion, persons present, and each action taken during the session. (3) (i) A session may be recorded by a public body. (ii) Except as otherwise provided in paragraph (4) of this subsection, the minutes and any recording of a closed session shall be sealed and may not be open to public inspection. (4) The minutes and any recording shall be unsealed and open to inspection as follows: (i) for a meeting closed under § 3-305(b)(5) of this subtitle, when the public body invests the funds; (ii) for a meeting closed under § 3-305(b)(6) of this subtitle, when the public securities being discussed have been marketed; or (iii) on request of a person or on the public body's own initiative, if a majority of the members of the public body present and voting vote in favor of unsealing the minutes and any recording. (d) Access. — Except as provided in subsection (c) of this section, minutes of a public body are public records and shall be open to public inspection during ordinary business hours. (e) Retention of minutes and tape recordings. — (1) A public body shall keep a copy of the minutes of each session and any recording made under subsection (b)(2)(i) or (c)(3)(i) of this section for at least 5 years after the date of the session. (2) To the extent practicable, a public body shall post online the minutes or recordings required to be kept under paragraph (1) of this subsection.

Public Attendance & Broadcasting Requirements

SMC OMA	MD OMA
<p>§9-509. Broadcasting and recording of meeting. (a) A public agency that conducts a meeting that is open to the public shall allow recorded or live radio and television broadcasting and the use of recording devices. (b) A public agency may adopt rules and regulations regarding the recording and broadcasting of public agency meetings.</p>	<p>§ 3-303. Attendance at open session (a) In general. — Whenever a public body meets in open session, the general public is entitled to attend.</p> <p>(b) Rules. — A public body shall adopt and enforce reasonable rules regarding the conduct of persons attending its meetings and the videotaping, televising, photographing, broadcasting, or recording of its meetings.</p> <p>(c) Removal of individuals. — (1) If the presiding officer determines that the behavior of an individual is disrupting an open session, the public body may have the individual removed. (2) Unless the public body or its members or agents act maliciously, the public body, members, and agents are not liable for having an individual removed under this subsection.</p> <p>§ 3-306. Minutes; tape recordings (a) Scope of section. — This section does not: (1) require any change in the form or content of the Journal of the Senate of Maryland or Journal of the House of Delegates of Maryland; or (2) limit the matters that a public body may include in its minutes</p>

Interpreters

SMC OMA	MD OMA
<p>Silent</p>	<p>§ 3-304. Interpreters (a) Scope of section. — This section applies only to the Executive and Legislative branches of the State government. (b) In general. — On request and to the extent feasible, a unit that holds a public hearing shall provide a qualified interpreter to assist deaf individuals to understand the proceeding. (c) Form of request. — A request for an interpreter must be submitted in writing or by telecommunication at least 5 days before the proceeding begins. (d) Determination of feasibility. — The unit shall determine, in each</p>

	instance, whether it is feasible to provide an interpreter.
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Meeting Location

§9-511. Meeting location. A public agency meeting that is required to be open to the public under this subtitle shall be conducted in a location with reasonable facilities for public observation.	

Closed Sessions

§9-512. Closed Sessions. (a) A public agency meeting or a staff meeting may be conducted in a closed session only: (1) to consider or discuss the assignment, promotion, resignation, salary, demotion, dismissal, reprimand, or appointment of a member of a public agency or employee, unless the individual, as a matter of public record, makes a written request for an open session; (2) to discuss strategy in collective bargaining or litigation; (3) to engage in collective bargaining; (4) to discuss the distribution of police forces to cope with public safety emergencies; (5) to discuss cost estimates for capital projects to be subsequently placed through the bidding process; (6) to hold preliminary discussions concerning the purchase or disposition of real property; (7) when State law or federal regulation prohibits a meeting open to the public; (8) to meet a condition for anonymity of a donor contained in a gift or bequest to the public agency; (9) when secrecy is necessary to prevent the premature disclosure of the format or content of examinations or the disclosure of results of examinations as related to individual students; or (10) if the meeting is conducted by the County Board of Education or its staff to: (i) consider the discipline of a student, unless the parent, guardian, or student requests an open session of the County Board of Education; or (ii) discuss specific students, families, or personnel and the disclosure of the discussions	<p>§ 3-302. Notice. (a) Required. — Before meeting in a closed or open session, a public body shall give reasonable advance notice of the session</p> <p>§ 3-302.1. Availability of agenda to public.</p> <p>(c) Closed meetings. — A public body is not required to make available any information in the agenda regarding the subject matter of the portion of the meeting that is closed in accordance with § 3-305 of this subtitle.</p> <p>§ 3-305. Closed sessions (a) Construction of section, — The exceptions in subsection (b) of this section shall be strictly construed in favor of open meetings of public bodies.</p> <p>(b) In general. — Subject to subsection (d) of this section, a public body may meet in closed session or adjourn an open session to a closed session only to: (1) discuss: (i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom it has jurisdiction; or (ii) any other personnel matter that affects one or more specific individuals; (2) protect the privacy or reputation of an individual with respect to a matter that is not related to public business; (3) consider the acquisition of real property for a public</p>
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could prove detrimental or harmful to those individuals.

(b) (1) A closed session shall be announced in advance at a meeting that is open to the public. (2) An announcement of a closed session shall include the nature of the business of the closed session. (3) The closed session shall be limited to the matters described in subsection (a) of this section. (c) The minutes of the next open session shall include the justification for holding the closed session, the names of those in attendance, and the times the meeting begins and ends. (d) An ordinance, resolution, rule, regulation, or decision may not be finally adopted at a closed session.

purpose and matters directly related to the acquisition; (4) consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; (5) consider the investment of public funds; (6) consider the marketing of public securities; (7) consult with counsel to obtain legal advice; (8) consult with staff, consultants, or other individuals about pending or potential litigation; (9) conduct collective bargaining negotiations or consider matters that relate to the negotiations; (10) discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans; (11) prepare, administer, or grade a scholastic, licensing, or qualifying examination; (12) conduct or discuss an investigative proceeding on actual or possible criminal conduct; (13) comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; or (14) discuss, before a contract is awarded or bids are opened, a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

(c) Limitation. — A public body that meets in closed session under this section may not discuss or act on any matter not authorized under subsection (b) of this section.

(d) Vote; written statement. — (1) Unless a majority of the members of a public body present and voting vote in favor of closing the session, the public body may not meet in closed session. (2) Before a public body meets in closed session, the presiding officer shall: (i) conduct a recorded vote on the closing of the

	<p>session; and (ii) make a written statement of the reason for closing the meeting, including a citation of the authority under this section, and a listing of the topics to be discussed. (3) If a person objects to the closing of a session, the public body shall send a copy of the written statement to the Board. (4) The written statement shall be a matter of public record. (5) A public body shall keep a copy of the written statement for at least 1 year after the date of the session.</p>
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Rules and Regulations

SMC OMA	MD OMA
<p>§9-513. Rules and Regulations. A public agency may adopt rules and regulations to maintain order at its public agency meetings.</p>	

Judicial Review

SMC OMA	MD OMA
<p>§9-514. Judicial Review. (a) (1) A person denied a right conferred by this subtitle may file a complaint for mandamus, injunction, or other appropriate remedy in circuit court. (2) A plaintiff need not allege or prove an irreparable injury or an injury different from the public at large. (b) A complaint under this section shall be filed within 1 year after the date of the alleged violation. (c) The court shall conduct a hearing within 7 days after a complaint is filed. (d) A violation of this subtitle is deemed an injury to the public at large. (e) (1) The court shall issue an order that: (i) grants or denies all or part of the relief sought; (ii) awards appropriate attorney's fees or costs; and (iii) determines the effect of the action alleged to be in violation of this subtitle. (2) The court may void an action taken at a public agency meeting in violation of this subtitle.</p>	<p>§ 3-401. Application of section (a) Scope of section. — (1) This section does not apply to the action of: (i) appropriating public funds; (ii) imposing a tax; or (iii) providing for the issuance of bonds, notes, or other evidences of public obligation. (2) This section does not authorize a court to void an action of a public body because of any violation of this title by another public body. (3) This section does not affect or prevent the use of any other available remedies. (b) Petition authorized. — (1) If a public body fails to comply with § 3-301, § 3-302, § 3-303, § 3-305, or § 3-306(c) of this title, any person may file with a circuit court that has venue a petition that asks the court to: (i) determine the applicability of those sections; (ii) require the public body to comply with those sections; or (iii) void the action of the public body. (2) If a violation of § 3-302, § 3-305, or § 3-306(c) of this title is alleged, the person shall file the petition within 45 days after the date of the alleged violation. (3) If a violation of § 3-301 or § 3-303 of this title is alleged, the person shall file the petition within 45 days after the public body includes in the minutes of an open session the information</p>

	<p>specified in § 3-306(c)(2) of this title. (4) If a written complaint is filed with the Board in accordance with § 3-205 of this title, the time between the filing of the complaint and the mailing of the written opinion to the complainant and the affected public body under § 3-207(d) of this title may not be included in determining whether a claim against a public body is barred by the statute of limitations set forth in paragraphs (2) and (3) of this subsection. (c) Presumption. — In an action under this section: (1) it is presumed that the public body did not violate any provision of this title; and (2) the complainant has the burden of proving the violation. (d) Authority of court. — A court may: (1) consolidate a proceeding under this section with another proceeding under this section or an appeal from the action of the public body; (2) issue an injunction; (3) determine the applicability of this title to the discussions or decisions of public bodies; (4) declare the final action of a public body void if the court finds that the public body willfully failed to comply with § 3-301, § 3-302, § 3-303, or § 3-306(c) of this title and that no other remedy is adequate; (5) as part of its judgment: (i) assess against any party reasonable counsel fees and other litigation expenses that the party who prevails in the action incurred; and (ii) require a reasonable bond to ensure the payment of the assessment; and (6) grant any other appropriate relief. (e) Petition. — (1) A person may file a petition under this section without seeking an opinion from the Board. (2) The failure of a person to file a complaint with the Board is not a ground for the court to stay or dismiss a petition.</p>
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Penalties

SMC OMA	MD OMA
<p>§9-515. Penalty. (a) (1) A person who knowingly violates this subtitle more than twice is guilty of a misdemeanor. (2) A person who willfully violates this subtitle is guilty of a misdemeanor and on conviction is subject to</p>	<p>§ 3-402. Penalty. (a) In general. — In accordance with § 3-401 of this subtitle, a public body that willfully meets with knowledge that the meeting is being held in violation of this subtitle is subject to a civil</p>

<p>imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both. (b) If a civil order finding the defendant in violation of this subtitle is not entered at least once before the occurrence of an alleged misdemeanor, a violation of this subtitle is presumed not to be willful.</p>	<p>penalty not to exceed: (1) \$250 for the first violation; and (2) \$1,000 for each subsequent violation that occurs within 3 years after the first violation. (b) Determination of fine. — When determining the amount of a fine under subsection (a) of this section, the court shall consider the financial resources available to the public body and the ability of the public body to pay the fine.</p>
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OPEN MEETINGS LAW**PUBLIC SCHOOLS – APPLICATION OF ST. MARY’S OPEN MEETINGS ACT AND OTHER OPEN MEETINGS LAWS TO THE ST. MARY’S COUNTY BOARD OF EDUCATION**

September 7, 2010

*Michael J. Martirano, Superintendent
St. Mary’s County Public Schools*

*The Honorable Roy Dyson
Maryland State Senate*

You each requested our opinion as to whether the St. Mary’s County Board of Education (“St. Mary’s Board”) may convene in a closed session when performing an “administrative function” as defined under the State Open Meetings Act (“State OMA”). Under the State OMA, county boards of education need not meet in open session when they are performing an “administrative function” and when the State education law does not otherwise require an open meeting. However, unlike other local boards of education, the St. Mary’s Board is also subject to the St. Mary’s Open Meetings Act (“St. Mary’s OMA”). The St. Mary’s OMA does not have a specific exclusion for an “administrative function,” but has different limitations on its scope. Both the State OMA and the St. Mary’s OMA defer to any “more stringent” law requiring open meetings.

In our opinion, as a result of the St. Mary’s Open Meetings Act, the St. Mary’s Board must meet in open session for many, if not most, activities that would qualify as an administrative function under the State OMA and for which another local board of education may be permitted to hold a closed session. However, some activities that do not trigger the open meeting requirements of the State OMA or education law are also outside the scope of the St. Mary’s OMA. For example, we understand that there are sessions in which the Superintendent of Schools (or the Superintendent’s staff) reports to the Board solely for informational purposes on matters that are within the purview of the Superintendent, that do not involve the formulation of substantive policy, and that do not require any action by the Board. Such briefings not only would be an administrative function under the State OMA and beyond the scope of the open

meeting requirements of the State education law, but also would not amount to “official action” that triggers the open meeting requirement of the St. Mary’s OMA. Thus, the St. Mary’s Board need not conduct those briefings in open session.¹

I

Open Meetings Laws

The St. Mary’s Board, like most public bodies in St. Mary’s County, is subject to both the State OMA and the St. Mary’s OMA. Meetings of the St. Mary’s Board are also governed by provisions of the State education law concerning meetings of county boards of education. These statutes have similar purposes but are not identical in scope or procedural requirements.

A. *State Open Meetings Act*

The State OMA was initially enacted by the General Assembly in 1977. Chapter 863, Laws of Maryland 1977, *codified as amended* at Annotated Code of Maryland, State Government Article (“SG”), §10-501 *et seq.* While the statute does not grant the public a right to participate in meetings, it does afford the public the “right to observe the deliberative process and the making of decisions by [a] public body at open meetings.” *City of New Carrollton v. Rogers*, 287 Md. 56, 72, 410 A.2d 1070 (1980). When the State OMA applies to a meeting, the session must be open to the public, subject to a limited number of exceptions. SG §§10-505; 10-507(a).² When a public body chooses to close a meeting under one of the exceptions, it must follow certain procedures set forth in the statute. *See* SG

¹ Counsel to the St. Mary’s Board provided us with his legal analysis and concluded that a session need not be open if it is devoted to the Superintendent providing information to the Board on matters under the Superintendent’s authority unrelated to any deliberation or action by the Board. For the reasons set forth in this opinion, we agree with that conclusion, although we note that the St. Mary’s Board likely must meet in open session when conducting other matters that fall within the definition of administrative function.

² The meeting may be closed for 14 specific purposes set forth in the statute. *See* SG §10-508(a). The exceptions are strictly construed and, during the course of the closed session, the public body may not consider any matter outside the relevant exception. SG §10-508(b) and (c).

§§10-506(b)(3) (notice); 10-508(d) (closure procedures); 10-509(c)(2) (subsequent disclosures).³

Definitions of key terms in the State OMA limit its scope. The statute applies only to “public bodies.” SG §10-502(h) (definition of “public body”). Under the Act, a public body “meets” when a quorum⁴ of the public body convenes “for the consideration or transaction of public business.” SG §10-502(g); *see also* SG §10-503(a)(2) (State OMA does not apply to chance encounters or social gatherings). However, the State OMA is not triggered every time a public body meets. Application of the statute turns on the “function” that the public body is performing at the meeting.

The open meeting and procedural requirements of the State OMA apply when the public body meets to perform a “legislative,” “quasi-legislative,” or “advisory” function, as those functions are defined in the State Open Meetings Act. *See* SG §10-502(c), (f), (j). However, the statute generally does not apply to a public body when it is performing a “judicial” or “quasi-judicial,” or “administrative” function, all of which are also defined in the Act. *See* SG §10-502(b), (e), (i); §10-503(a)(1).⁵

³ Other provisions of the State OMA address the conduct of meetings, minutes, disclosure requirements when a public body closes a meeting governed by the Act to consider a matter that constitutes an administrative function, the Open Meetings Compliance Board, and enforcement of the Act.

⁴ Unless a different number is prescribed by law, a “quorum” is a majority of the members of the public body. SG §10-502(k).

⁵ The General Assembly has also directed that the State OMA applies whenever a public body is meeting to consider: (1) granting a license or permit, or (2) a special exception, variance, conditional use, zoning classification, the enforcement of any zoning law or regulation, or any other zoning matter. SG §10-503(b). Neither of those circumstances appears relevant to your inquiries.

Your inquiries concern the exclusion for administrative functions.⁶ The term “administrative function”⁷ is defined as follows:

- (1) “Administrative function” means the administration of:
 - (i) a law of the State;
 - (ii) a law of a political subdivision of the State; or
 - (iii) a rule, regulation, or bylaw of a public body.

- (2) “Administrative function” does not include:
 - (i) an advisory function;
 - (ii) a judicial function;
 - (iii) a legislative function;
 - (iv) a quasi-judicial function; or
 - (v) a quasi-legislative function.

SG §10-502(b).

It is not immediately obvious what activities are encompassed by this definition. *See 78 Opinions of the Attorney General 275* (1993). The Open Meetings Compliance Board, an independent advisory body charged with construing the State OMA,⁸ has developed a two-step analysis to determine whether a particular activity is an administrative function. *See, e.g., 6 OMCB Opinions 145, 147* (2009); *6 OMCB Opinions 23, 25-26* (2008); *see also 86 Opinions of the Attorney General 94, 115-17* (2001). The first step

⁶ In one respect, the State OMA regulates sessions that carry out an administrative function. If a public body recesses a public session to carry out an administrative function outside the public’s view, certain information concerning the closed session must be made public as part of the minutes of the public body’s next meeting. SG §10-503(c).

⁷ Before October 1, 2006, the State OMA used the term “executive function” rather than “administrative function.” A 2006 amendment renamed the function without changing the substance of the definition. Chapter 584, Laws of Maryland 2006.

⁸ *See* SG §10-502.1 *et seq.*

is to evaluate whether the meeting falls within any other function defined in the statute. If it does, the analysis ends because, by definition, the meeting does not involve an administrative function. SG §10-503(b)(2). If the session does not involve one of the other defined functions, the second step is to evaluate whether the public body is involved in the administration of an existing law, rule, or regulation (as opposed to the development of new policy). If it is, the meeting likely involves an administrative function and the State OMA does not apply; if not, the discussion is not an administrative function and the State OMA does apply.⁹

The State OMA recognizes that other laws may also govern meetings of some bodies. In the event of a conflict with another law, the open meeting and procedural requirements of the State OMA prevail “unless the other law is more stringent.” SG §10-504. Although the term “more stringent” is not defined, it is understood to mean a law that grants the public greater access. *City of College Park v. Cotter*, 309 Md. 573, 586, 525 A.2d 1059 (1987) (State OMA establishes only minimum standards for open meetings).

Other laws governing meetings of the St. Mary’s Board are found in portions the State education law relating to local boards of education. Also, the St. Mary’s OMA, which applies to meetings of most public bodies in St. Mary’s County, specifically applies to the St. Mary’s Board.

B. State Education Law

Two provisions of the State education law impose an open meeting requirement on the St. Mary’s Board. One provision applies to all county boards of education; the other is specific to the St. Mary’s Board. Both statutes permit the Board to meet in “executive session” – *i.e.*, a closed session – in some circumstances.

Under Annotated Code of Maryland, Education Article (“ED”), §4-107(d), a county board must take all of its “final actions” at a public meeting and the minutes of that meeting are to be available publicly. ED §4-107(d)(1). The statute authorizes a county board

⁹ The Open Meetings Compliance Board has opined that, in an unusual situation where a meeting involves none of the defined functions, the State OMA applies. 4 *OMCB Opinions* 12 (2004); 1 *OMCB Opinions* 96, 98 (1994).

to meet and deliberate in executive session for matters concerning land and site acquisition and personnel and labor relations. ED §4-107(d)(2). This provision has been part of the State education law since 1969. Chapter 405, §1, Laws of Maryland 1969. When recodifying it as part of the Education Article, the Legislature made clear that it did not supersede any “more stringent” provisions of the State OMA. Chapter 22, §8, Laws of Maryland 1978.

ED §3-1104 pertains solely to the St. Mary’s Board. It requires the St. Mary’s Board to meet at least once a month. ED §3-1104(a). All “actions” of the Board are to be taken at a public meeting; the record of the meeting and any actions taken is to be made public. ED §3-1104(b). However, the statute permits the St. Mary’s Board to meet and deliberate in executive session, so long as any actions and votes taken at the session are made public. ED §3-1104(c). This provision was added to the education law when the St. Mary’s Board was converted from an appointed to an elected board. Chapter 292, §2, Laws of Maryland 1996.

C. St. Mary’s OMA

The St. Mary’s OMA was initially enacted by the General Assembly in 1976 – a year before the State OMA. Chapter 715, Laws of Maryland 1976, *codified as amended at* Annotated Code of Maryland, Article 24, §4-201 *et seq.* Subject to certain enumerated exceptions,¹⁰ the St. Mary’s OMA applies to a meeting of a “public agency” in St. Mary’s County. Article 24, §§4-202(b); 4-203(a).¹¹

¹⁰ The St. Mary’s OMA does not apply to meetings of the judicial branch, grand juries, petit juries, or law enforcement agencies. Article 24, §4-209.

¹¹ The term “public agency” is defined as follows:

“Public agency” includes:

(1) Any agency, assembly, authority, board, bureau, commission, committee, council, or department of St. Mary’s County, except as provided in §4-209 of this subtitle, including advisory and quasi-judicial agencies, supported in whole or in part by public funds or authorized to expend public funds;

(continued...)

The definition of “public agency” explicitly includes the St. Mary’s County Board of Education. Article 24, §4-202(d)(2).¹²

The St. Mary’s OMA requires that “[a]ll meetings of a public agency at which official action is taken regarding public business are open to the public, except as provided in [the exceptions set forth in] §4-210.” Article 24, §4-203(a). The term “meeting” is defined for purposes of the St. Mary’s OMA as “the convening of a quorum of the constituent membership of a public agency to deliberate or act upon a matter over which the public agency has supervision, control, jurisdiction or advisory power.” Article 24, §4-202(b).

The term “public business” involves “all matters within the jurisdiction of a public agency which are before [that] agency for official action or which reasonably, foreseeably may come before that agency in the future.” Article 24, §4-202(e). Like the State OMA, the St. Mary’s OMA is not limited to sessions involving final action by the agency. The term “official action” is defined to mean “the phases of the process in which a decision or recommendation is reached including receipt of information, deliberation and decision

¹¹ (...continued)

- (2) The St. Mary’s County Board of Education; and
- (3) Subcommittees and other subordinate units of the agencies above.

Article 24, §4-202(d). The original legislation used the term “public body” in addition to “public agency” but was amended the following year to conform the usage in the statute to a single term. *See* Chapter 715, Laws of Maryland 1976 and Chapter 617, Laws of Maryland 1977. Although the term “agency” might appear to extend the St. Mary’s OMA to individual officials, the definition of a “meeting” makes clear that the term “public agency” is limited to meetings of a multi-member entity as opposed to a meeting conducted by an individual official who heads a particular agency. Article 24, §4-202(b) (defining “meeting” to be the “convening of a quorum of the constituent membership”). 89 *Opinions of the Attorney General* 22, 25-27 (2004).

¹² The specific reference to the St. Mary’s Board was added by Chapter 77, Laws of Maryland 1995. This amendment simply confirmed prior advice of this Office that the original version of the statute applied to the St. Mary’s Board. Letter of Advice from Assistant Attorney General Sandra J. Cohen to the Honorable John F. Slade, III (January 17, 1995) (copy available in legislative bill file on House Bill 647 (1995)).

of a public agency.” Article 24, §4-202(c). Thus, it covers the entire deliberative process.

Unlike the State OMA, the St. Mary’s OMA does not limit the scope of the open meetings requirement by reference to the “functions” of a meeting. Rather, the statute provides an exclusive list of reasons for which meetings of a public agency may be closed to the public. Article 24, §4-210.¹³ And, similar to the State OMA, the St. Mary’s OMA provides that in the event of a conflict between the St. Mary’s OMA and other law, the provisions of the St. Mary’s OMA control unless “provisions of existing law are more stringent.” Article 24, §4-214.¹⁴

II

County School Boards

Under the State education law, a local school board is charged with general control of educational matters in its county, subject to direction from the State Board of Education and State Superintendent. ED §4-101 *et seq.* In carrying out its role, a county board appoints the county superintendent and other school personnel, sets salaries and school policies, prepares an annual budget for the school system, and approves the curriculum guide and courses of study, among other things. ED §§4-103, 4-108, 4-111, 4-201, 5-101. The county superintendent is the executive officer, secretary, and treasurer of the school board, and is responsible for, among other things, approving school board contracts, evaluating

¹³ Section 4-210 lists 11 exceptions to the open meeting requirement, two of which are specific to the St. Mary’s Board. Article 24, §4-210(a)(2) (meeting relating to discipline of student), (a)(3) (discussions concerning specific students, families, or personnel when the discussion may be harmful to those individuals).

¹⁴ Other provisions of the St. Mary’s OMA address notice requirements, meeting facilities, minutes, recording and broadcasting of meetings, maintenance of order, and enforcement and penalties.

The St. Mary’s OMA also applies to certain staff meetings. However, staff meetings are not subject to all the procedural requirements that apply to a meeting of a “public agency.” See Article 24, §§4-202(g), 4-203(b), 4-207(c); see also 89 *Opinions of the Attorney General* 22, 24-25 (2004).

school instructional programs, overseeing the professional development of teachers, and advising on the initial proposed budget. ED §§4-102, 4-205, 5-101. Much of the day-to-day administration of the schools is delegated to the local superintendent. Yet the school board has ultimate responsibility for the school system.

III

Analysis

A. Discerning the More Stringent Law

Both of your inquiries concern the extent to which the St. Mary’s Board may meet in closed session when performing an administrative function, as defined in the State OMA. Unlike other local boards of education, the St. Mary’s Board is also subject to the St. Mary’s OMA and to ED §3-1104. Both the State OMA and St. Mary’s OMA require application of the “more stringent” open meeting law. Thus, in order to determine whether a particular session must be open, the St. Mary’s Board must consider how the State OMA, the St. Mary’s OMA, and any applicable provisions of the Education Article (including ED §3-1104) would apply and then comply with whatever law requires greater transparency in the particular circumstances.

B. State OMA – “Functions” Performed by County School Boards

As the Open Meetings Compliance Board has noted, many of the duties of a county school board would be classified under the State OMA as legislative or quasi-legislative functions subject to the openness and procedural requirements of that statute. 3 *OMCB Opinions* 39 (2000) (“2000 OMCB Opinion”). But the Compliance Board has also acknowledged in several opinions that some activities of local school boards do not involve policy-making and fall within the administrative function exclusion. *Id.*; see also 6 *OMCB Opinions* 145 (2009); 6 *OMCB Opinions* 23 (2008). For example, a budget strategy session held by a county board of education, the making of an appointment by the board, and discussions about attendance at retirement ceremonies have each been found to be

administrative functions. 2000 OMCB Opinion at 43-44.¹⁵ Briefings by the superintendent or the superintendent's staff concerning matters under the superintendent's authority, and which do not involve policy matters to be addressed by the board, would also be an administrative function. *Id.* at 42.

In each of the instances identified in Compliance Board opinions as involving an administrative function, the local school board was not performing any of the other defined functions in the State OMA nor making policy decisions. Rather, the school boards were carrying out their obligation under the State education law to oversee the operations of the school system and the performance of the local superintendent. Accordingly, those actions were deemed administrative functions not subject to the open meeting and procedural requirements of the State OMA.

C. *Application of ED §4-107(d)*

ED §4-107(d) requires a county board of education to take any "final action" in a public meeting and authorizes closed sessions for meetings in certain circumstances. If a particular administrative function performed by a county board does not involve taking "final action" on a matter, ED §4-107(d) likewise would not require that the meeting be open. Thus, ED §4-107(d) would not require a different result from the State OMA in those circumstances – *i.e.*, it would not be a "more stringent" law. For example, a briefing by the superintendent on matters within the purview of the superintendent, and on which no board action would be required, would be outside the open meeting mandate of ED §4-107(d).

D. *Application of Laws Specific to the St. Mary's Board*

1. *St. Mary's OMA*

The St. Mary's OMA broadly defines "meeting" to include a gathering of an agency "to deliberate or act upon a matter over which the ... agency has supervision, control, jurisdiction or advisory power." The open meeting requirement is triggered if the agency is

¹⁵ At the time of the 2000 OMCB opinion, "administrative function" was called "executive function." See note 7 above. In describing the conclusions of that opinion in the text we use the current label "administrative function" to avoid confusion.

to take “official action ... regarding public business...” at the meeting. Article 24, §4-203(a). By definition, “official action” is not limited to final action by the agency. Rather, it includes all phases of a decision-making process “in which a *decision or recommendation* is reached.” Article 24, §4-202(c) (emphasis added). It specifically includes the sharing of information as part of the decision-making process. *Id.* The phrase “public business” is also broadly defined. Article 24, §4-202(e) (“all matters within jurisdiction of a public agency...”). However, as is evident, the term “official action” does contemplate that the agency will at some point consider acting – *i.e.*, making a decision or recommendation – on a matter before it.

In our view, the open meeting requirement of the St. Mary’s OMA would apply to many administrative functions described in the OMCB opinions. Many such meetings will be part of the process by which the Board takes “official action” on some matter. For example, unless a specific exception in the St. Mary’s OMA pertained, the open meeting requirement would apply when the Board discusses its budget strategy. However, a limited range of activities that fall within administrative function under the State OMA would not trigger the open meeting requirement of the St. Mary’s OMA. In this category are some briefings of the Board by the Superintendent or the Superintendent’s staff.

For example, if a briefing session consisted solely of reports to the Board, for informational purposes, of actions taken by the Superintendent or staff on matters within their authority and not requiring Board approval or the formulation of Board policy, that briefing would not involve “official action” and could be done in a closed session. Although such a briefing would allow the Board to monitor the Superintendent’s performance and be better informed on the operation of the schools, it would not be part of a process by which the Board would make a “decision or recommendation.” Therefore, the session would not involve “official action” subject to the open meeting requirement of the St. Mary’s OMA. Article 24, §4-202(b).

2. ED §3-1104

While ED §3-1104 broadly requires a “public meeting” for all “actions” of the St. Mary’s Board, its equally broad allowance for executive sessions would presumably encompass sessions at which the Board is performing an administrative function. It would be

“more stringent” than the State OMA only in requiring that any actions and votes at such a session be made public.

IV

Conclusion

In our opinion, the St. Mary’s Board must meet in open session for many, if not most, activities that would qualify as an administrative function under the State OMA and for which another local board of education could legally meet in closed session. However, some activities that are an administrative function under the State OMA and that are outside the scope of the open meeting requirements of the State education law are also outside the scope of the St. Mary’s OMA. One example would be a session in which the Superintendent or other staff report to the Board solely for informational purposes on matters within the Superintendent’s purview, so long as the briefing involved no formulation of substantive policy and did not require any action by the Board. Such a briefing would not only be an administrative function under the State OMA, and outside the scope of the State education law’s open meeting requirements, but would also not meet the definition of “official action” that triggers the open meeting requirement of the St. Mary’s OMA. Thus, the St. Mary’s Board need not conduct those briefings in open session.

Douglas F. Gansler
Attorney General

William R. Varga
Assistant Attorney General

Robert N. McDonald
Chief Counsel
Opinions and Advice

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

September 29, 2020

The Honorable Matthew Morgan
Maryland House of Delegates
310 House Office Building
6 Bladen Street
Annapolis, MD 21401

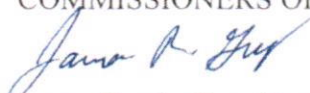
Re: St. Mary's County - To repeal 89-501 through 89-516 of the *Local Government Article* to repeal the St. Mary's County Open Meetings Act and require that St. Mary's County follow the State Open Meetings Act only

Dear Chairman Morgan:

The Commissioners of St. Mary's County support the request to repeal 89-501 through 89-516 of the *Local Government Article* of the *Annotated Code of Maryland* (the St. Mary's County Open Meetings Act) and to require that St. Mary's County follow the State Open Meetings act only as do all the other counties in the State of Maryland, as requested by Commissioner Eric Colvin.

We appreciate the introduction of this legislation and believe this legislation will benefit the citizens of St. Mary's County. We look forward to working with you on this and other initiatives throughout the session.

Sincerely,
COMMISSIONERS OF ST. MARY'S COUNTY


James Randy Guy, President

CSMC/AB/sf
T:/Consent/2020/136

Cc: Senator Jack Bailey
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

**HB _____ – St. Mary's County –
Repeal of Open Meetings Act**

SUPPORT

_____, 2021

Delegate _____, Chair
_____ Committee
House Office Building, Room 101
6 Bladen Street
Annapolis, MD 21401

Re: House Bill #: _____ - St. Mary's County – Repeal of Open Meetings Act
Hearing on _____, 2021

Dear Chairman _____:

The Commissioners of St. Mary's County support House Bill #: _____ St. Mary's County
– Repeal of Open Meetings Act which is being heard in the _____ Committee
on _____, 2021.

We request a favorable report on House Bill _____. We support the introduction of this
legislation and believe it would benefit the citizens of St. Mary's County. Thank you for your
consideration as well as your attention to this matter.

Sincerely,

COMMISSIONERS OF ST. MARY'S COUNTY

James Randy Guy, President

Cc: Senator Jack Bailey
Delegate Matthew Morgan
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

P.O. BOX 653 • CHESAPEAKE BUILDING • 41770 BALDRIDGE ST., LEONARDTOWN, MD 20650
PHONE 301.475.4200 *1350 • FAX 301.475.4935 • www.stmarysmd.com • CSMC@STMARYSMD.COM

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

**Senate Bill _____ – St. Mary's County –
Repeal of Open Meetings Act**

SUPPORT

_____, 2021

Senator _____, Chair
_____ Committee
_____ West
Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

RE: Bill #: _____ - St. Mary's County – Repeal of Open Meetings Act
Hearing on _____, 2021

Dear Chairman _____:

The Commissioners of St. Mary's County support Bill #: _____ – St. Mary's County –
Repeal of Open Meetings Act which is being heard in the _____ Committee on
_____, 2021.

We request a favorable report on Senate Bill _____. We support the introduction of this
legislation and believe it would benefit the citizens of St. Mary's County. Thank you for your
consideration as well as your attention to this matter.

Sincerely,

COMMISSIONERS OF ST. MARY'S COUNTY

James Randy Guy, President

Cc: Senator Jack Bailey
Delegate Matthew Morgan
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

8

**COMMISSIONERS OF ST. MARY'S COUNTY
2021 LEGISLATIVE PROPOSAL FORM**

JOINT MEETING

**ST. MARY'S COUNTY LEGISLATIVE DELEGATION AND COMMISSIONERS OF ST. MARY'S COUNTY
OCTOBER 6, 2020 AT 6:00 P.M.
41770 BALDRIDGE STREET, LEONARDTOWN, MARYLAND**

August 26 – Legislative Proposals are due to Commissioners and Delegate Morgan.

September 22 – Legislative Proposals will be presented to the Commissioners at their regular meeting at 9:00 a.m.

September 29 - Commissioners will take positions/vote on legislative proposals at their regular meeting at 9:00 a.m.

October 6 – Joint Public Meeting with Commissioners and St. Mary's County Delegation at 6:00 p.m.

Requestors will be given WEBEX contact information prior to the meetings to participate.

REQUESTOR: STEPHEN WALKER, DIRECTOR, DEPARTMENT OF EMERGENCY SERVICES

ADDRESS: 23090 LEONARD HALL DRIVE, LEONARDTOWN MD 20650

TELEPHONE: (301)475-4200 X 72121

EMAIL: STEPHEN.WALKER@STMARYSMD.COM

SUBJECT MATTER: BODY WORN CAMERAS FOR ANIMAL CONTROL OFFICERS

LEGISLATIVE REFERENCE : Annotated Code: Courts and Judicial Proceedings Article §10-402

FISCAL IMPACT: YES X NO ___

The cameras have already been purchased. The only cost is the agreement with the vender for the cloud storage and that cost is just under \$1,000.00 a year. The policy is already written and was taken from the Sheriff's Department and adapted to us, but complying with the law. There could be some additional modifications, but won't take much if needed.

REQUEST:

To amend Courts and Judicial Proceedings Article § 10-402(c)(11) to allow St. Mary's County Animal Control Officers to wear body worn cameras to record their encounters and activities. St. Mary's County Animal Control Officers conduct patrol, enforce the animal control ordinance and have multiple encounters with citizens and animals. Body worn cameras would ensure safety of the public and the animal control officers, improve accountability, and provide transparency for conduct and behavior.

§ 10-402. Interception of communications generally; divulging contents of communications; violations of subtitle

(c) Lawful acts. --

(11) (i) 1. In this paragraph the following words have the meanings indicated.

2. "Body-worn digital recording device" means a device worn on the person of a law enforcement officer, **OR A ST. MARY'S COUNTY ANIMAL CONTROL OFFICER** that is capable of recording video and intercepting oral communications.
3. "Electronic control device" has the meaning stated in § 4-109 of the Criminal Law Article.

(ii) It is lawful under this subtitle for a law enforcement officer, **OR A ST. MARY'S COUNTY ANIMAL CONTROL OFFICER** in the course of the officer's regular duty to intercept an oral communication with a body-worn digital recording device or an electronic control device capable of recording video and oral communications if:

1. The law enforcement officer, **OR A ST. MARY'S COUNTY ANIMAL CONTROL OFFICER** is in uniform or prominently displaying the officer's badge or other insignia;
2. The law enforcement officer, **OR A ST. MARY'S COUNTY ANIMAL CONTROL OFFICER** is making reasonable efforts to conform to standards in accordance with § 3-511 of the Public Safety Article for the use of body-worn digital recording devices or electronic control devices capable of recording video and oral communications;
3. The law enforcement officer, **OR A ST. MARY'S COUNTY ANIMAL CONTROL OFFICER** is a party to the oral communication;
4. Law enforcement, **OR A ST. MARY'S COUNTY ANIMAL CONTROL OFFICER** notifies, as soon as is practicable, the individual that the individual is being recorded, unless it is unsafe, impractical, or impossible to do so; and
5. The oral interception is being made as part of a videotape or digital recording.

SUBMIT BY AUGUST 26, 2020 TO:

COMMISSIONERS OF ST. MARY'S COUNTY
41770 BALDRIDGE STREET
P.O. BOX 653
LEONARDTOWN MARYLAND 20650
esmc@stmarysmd.com

AND

MATT MORGAN, DELEGATE
DISTRICT 29A, ST. MARY'S COUNTY
310 HOUSE OFFICE BUILDING
6 BLADEN STREET
ANNAPOLIS, MD 21401
matt.morgan@house.state.md.us

Md. COURTS AND JUDICIAL PROCEEDINGS Code Ann. § 10-402

This documents reflects changes received through chapter 18 of the 2020 session

MD - Annotated Code of Maryland > COURTS AND JUDICIAL PROCEEDINGS > TITLE 10. EVIDENCE > SUBTITLE 4. WIRETAPPING AND ELECTRONIC SURVEILLANCE

§ 10-402. Interception of communications generally; divulging contents of communications; violations of subtitle

(a) Unlawful acts. --Except as otherwise specifically provided in this subtitle it is unlawful for any person to:

- (1)** Willfully intercept, endeavor to intercept, or procure any other person to intercept or endeavor to intercept, any wire, oral, or electronic communication;
- (2)** Willfully disclose, or endeavor to disclose, to any other person the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subtitle; or
- (3)** Willfully use, or endeavor to use, the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subtitle.

(b) Penalty. --Any person who violates subsection (a) of this section is guilty of a felony and is subject to imprisonment for not more than 5 years or a fine of not more than \$ 10,000, or both.

(c) Lawful acts. --

(1)

(i) It is lawful under this subtitle for an operator of a switchboard, or an officer, employee, or agent of a provider of wire or electronic communication service, whose facilities are used in the transmission of a wire or electronic communication to intercept, disclose, or use that communication in the normal course of his employment while engaged in any activity which is a necessary incident to the rendition of his service or to the protection of the rights or property of the provider of that service, except that a provider of wire communications service to the public may not utilize service observing or random monitoring except for mechanical or service quality control checks.

(ii)

1. It is lawful under this subtitle for a provider of wire or electronic communication service, its officers, employees, and agents, landlords, custodians or other persons to provide information, facilities, or technical assistance to persons authorized by federal or State law to intercept wire, oral, or electronic communications or to conduct electronic surveillance, if the provider, its officers, employees, or agents, landlord, custodian, or other specified person has been provided with a court order signed by the authorizing judge directing the provision of information, facilities, or technical assistance.

2. The order shall set forth the period of time during which the provision of the information, facilities, or technical assistance is authorized and specify the information, facilities, or technical assistance required. A provider of wire or electronic communication service, its officers, employees, or agents, landlord, custodian, or other specified person may not disclose the existence of any interception or surveillance or the device used to accomplish the interception or surveillance with respect to which the person has been furnished an order under this subparagraph, except as may otherwise be required by legal process and then only after prior

Md. COURTS AND JUDICIAL PROCEEDINGS Code Ann. § 10-402

notification to the judge who granted the order, if appropriate, or the State's Attorney of the county where the device was used. Any such disclosure shall render the person liable for compensatory damages. No cause of action shall lie in any court against any provider of wire or electronic communication service, its officers, employees, or agents, landlord, custodian, or other specified person for providing information, facilities, or assistance in accordance with the terms of a court order under this subtitle.

(2)(i) This paragraph applies to an interception in which:

1. The investigative or law enforcement officer or other person is a party to the communication; or
2. One of the parties to the communication has given prior consent to the interception.

(ii) It is lawful under this subtitle for an investigative or law enforcement officer acting in a criminal investigation or any other person acting at the prior direction and under the supervision of an investigative or law enforcement officer to intercept a wire, oral, or electronic communication in order to provide evidence:

1. Of the commission of:

- A. Murder;
- B. Kidnapping;
- C. Rape;
- D. A sexual offense in the first or second degree;
- E. Child abuse in the first or second degree;
- F. Child pornography under § 11-207, § 11-208, or [§ 11-208.1 of the Criminal Law Article](#);
- G. Gambling;
- H. Robbery under § 3-402 or [§ 3-403 of the Criminal Law Article](#);
- I. A felony under Title 6, Subtitle 1 of the Criminal Law Article;
- J. Bribery;
- K. Extortion;
- L. Dealing in a controlled dangerous substance, including a violation of § 5-617 or [§ 5-619 of the Criminal Law Article](#);
- M. A fraudulent insurance act, as defined in Title 27, Subtitle 4 of the Insurance Article;
- N. An offense relating to destructive devices under [§ 4-503 of the Criminal Law Article](#);
- O. A human trafficking offense under Title 3, Subtitle 11 of the Criminal Law Article;
- P. Sexual solicitation of a minor under [§ 3-324 of the Criminal Law Article](#);
- Q. An offense relating to obstructing justice under § 9-302, § 9-303, or [§ 9-305 of the Criminal Law Article](#);
- R. Sexual abuse of a minor under [§ 3-602 of the Criminal Law Article](#);
- S. A theft scheme or continuing course of conduct under [§ 7-103\(f\) of the Criminal Law Article](#) involving an aggregate value of property or services of at least \$ 10,000;
- T. Abuse or neglect of a vulnerable adult under § 3-604 or [§ 3-605 of the Criminal Law Article](#);
- U. An offense relating to Medicaid fraud under [§§ 8-509 through 8-515 of the Criminal Law Article](#);

Md. COURTS AND JUDICIAL PROCEEDINGS Code Ann. § 10-402

V.An offense involving a firearm under § 5-134, § 5-136, § 5-138, § 5-140, § 5-141, or § 5-144 of the *Public Safety Article*; or

W.A conspiracy or solicitation to commit an offense listed in items A through V of this item; or

2.If:

A.A person has created a barricade situation; and

B.Probable cause exists for the investigative or law enforcement officer to believe a hostage or hostages may be involved.

(3)It is lawful under this subtitle for a person to intercept a wire, oral, or electronic communication where the person is a party to the communication and where all of the parties to the communication have given prior consent to the interception unless the communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of this State.

(4)(i) It is lawful under this subtitle for a law enforcement officer in the course of the officer's regular duty to intercept an oral communication if:

1.The law enforcement officer initially lawfully detained a vehicle during a criminal investigation or for a traffic violation;

2.The law enforcement officer is a party to the oral communication;

3.The law enforcement officer has been identified as a law enforcement officer to the other parties to the oral communication prior to any interception;

4.The law enforcement officer informs all other parties to the communication of the interception at the beginning of the communication; and

5.The oral interception is being made as part of a video tape recording.

(ii)If all of the requirements of subparagraph (i) of this paragraph are met, an interception is lawful even if a person becomes a party to the communication following:

1.The identification required under subparagraph (i)3 of this paragraph; or

2.The informing of the parties required under subparagraph (i)4 of this paragraph.

(5)It is lawful under this subtitle for an officer, employee, or agent of a governmental emergency communications center to intercept a wire, oral, or electronic communication where the officer, agent, or employee is a party to a conversation concerning an emergency.

(6)

(i)It is lawful under this subtitle for law enforcement personnel to utilize body wires to intercept oral communications in the course of a criminal investigation if there is reasonable cause to believe that a law enforcement officer's safety may be in jeopardy.

(ii)Communications intercepted under this paragraph may not be recorded, and may not be used against the defendant in a criminal proceeding.

(7)It is lawful under this subtitle for a person:

(i)To intercept or access an electronic communication made through an electronic communication system that is configured so that the electronic communication is readily accessible to the general public;

(ii)To intercept any radio communication that is transmitted:

1.By any station for the use of the general public, or that relates to ships, aircraft, vehicles, or persons in distress;

Md. COURTS AND JUDICIAL PROCEEDINGS Code Ann. § 10-402

2. By any governmental, law enforcement, civil defense, private land mobile, or public safety communications system, including police and fire, readily accessible to the general public;
3. By a station operating on an authorized frequency within the bands allocated to the amateur, citizens band, or general mobile radio services; or
4. By any marine or aeronautical communications system;

(iii) To intercept any wire or electronic communication the transmission of which is causing harmful interference to any lawfully operating station or consumer electronic equipment, to the extent necessary to identify the source of the interference; or

(iv) For other users of the same frequency to intercept any radio communication made through a system that utilizes frequencies monitored by individuals engaged in the provision or the use of the system, if the communication is not scrambled or encrypted.

(8) It is lawful under this subtitle:

- (i) To use a pen register or trap and trace device as defined under § 10-4B-01 of this title; or
- (ii) For a provider of electronic communication service to record the fact that a wire or electronic communication was initiated or completed in order to protect the provider, another provider furnishing service toward the completion of the wire or electronic communication, or a user of that service, from fraudulent, unlawful, or abusive use of the service.

(9) It is lawful under this subtitle for a person to intercept a wire or electronic communication in the course of a law enforcement investigation of possible telephone solicitation theft if:

- (i) The person is an investigative or law enforcement officer or is acting under the direction of an investigative or law enforcement officer; and
- (ii) The person is a party to the communication and participates in the communication through the use of a telephone instrument.

(10) It is lawful under this subtitle for a person to intercept a wire, oral, or electronic communication in the course of a law enforcement investigation in order to provide evidence of the commission of vehicle theft if:

- (i) The person is an investigative or law enforcement officer or is acting under the direction of an investigative or law enforcement officer; and
- (ii) The device through which the interception is made has been placed within a vehicle by or at the direction of law enforcement personnel under circumstances in which it is thought that vehicle theft may occur.

(11)(i) 1. In this paragraph the following words have the meanings indicated.

2. "Body-worn digital recording device" means a device worn on the person of a law enforcement officer that is capable of recording video and intercepting oral communications.
3. "Electronic control device" has the meaning stated in [§ 4-109 of the Criminal Law Article](#).

(ii) It is lawful under this subtitle for a law enforcement officer in the course of the officer's regular duty to intercept an oral communication with a body-worn digital recording device or an electronic control device capable of recording video and oral communications if:

1. The law enforcement officer is in uniform or prominently displaying the officer's badge or other insignia;
2. The law enforcement officer is making reasonable efforts to conform to standards in accordance with [§ 3-511 of the Public Safety Article](#) for the use of body-worn digital recording devices or electronic control devices capable of recording video and oral communications;

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3.The law enforcement officer is a party to the oral communication;

4.Law enforcement notifies, as soon as is practicable, the individual that the individual is being recorded, unless it is unsafe, impractical, or impossible to do so; and

5.The oral interception is being made as part of a videotape or digital recording.

(iii)Failure to notify under subparagraph (ii)4 of this paragraph does not affect the admissibility in court of the recording if the failure to notify involved an individual who joined a discussion in progress for which proper notification was previously given.

(d) Divulging contents of communications. --

(1)Except as provided in paragraph (2) of this subsection, a person or entity providing an electronic communication service to the public may not intentionally divulge the contents of any communication (other than one to the person or entity providing the service, or an agent of the person or entity) while in transmission on that service to any person or entity other than an addressee or intended recipient of the communication or an agent of the addressee or intended recipient.

(2)A person or entity providing electronic communication service to the public may divulge the contents of a communication:

(i)As otherwise authorized by federal or State law;

(ii)To a person employed or authorized, or whose facilities are used, to forward the communication to its destination; or

(iii)That were inadvertently obtained by the service provider and that appear to pertain to the commission of a crime, if the divulgence is made to a law enforcement agency.

(e) Violations of subsection (d). --

(1)Except as provided in paragraph (2) of this subsection or in subsection (f) of this section, a person who violates subsection (d) of this section is subject to a fine of not more than \$ 10,000 or imprisonment for not more than 5 years, or both.

(2)If an offense is a first offense under paragraph (1) of this subsection and is not for a tortious or illegal purpose or for purposes of direct or indirect commercial advantage or private commercial gain, and the wire or electronic communication with respect to which the offense occurred is a radio communication that is not scrambled or encrypted, and:

(i)The communication is not the radio portion of a cellular telephone communication, a public land mobile radio service communication, or a paging service communication, the offender is subject to a fine of not more than \$ 1,000 or imprisonment for not more than 1 year, or both; or

(ii)The communication is the radio portion of a cellular telephone communication, a public land mobile radio service communication, or a paging service communication, the offender is subject to a fine of not more than \$ 500.

(3)Unless the conduct is for the purpose of direct or indirect commercial advantage or private financial gain, conduct which would otherwise be an offense under this subsection is not an offense under this subsection if the conduct consists of or relates to the interception of a satellite transmission that is not encrypted or scrambled and that is transmitted:

(i)To a broadcasting station for purposes of retransmission to the general public; or

(ii)As an audio subcarrier intended for redistribution to facilities open to the public, but not including data transmissions or telephone calls.

(f) Violations of subtitle. --

(1)A person who engages in conduct in violation of this subtitle is subject to suit by the federal government or by the State in a court of competent jurisdiction, if the communication is:

Md. COURTS AND JUDICIAL PROCEEDINGS Code Ann. § 10-402

(i) A private satellite video communication that is not scrambled or encrypted and the conduct in violation of this subtitle is the private viewing of that communication, and is not for a tortious or illegal purpose, or for purposes of direct or indirect commercial advantage, or private commercial gain; or

(ii) A radio communication that is transmitted on frequencies allocated under Subpart D of Part 74 of the Rules of the Federal Communications Commission that is not scrambled or encrypted and the conduct in violation of this subtitle is not for a tortious or illegal purpose or for purposes of direct or indirect commercial advantage or private commercial gain.

(2)

(i) The State is entitled to appropriate injunctive relief in an action under this subsection if the violation is the person's first offense under subsection (e)(1) of this section and the person has not been found liable in a prior civil action under § 10-410 of this subtitle.

(ii) In an action under this subsection, if the violation is a second or subsequent offense under subsection (e)(1) of this section or if the person has been found liable in a prior civil action under § 10-410 of this subtitle, the person is subject to a mandatory civil fine of not less than \$ 500.

(3) The court may use any means within its authority to enforce an injunction issued under paragraph (2)(i) of this subsection, and shall impose a civil fine of not less than \$ 500 for each violation of an injunction issued under paragraph (2)(i) of this subsection.

History

An. Code 1957, art. 35, §§ 93, 99; 1973, 1st Sp. Sess., ch. 2, § 1; 1977, ch. 692, §§ 2, 3; 1978, ch. 339; 1984, ch. 442; 1985, ch. 509; 1986, chs. 660, 743; 1988, ch. 607; [1989, ch. 5, § 1; ch. 527](#); [1992, ch. 140](#); [1994, ch. 105, § 1](#); [1997, ch. 70, § 4; ch. 343](#); [1998, chs. 493, 524](#); [2000, ch. 288](#); [2002, ch. 107; ch. 213, § 6](#); [2004, chs. 285, 539](#); [2005, ch. 25, § 1; chs. 421, 491](#); [2006, ch. 44, § 6; ch. 300](#); [2011, chs. 54, 55](#); [2012, ch. 369](#); [2013, chs. 38, 39; ch. 43, § 5](#); [2015, ch. 22, § 5; chs. 128, 129](#); [2018, ch. 145](#); [2019, ch. 21, § 2; ch. 22, § 2; ch. 521](#).

Annotations

Case Notes

- I. GENERAL CONSIDERATION.
- II. CONSTRUCTION WITH FEDERAL LAW.
- III. PROCEDURE AND ELEMENTS.
 - A. IN GENERAL.
 - B. WILLFULNESS.
 - C. EXCEPTIONS.
 - D. CONSENT.

I. GENERAL CONSIDERATION.

EFFECT OF AMENDMENTS. --

[Chapter 285, Acts 2004](#), effective Oct. 1, 2004, inserted present (c)(2)(ii)1O and redesignated former (c)(2)(ii)1O as (c)(2)(ii)1P; and substituted "O" for "N" in (c)(2)(ii)17P.

Neil Murphy

From: Neil Murphy
Sent: Wednesday, September 23, 2020 2:58 PM
To: Neil Murphy
Subject: RE: Body Cams

From: Neil Murphy
Sent: Wednesday, September 23, 2020 11:58 AM
To: David Weiskopf <David.Weiskopf@stmarysmd.com>
Cc: Angela Blondino <Angela.Blondino@stmarysmd.com>
Subject: RE: Body Cams

Hi Dave,

Commissioner O'Connor asked us to research the original law that allowed law enforcement to record with their police cruiser dash cams without the need for two party consent, more formally known as mobile video/audio recorders ("MVR"). I attached the MVR policy for the St. Mary's County Sheriff's Office. Section 30.10.005.D points to the legal authority, described in more detail below.

As with body cams, the authority comes from the wiretap laws in Courts & Judicial Proceedings § 10-402, but under subsection (c)(4):

- (4) (i) It is lawful under this subtitle for a law enforcement officer in the course of the officer's regular duty to intercept an oral communication if:
1. The law enforcement officer initially lawfully detained a vehicle during a criminal investigation or for a traffic violation;
 2. The law enforcement officer is a party to the oral communication;
 3. The law enforcement officer has been identified as a law enforcement officer to the other parties to the oral communication prior to any interception;
 4. The law enforcement officer informs all other parties to the communication of the interception at the beginning of the communication; and
 5. The oral interception is being made as part of a video tape recording.
- (ii) If all of the requirements of subparagraph (i) of this paragraph are met, an interception is lawful even if a person becomes a party to the communication following:
1. The identification required under subparagraph (i)3 of this paragraph; or
 2. The informing of the parties required under subparagraph (i)4 of this paragraph.

I am awaiting some answers from Steve Walker regarding other jurisdictions' uses of animal control officer body cams. He has some contacts and will advise their procedures.

Commission O'Connor also asked us to consider the statewide impacts to this amendment. As for that question, statewide impacts are unclear, as it is hard to know what existing jurisdictions are doing now—i.e., whether they are in fact turning off their audio when consent is denied and whether they are under the jurisdiction of a Sheriff's Office and therefore law enforcement offices.

If, however, other Animal Control Officers from jurisdictions with body cams not under their Sheriff's Office are continuing to record audio when consent is denied, our proposal could highlight the deficiencies of those practices and expose those jurisdictions to liability for violating the wiretap laws. Incorrect past practices are, of course, for those jurisdictions to consider.

Most significantly for us, however, is that we would need to create a body cam policy.

Sincerely,

Neil

Neil A. Murphy

Deputy County Attorney

St. Mary's County Government

41770 Baldrige Street

Post Office Box 653

Leonardtown, Maryland 20650

Phone: 301-475-4200, ext. 71704

Fax: 301-475-4660

Email: Neil.Murphy@stmarysmd.com

<https://www.stmarysmd.com/>



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From: Neil Murphy

Sent: Tuesday, September 22, 2020 4:23 PM

To: David Weiskopf <David.Weiskopf@stmarysmd.com>

Cc: Angela Blondino <Angela.Blondino@stmarysmd.com>

Subject: RE: Body Cams

Hi Dave,

That's what it looks like based on the Police Training and Standards Commission Body Worn Camera policy (the first attachment). The second attachment is what I sent originally, which is, in large part, a guide for law enforcement agencies to use when developing their policies. The third attachment is our Sheriff's Office's policy.

The process seems tremendously detailed.

Sincerely,

Neil

Neil A. Murphy

Deputy County Attorney

St. Mary's County Government

41770 Baldrige Street

Post Office Box 653



Leonardtown, Maryland 20650

Phone: 301-475-4200, ext. 71704

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From: David Weiskopf <David.Weiskopf@stmarysmd.com>

Sent: Tuesday, September 22, 2020 3:10 PM

To: Neil Murphy <Neil.Murphy@stmarysmd.com>

Cc: Angela Blondino <Angela.Blondino@stmarysmd.com>

Subject: RE: Body Cams

So will ES have to come up with policies as well?

David A. Weiskopf

County Attorney

St. Mary's County Government

41770 Baldrige Street

Post Office Box 653

Leonardtown, Maryland 20650

Phone: 301-475-4200, ext. 71703

Fax: 301-475-4660

From: Neil Murphy <Neil.Murphy@stmarysmd.com>

Sent: Monday, September 21, 2020 4:07 PM

To: David Weiskopf <David.Weiskopf@stmarysmd.com>

Subject: Body Cams

Here's the link for the manual that the Maryland Police Training and Standards Commission came up with: https://mdle.net/pdf/Body-worn_Camera_Procedural_Reference_Guide.pdf. They say it's reference and advisory only and that each law enforcement agency should come up with its own policies for body cams.

Sincerely,

Neil

Neil A. Murphy

Deputy County Attorney

St. Mary's County Government

41770 Baldrige Street

Post Office Box 653



Leonardtown, Maryland 20650

Phone: 301-475-4200, ext. 71704

Fax: 301-475-4660

Email: Neil.Murphy@stmarysmd.com

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Body-worn Camera Policy

These minimum standards have been adopted by the Maryland Police Training Commission (MPTC) in accord with 3-511 of the Public Safety Article which required the MPTC to develop and publish online a policy for the issuance and use of a body-worn camera (BWC) by a law enforcement officer.

In Summary:

1. Agencies must issue a written policy prior to implementing a BWC program, and it must meet or exceed the minimum standards in this document, and
2. Every law enforcement officer using a BWC must make a reasonable effort to comply with these standards.

BWC Policy Minimum Standards	Statutory References
<p>A. TESTING: Prior to beginning each shift, the assigned agency member shall perform a function test of the BWC in accordance with the manufacturer's recommendations and agency policy.</p>	<p>PS §3-511: (1) the testing of body-worn cameras to ensure adequate functioning</p>
<p>B. MALFUNCTIONS: Upon discovering a BWC malfunction, agency members shall promptly report the malfunction to a supervisor or other appropriate authority in accordance with agency policy regarding malfunctions.</p>	<p>PS §3-511: (2) the procedure for the law enforcement officer to follow if the camera fails to properly operate at the beginning of or during the law enforcement officer's shift</p>
<p>C. MANDATORY ACTIVATION: Subject to paragraph three of this recommendation below, officers shall begin recording with their BWCs in the below circumstances unless doing so would be unsafe, impossible, or impractical. If officers are unable to begin recording with the BWC due to circumstances making it unsafe, impossible, or impractical to do so, officers shall begin recording with the BWC at the first reasonable opportunity to do so.</p> <ol style="list-style-type: none"> 1. At the initiation of a call for service or other activity that is investigative or enforcement in nature, or an encounter between the officer and a member of the public that is investigative or enforcement in nature; and 2. Any encounter that becomes confrontational after the initial contact. 3. When victims, witnesses or other individuals wish to make a statement or share information, but refuse to do so while being recorded, or request that the camera be turned off, officers may turn off the BWC in order to obtain the statement or information. If the encounter begins when the BWC is not actively recording, the law enforcement officer may, but is not required to, temporarily activate the BWC for the sole purpose of documenting the person's refusal to be recorded. 	<p>PS §3-511: (3) when recording is mandatory</p>

<p>D. <u>PROHIBITED ACTIVATION:</u> A law enforcement officer shall not activate a camera to record:</p> <ol style="list-style-type: none"> 1. Agency personnel during routine administrative activities; or 2. Non-work related personal activity. 	<p>PS §3–511: (4) when recording is prohibited</p> <p>PS §3–511: (16) specific protections for individuals when there is an expectation of privacy in private or public places</p>
<p>E. <u>ENDING A RECORDING:</u> Once recording with a BWC has been initiated, officers shall not end the recording until:</p> <ol style="list-style-type: none"> 1. The event or encounter has fully concluded; or 2. The officer leaves the scene and anticipates no further involvement in the event; or 3. A supervisor or agency policy has authorized that a recording may cease because the officer is no longer engaged in a related enforcement or investigative activity; or, 4. When victims, witnesses or other individuals wish to make a statement or share information but refuse to do so while being recorded, or request that the camera be turned off, officers may turn off the BWC in order to obtain the statement or information. 	<p>PS §3–511: (7) when a recording may be ended</p>
<p>F. <u>NOTIFICATION:</u></p> <ol style="list-style-type: none"> 1. Except as otherwise exempted by law, a law enforcement officer shall notify, as soon as is practicable, the individual that the individual is being recorded, unless it is unsafe, impractical, or impossible to do so. 2. The notice provision is satisfied even if another individual becomes a party to the communication after the initial notice has been provided. 	<p>PS §3–511: (8) providing notice of recording</p> <p>PS §3–511: (15) notification requirements when another individual becomes a party to the communication following the initial notification</p> <p>PS §3–511: (6) when recording may require consent of a subject being recorded</p>
<p>G. <u>CONFIDENTIALITY:</u></p> <ol style="list-style-type: none"> 1. Leased or purchased BWC equipment and all recordings are the property of the law enforcement agency, and only BWC equipment approved by agency policy shall be worn. 2. Except as authorized by agency policy, copying, releasing, altering, erasing or allowing unauthorized viewing of an agency video recording (or portion thereof) is prohibited and may subject an officer to disciplinary action. 	<p>PS §3–511: (9) access to and confidentiality of recordings</p>

H. REQUIRED STORAGE AND MAINTENANCE OF RECORDINGS:

1. All files shall be securely saved and stored in accordance with agency policy.
2. Each agency's written policy shall include standards and procedures that address:
 - a. security and access control, and
 - b. creation of audit trails and access logs.
3. Each agency shall retain an unedited original version of stored body-worn camera footage, and should log anytime the footage is viewed, for what length of time and by whom, as well as any copying or editing.

PS §3-511: (10) the secure storage of data from a body-worn camera

I. REVIEW OF RECORDINGS:

1. Agencies' written policies shall include when members may view BWC recordings. Reasons to view and use recordings may include, but not be limited to:
 - a. Report writing or preparation of other official documents;
 - b. Court preparation;
 - c. Review of prosecution evidence;
 - d. Victim/witness/suspect statements;
 - e. Crime scenes;
 - f. Statement of charges;
 - g. Administrative investigations;
 - h. Training;
 - i. Performance review;
 - j. Incident critique;
 - k. Maryland Public Information Act (MPIA) requests;
 - l. Policy compliance;
 - m. Disclosures required by law.
2. Additional considerations:
 - a. A BWC recording of a constitutionally protected activity may not be used to identify persons present at the activity who are not suspected of being engaged in illegal activity or in need of assistance.
 - b. The stored video and audio data from a body worn camera may not:
 - i. be used to create a database or pool of mug shots;
 - ii. be used as fillers in photo arrays; or
 - iii. be searched using facial or voice recognition software.
 - c. This subsection does not prohibit an agency from using recognition software to analyze the recording of a particular incident when a supervisory law enforcement officer has reason to believe that a specific suspect or person in need of assistance may be subject of a particular recording.

PS § 3 – 511: (11) review and use of recordings

<p>J. RETENTION OF RECORDS: An agency's written policy shall include retention period(s) for BWC recordings.</p>	<p>PS § 3 – 511: (12) retention of recordings</p>
<p>K. DISSEMINATION AND RELEASE OF RECORDINGS: BWC video/audio recordings from body cameras will be released as required by the MPIA or other governing law.</p>	<p>PS § 3 – 511: (13) dissemination and release of recordings</p>
<p>L. TRAINING AND DISCIPLINE:</p> <ol style="list-style-type: none"> 1. Agencies shall ensure that officers are trained on agency policy and the operation of the BWC equipment prior to use in the field. Training shall also include alternative methods for effective notification of recording to persons with special needs or limited English proficiency. 2. Agencies written policies shall state that violations of the agency policy may result in discipline. 	<p>PS § 3 – 511: (14) consequences for violations of the agency's body-worn camera policy</p>
<p>M. DISCRETIONARY ACTIVATION: When not otherwise prohibited by law or agency policy, officers may begin recording with their BWC in circumstances when they determine that doing so would be beneficial to the public interest.</p>	<p>PS § 3 – 511: (5) when recording is discretionary</p>
<p>N. WRITTEN POLICY REQUIRED: Each law enforcement agency shall develop and issue a written policy for using BWCs that is consistent with state law and policy issued by the Maryland Police Training Commission prior to implementing a BWC program.</p>	<p>PS § 3 – 511: (17) any additional issues determined to be relevant in the implementation and use of body-worn cameras by law enforcement officers</p>
<p>O. INCIDENT REPORTS: Incident reports should note any use of BWC.</p>	<p>PS § 3 – 511: (17) any additional issues determined to be relevant in the implementation and use of body-worn cameras by law enforcement officers</p>
<p>P. AGENCY BWC POLICIES: BWC policies of agencies shall be made available to the public.</p>	<p>PS § 3 – 511: (17) any additional issues determined to be relevant in the implementation and use of body-worn cameras by law enforcement officers</p>



ST. MARY'S COUNTY EMERGENCY SERVICES

GENERAL OPERATING PROCEDURE

NUMBER: **16-5**

CHAPTER: 16 – ANIMAL CONTROL
SUBJECT: BODY WORN CAMERAS

EFFECTIVE DATE: TBD
REVISED DATE: NEW

CALEA STANDARD: N/A

1.0 **PURPOSE:**

The purpose of this directive is to establish a procedure regarding the use of Body Worn recorders (BWC) by personnel. The Department has adopted the use of BWCs for purposes that include, but are not limited to:

- Enhancing Animal Control Officer (ACO) safety;
- Collecting evidence; providing a supplement to personal testimony in court by recording actions, conditions, and statements which can be used to aid in the prosecution of those who violate animal control ordinances;
- Allowing for the viewing of events as they actually occurred and providing corroboration of the ACO's actions/testimony;
- Providing material to be used in performance evaluations; and
- Providing an effective aid for training

2.0 **POLICY:**

The Department of Emergency Services recognizes the benefits of recording events, actions, conditions and statements made during citizen contacts and related interactions. Body Worn Cameras will be used to accurately document these interactions.

3.0 **DEFINITIONS:**

- 3.1 Body Worn Camera (BWC) - refers to the digital audio/video recording equipment designed for wear on the outer garment of a law enforcement officer's uniform.
- 3.2 Recording - means using the BWC to audio and visually capture the event.
- 3.3 Mute - is a manufacture supplied option which enables the user to temporarily deactivate the audio recording of the BWC. This function, if configured, is not to be used.

4.0 **RULES AND PROCEDURES:**

4.1 **Training**

- 4.1.1 Prior to the issuance of any BWC equipment, the Animal Control Officer will receive training on its use by a designated BWC instructor. The training will include the basic

operation, synching recorded footage to the secure video server and accessing the video server to review recorded video. The training received will be documented.

- 4.1.2 Supervisors with personnel assigned a BWC will be provided server access (Logon ID and password) and training by a designated BWC trainer on the process to access and review BWC recordings made by personnel under their command.

4.2 Responsibilities

- 4.2.1 Animal Control Officers issued a BWC are responsible to ensure the equipment is maintained and operated in accordance with the manufacturer's recommendations.
- 4.2.2 Only those Animal Control Officers who have received training on the use and deployment of the BWC are authorized to deploy the equipment.
- 4.2.3 Prior to the beginning of each shift, the Animal Control Officers will conduct an operational test of the BWC to ensure it is in operational condition. Upon discovering a malfunction, the Animal Control Officers will notify their supervisor. The supervisor will remove the BWC from service and it will remain out of service until repaired. Animal Control Officers will not, in any manner, attempt to modify, alter, erase, or tamper with any portion of recorded video.
- 4.2.4 Animal Control Officers will note in incident and related reports when recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports.
- 4.2.5 If an Animal Control Officers fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the Animal Control Officers will document why a recording was not made, was interrupted, or was terminated. If the incident is one that does not result in the completion of a field report, the explanation will be documented within the Animal Control Database notes.

4.3 Authorized Use

- 4.3.1 Subject to paragraph three below, Animal Control Officers will begin recording with their BWC in the below listed circumstances unless doing so would be unsafe, impossible, or impractical. If unable to begin recording with the BWC due to circumstances making it unsafe, impossible, or impractical to do so, they will begin recording with the BWC at the first reasonable opportunity to do so.
 - A. At the initiation of a call for service or other activity that is investigative in nature, or an encounter between the Animal Control Officers and a member of the public that is investigative or enforcement in nature; and
 - B. Any encounter that becomes confrontational after the initial contact.
 - C. When victims, witnesses, or other individuals wish to make a statement or share information, but refuse to do so while being recorded, or request that the camera be turned off, Animal Control Officers may turn off the BWC in order to obtain the statement or information. If the encounter begins when the BWC is not actively recording, the Animal Control Officer may, but is not required to, temporarily activate the BWC for the sole purpose of documenting the person's refusal or request not to be recorded.

- D. Prior to entering a private residence, or other area where an individual has a reasonable expectation of privacy, without a warrant or in non-exigent circumstances, an Animal Control Officers will ask the occupant if the occupant wants the Animal Control Officers to discontinue use of the recording.

4.4 Discretionary Activation

- 4.4.1 When not otherwise prohibited by law or Department policy, deputies may begin recording with their BWC in circumstances when they determine that doing so would be beneficial to the public interest.

4.5 Prohibited Activation

- 4.5.1 An Animal Control Officers will not activate a BWC to record Department personnel during routine administrative activities or during non-work related personal activity.

4.6 Notification

- 4.6.1 Except as otherwise exempted by law, Animal Control Officers shall notify, as soon as is practicable, the individual that the individual is being recorded, unless it is unsafe, impractical, or impossible to do so. This notice provision is satisfied even if another individual becomes a party to the communication after the initial notice has been provided.
- 4.6.2 Animal Control Officers will carry an informational card which may be used to notify the hearing impaired that their encounter is being recorded.

4.7 Ending a Recording

- 4.7.1 Once recording with a BWC has been initiated, Animal Control Officers will not end the recording until:
 - A. The event or encounter has fully concluded; or
 - B. The Animal Control Officers leaves the scene and anticipates no further involvement in the event; or
 - C. A supervisor has authorized that a recording may cease because the Animal Control Officers is no longer engaged in a related enforcement or investigative activity; or
 - D. When victims, witnesses, or other individuals wish to make a statement or share information, but refuse to do so while being recorded, or request that the camera be turned off, deputies may turn off the BWC in order to obtain the statement or information; or
 - E. When the recording Animal Control Officer separates themselves from the proximity of the event to conduct an administrative task such as completing paperwork, communicating with supervision for guidance, or any task not involving contact with any involved party, the Animal Control Officer may end the recording temporarily. The Animal Control Officer will resume the recording prior to continuing any enforcement or investigative activity; or
 - F. When the Animal Control Officer is at a medical facility the Animal Control Officer may temporarily end the recording when not in the presence of any in-custody subject(s) or conducting any enforcement or investigative activity. The

Animal Control Officer will resume the recording prior to being in proximity to any in-custody subject(s) or continuing any enforcement or investigative activity. This is to prevent the unintentional documentation of capturing unrelated citizens' medical treatment or condition.

4.8 Confidentiality

4.8.1 Only BWC equipment owned and approved by the St. Mary's County Department of Emergency Services is authorized for use and all recordings are the property of the agency. Except as authorized by Department policy, copying, releasing, altering, erasing, or allowing unauthorized viewing of an Department video recording (or portion thereof) is prohibited and will subject the Animal Control Officer to disciplinary action.

4.9 Review, Retention, and Storage of BWC Recordings

4.9.1 At a minimum, one video per quarter will be reviewed by the supervisor of those personnel assigned a BWC to ensure personnel are properly using the system. They will offer constructive criticism to both improve the quality of enforcement techniques and aid in improving Animal Control safety.

4.9.2 Supervisors are authorized to review videos of subordinates in the following circumstances:

- A. Performance Review
- B. Incident Critique
- C. Administrative Investigations
- D. Quarterly Personnel Audits
- E. Training
- F. Policy Compliance
- G. Maryland Public Information Act (MPIA) Requests
- H. For the purpose of Completing Vehicle and Personal Inspection Reports

4.9.3 If a supervisor feels that a video file may be useful as a training tool they will notify their Emergency Services Director via the chain of command and request that a copy of the video file be forwarded to the Training Division. No video file will be used for training purposes while the case is being litigated.

4.9.4 Animal Control Officers may review a BWC recording in which they were the recorder by logging onto the client software using their assigned user ID and password from a designated computer access point. Recording Animal Control Officers are authorized to review their videos in the following instances:

- A. Report Writing or completion of other official documents
- B. Court Preparation
- C. Prior to the completion of a Statement of Charges
- D. Field Trainers are authorized to review footage of their trainees while involved in the Field Training Program

4.9.5 If an Animal Control Officer is suspected of wrongdoing or any other serious complaint, the Department of Emergency Services reserves the right to limit or restrict an Animal Control Officer from viewing the video file.

- 4.9.6 The stored BWC video/audio will not be used to create a database or pool of mugshots nor will it be used as filler in photo arrays.
- 4.9.7 BWC video/audio will not be searched using facial or voice recognition software.
- 4.9.8 To review a BWC recording in which an Animal Control Officer was not the recorder they must submit a request through the chain of command to the Director of Emergency Services justifying the need. If approved, the Director or designee will submit a copy of the file. The requesting Animal Control Officer can then retrieve the video, review it, and return it to the Director or designee. Animal Control Officers will not copy any recording nor will any copy be removed from the building other than for official business.
- 4.9.9 Civilians will not be allowed to review recordings at the scene of an incident. All requests, to review BWC recordings, by civilian or outside agencies, will be submitted in writing to the County Attorney. If approved arrangements will be made for the requestor to view the video file at the Animal Control facility. The video file to be reviewed will not be copied by any means nor will it be removed from the building.
- A. Only the Director or designee will be authorized to copy any recordings.
 - B. Animal Control Officers shall be responsible for uploading all recordings to the secure system server at least once per shift. Recordings will be stored, duplicated, distributed or erased only in compliance with this policy. The Director or designee is responsible for the management, storage and security of all copied files placed in their care.
 - C. Whenever BWC equipment is reassigned to another operator, prior to the reassignment, the originally assigned Animal Control Officer will dock the BWC at an authorized upload location and ensure all recordings have been uploaded to the server. In circumstances where the assigned Animal Control Officer has separated from service, the supervisor of the affected Animal Control Officer will ensure a supervisor with system access logs into the server with the separated employee's BWC at a designated upload location which will initiate an automatic upload of saved video.
- 4.9.10 If the upload fails to initiate in either circumstance noted above, the Director or designee will work with the I.T. Liaison to have the video uploaded prior to the BWC being placed back into service.
- 4.9.11 The Video Server automatically erases recordings not bookmarked for retention when the retention period for a recording segment has reached one hundred and twenty (120) days.
- 4.9.12 Recordings containing material of essential or evidentiary value, such as arrests, assaults, physical or verbal confrontations or incidents which may result in a citizen's complaint, will be bookmarked using one of the classifications available within the bookmark menu.
- 4.9.13 All BWC Recordings are maintained on a secure server maintained by the Department of Emergency Services. Access to the server is managed by Department of Emergency Services who issues logon ID's and passwords to personnel approved for access.
- 4.9.14 Video Server access is monitored and activity is recorded via access logs by the video server software. These logs are secured, managed and maintained by the Department of

Emergency Services.

- 4.9.15 Data stored on the video server and held as evidence will continue to be held on the server for a minimum period of five hundred and forty-five (545) days. The server will automatically erase bookmarked recordings on the five hundred and forty-sixth day unless a request has been made to extend the retention period for a specific incident. To request an extension of the retention period for a specific video, the requestor, with approval of the Director will contact IT who will coordinate with the Office of Information and Technology to preserve the video on the server.

4.10 Internal Use of Recordings

- 4.10.1 The BWC system is not intended to be used as a disciplinary tool against officers for minor infringements of policies or procedures.
- 4.10.2 Supervisors will not arbitrarily review video/audio recordings for the purpose of identifying minor infractions of department policies or procedures.
- 4.10.3 However, when cases of misconduct and/or repetitive negative behavior are brought to the attention of the department via supervisor review and/or an official complaint, the video file may be reviewed and be used as the basis for performance counseling or disciplinary action.
- 4.10.4 The department may use video files for training or other purposes with the approval of the Director or designee.
- 4.10.5 BWC video/audio recordings may be used the Supervisor to review the actions of probationary officers participating in the field-training program.
- 4.10.6 Handling of the recording will be consistent with the practice of handling other items of evidence with respect to chain of custody requirements. In this regard, officers will normally pick up recordings just prior to any legal proceeding, unless viewing of the recording by prosecutors or other authorized persons involved in the case is necessary.

4.11 Video Data Duplication

- 4.11.1 All recordings produced by Department recording equipment is the exclusive property of the St. Mary's County Department of Emergency Services. Recordings will only be duplicated for official purposes. Copies of recordings needed for court, training, or other official purposes will be produced by the Director or designee.
- 4.11.2 Any person requesting a copy of a recording must sign an agreement stating the copy being obtained is only to be used for the purpose(s) stated in the request. All requests for copies of a recording from anyone other than the involved Animal Control Officer or a departmental supervisory/management authority will be in writing and directed to the County Attorney. The fee for each recording is \$45 per hour after the first two (2) gratis hours, which is waived for intra-agency, allied law enforcement and County Attorney's Office requests.
- 4.11.3 All intra-Department requests for copies of recordings will be made at least 14 days in advance of the anticipated need. The requesting employee will complete a Mobile Video

Recorder (MVR/BWC) Data Request Form (See attached) Requests will normally be submitted by the originating officer; however other intra-Department personnel with a demonstrated need will be considered.

4.11.4 In exceptional cases, the 14-day advance notice rule may be waived, expediting a request. The request for such a waiver will be in the form of a memorandum addressed to the Director explaining the need for the waiver.

4.11.5 Handling of the recording will be consistent with the practice of handling other items of evidence with respect to chain of custody requirements. In this regard, Animal Control officers will normally pick up recordings just prior to any legal proceeding, unless viewing of the recording by prosecutors or other authorized persons involved in the case is necessary.

4.11.6 Requests for a copy of a video via Maryland Public Information Act (MPIA) Request will be directed to the Office of the County Attorney who will make the determination, in accordance with Maryland Law, what if any footage will be released.

5.0 DOCUMENT HISTORY:

VERSION #	VERSION DATE	DESCRIPTION OF CHANGE	AUTHOR NAME
001	1/29/19	Initial Development	Steve Walker

6.0 SIGNATURE OF APPROVAL:

Director of Emergency Services

Date

Angela Blondino

From: Stephen Walker
Sent: Thursday, September 24, 2020 7:40 AM
To: Neil Murphy
Cc: Angela Blondino
Subject: RE: Animal Control Body Worn Cameras
Attachments: GOP 16-5 Body Worn Camera.docx

The cameras are purchased. The policy is already written. How much to write it? May two hours' worth of time. We don't really track that.

This policy was taken from the Sheriff's Department and adapted to us, but complying with the law. There could be some additional modifications, but won't take much if needed.

The only cost is the agreement with the vender for the cloud storage.

That cost is just under \$1,000.00 a year.

From: Neil Murphy <Neil.Murphy@stmarysmd.com>
Sent: Wednesday, September 23, 2020 4:52 PM
To: Stephen Walker <Stephen.Walker@stmarysmd.com>
Cc: Angela Blondino <Angela.Blondino@stmarysmd.com>
Subject: RE: Animal Control Body Worn Cameras

Hi Steve,

Dr. Bridgett asked for a fiscal impact for the ACO body cams. I know they've already been purchased, but what would the storage and retention costs be? Additionally, how much would it cost to write a policy for body cams? This would be required under Md. Code Ann., Courts & Judicial Proceedings ("CJP") § 10-402(c)(11)(iii) and Public Safety ("PS") § 3-511. Please see attached for the body cam policy from the Sheriff's Office and the referenced statutes.

Thanks!

Sincerely,

Neil

Neil A. Murphy



Deputy County Attorney
St. Mary's County Government
41770 Baldrige Street
Post Office Box 653
Leonardtown, Maryland 20650
Phone: 301-475-4200, ext. 71704
Fax: 301-475-4660
Email: Neil.Murphy@stmarysmd.com
<https://www.stmarysmd.com/>

This electronic message originates from the St. Mary's County Office of Law. The message and any file transmitted with it contain confidential information which may be subject to the attorney-client privilege, or otherwise protected against unauthorized use. The information contained in this message and the file transmitted with it is transmitted in this form based on a reasonable expectation of privacy consistent with ABA Formal Opinion No. 477R (Revised May 22, 2017). Any disclosure, distribution, copying or use of the information by anyone other than the intended recipient, regardless of address or routing, is strictly prohibited. If you have received this message in error, please advise the sender by immediate reply and delete the original message.

From: Neil Murphy
Sent: Wednesday, September 23, 2020 11:40 AM
To: Stephen Walker <Stephen.Walker@stmarysmd.com>
Subject: RE: Animal Control Body Worn Cameras

Gotcha, thanks so much. I look forward to hearing from you.

Sincerely,

Neil

Neil A. Murphy
Deputy County Attorney
St. Mary's County Government
41770 Baldrige Street
Post Office Box 653



Leonardtown, Maryland 20650
Phone: 301-475-4200, ext. 71704
Fax: 301-475-4660
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From: Stephen Walker <Stephen.Walker@stmarysmd.com>
Sent: Wednesday, September 23, 2020 11:35 AM
To: Neil Murphy <Neil.Murphy@stmarysmd.com>
Subject: RE: Animal Control Body Worn Cameras

Edmonston for sure. He has told me Seat Pleasant does. However,

I have some contacts. Let me reach out and I will see what I can find.

No they are not considered law enforcement officers. They are sworn, but have no arrest powers. Also, under Law Enforcement Bill of Rights in the Public Safety Article, it gives a specific definition of police officers and they do not meet the requirement.

In Edmonston I do not know of any instance where a person asked for an Animal Control Officer to turn off video. They do announce to the people they encounter that they are being videotaped.

From: Neil Murphy <Neil.Murphy@stmarysmd.com>
Sent: Wednesday, September 23, 2020 11:23 AM
To: Stephen Walker <Stephen.Walker@stmarysmd.com>
Cc: David Weiskopf <David.Weiskopf@stmarysmd.com>; Angela Blondino <Angela.Blondino@stmarysmd.com>
Subject: Animal Control Body Worn Cameras

Hi Steve,

Hope you're great!

At yesterday's Commissioner hearing on ACO body cams, you stated that a number of jurisdictions in Maryland, including some in Prince George's County, allow their ACOs to wear body cams. Commissioner O'Connor said that he knew of 27 jurisdictions that had this policy. I had a few follow up questions in preparation for next week's hearing:

- Do you know which jurisdictions?
- Do you know whether these ACOs are under their jurisdiction's Sheriff's Office and thus would be considered law enforcement officers?
- If they're not under the Sheriff's Office, do you know whether they turn off their audio if someone denies consent to be recorded?

Thanks!

Neil

Neil A. Murphy

Deputy County Attorney

St. Mary's County Government

41770 Baldrige Street

Post Office Box 653

Leonardtown, Maryland 20650

Phone: 301-475-4200, ext. 71704

Fax: 301-475-4660

Email: Neil.Murphy@stmarysmd.com


<https://www.stmarysmd.com/>



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OFFICE OF THE SHERIFF ST. MARY'S COUNTY, MD

EFFECTIVE DATE September 26, 2019	BODY WORN CAMERAS	Policy No. 3.12
		Section Code: B
AFFECTS: All Employees		Amends: 8/15/19
Sheriff's Approval:		

3.12 STATEMENT OF PURPOSE

The purpose of this directive is to establish a procedure regarding the use of Body Worn recorders (BWC) by personnel. The Agency has adopted the use of BWCs for purposes that include, but are not limited to:

- A. Enhancing officer safety;
- B. Collecting evidence; providing a supplement to personal testimony in court by recording actions, conditions, and statements which can be used to aid in the prosecution of those who violate traffic and criminal laws;
- C. Allowing for the viewing of events as they actually occurred and providing corroboration of officers' actions/testimony;
- D. Providing material to be used in performance evaluations; and
- E. Providing an effective aid for training.

3.12.01 Policy

The Office of the Sheriff recognizes the benefits of recording events, actions, conditions and statements made during citizen contacts, traffic stops, arrests and other law enforcement related interactions. Body Worn Cameras will be used to accurately document these interactions.

3.12.02 Definitions

- A. **Body Worn Camera (BWC)** refers to the digital audio/video recording equipment designed for wear on the outer garment of a law enforcement officer's uniform.
- B. **Recording** means using the BWC to audio and visually capture the event.

- C. **Mute** is a manufacture supplied option which enables the user to temporarily deactivate the audio recording of the BWC. This function, if configured, is not to be used.

3.12.03 **Training**

Prior to the issuance of any BWC equipment, the deputy sheriff will receive training on its use by a designated BWC instructor. The training will include the basic operation, synching recorded footage to the secure video server and accessing the video server to review recorded video. The training received will be documented via the Blue Team software using the applicable training incident reports.

Supervisors with personnel assigned a BWC will be provided server access (Logon ID and password) and training by a designated BWC trainer on the process to access and review BWC recordings made by personnel under their command. This access is for the purposes of reviewing footage as authorized under 3.12.011 Review, Retention, and Storage of BWC Recordings. The training received will be documented via the Blue Team software using the applicable training incident reports.

3.12.04 **Responsibilities**

Deputy sheriffs issued a BWC are responsible to ensure the equipment is maintained and operated in accordance with the manufacturer's recommendations.

Only those deputy sheriffs who have received training on the use and deployment of the BWC are authorized to deploy the equipment.

- A. Prior to the beginning of each shift, the deputy sheriff will conduct an operational test of the BWC to ensure it is in operational condition (e.g. camera turns on, properly synchronizes with the in-car video system if so equipped and records). Upon discovering a malfunction, the deputy sheriff will notify their supervisor. The supervisor will remove the BWC from service and it will remain out of service until repaired.
- B. Deputies will not, in any manner, attempt to modify, alter, erase, or tamper with any portion of recorded video.
- C. Deputies will note in incident, arrest and related reports when recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports.
- D. If a deputy sheriff fails to activate the BWC, fails to record the entire

contact, or interrupts the recording, the deputy sheriff will document why a recording was not made, was interrupted, or was terminated. If the incident is one that does not result in the completion of a field report, the explanation will be documented within the CAD notes.

- E. It is the responsibility of the deputy sheriff to classify/categorize all BWC recordings prior to offloading video as evidence, non-evidence, or other applicable classifications. Deputy Sheriffs who utilize an Axon BWC will use specific evidence categories (see list in Paragraph F) as opposed to other classifications when applicable. In the event a BWC video is uploaded without a classification or categorization, the deputy sheriff will add the proper classification through authorized storage server access.

- F. The following BWC classifications are available for Axon BWC Users:
 - 1. **Non-Evidence:** Used when no report (i.e. Field Reporting, Sheriff's Office Form #56 Offense Report, Automated Crash Reporting System (ACRS), or similar reports for allied agencies) has been generated from the call for service.
 - 2. **Traffic Stop:** Used for all vehicle stops regardless of the disposition of the stop.
 - 3. **Use of Force:** Used when force is applied by any employee or law enforcement officer from an allied agency.
 - 4. **Evidence:** Used as a general evidence category when no other applicable classification is available and when any report (i.e. Field Reporting, Sheriff's Office Form #56 Offense Report, Automated Crash Reporting System (ACRS), or similar reports for allied agencies) has been generated from the call for service. The CAD classification will be noted in the title field for the recording.
 - 5. **Specific Evidence Categories:** Used as an evidence classification where an investigation (by this Agency or allied agency) was conducted:
 - i. **Assault**
 - ii. **Burglary**
 - iii. **B&E to Motor Vehicle**
 - iv. **CDS Violation**
 - v. **Impaired Driver**
 - vi. **Theft**
 - vii. **Vandalism**

- G. When the deputy sheriff makes a BWC recording while conducting a follow-up investigation, the deputy sheriff will note in the supplemental report the date and time of the follow-up investigation in addition to if a BWC was utilized during the follow-up activity.

- H. When the deputy sheriff creates a BWC recording of a call for service that is evidence, but the deputy sheriff is not the primary officer or assisting an allied agency, the deputy sheriff will make the appropriate evidentiary classification. For Axon BWC systems, the deputy sheriff will also note in the title block either the case officer's ID number or indicate it was an allied agency.

3.12.05 Authorized Use

Subject to paragraph three below, deputy sheriffs will begin recording with their BWC in the below listed circumstances unless doing so would be unsafe, impossible, or impractical. If unable to begin recording with the BWC due to circumstances making it unsafe, impossible, or impractical to do so, they will begin recording with the BWC at the first reasonable opportunity to do so.

- A. At the initiation of a call for service or other activity that is investigative in nature, or an encounter between the officer and a member of the public that is investigative or enforcement in nature; and
- B. Any encounter that becomes confrontational after the initial contact.
- C. When victims, witnesses, or other individuals wish to make a statement or share information, but refuse to do so while being recorded, or request that the camera be turned off, deputies may turn off the BWC in order to obtain the statement or information. If the encounter begins when the BWC is not actively recording, the deputy may, but is not required to, temporarily activate the BWC for the sole purpose of documenting the person's refusal or request not to be recorded.
- D. Prior to entering a private residence, or other area where an individual has a reasonable expectation of privacy, without a warrant or in non-exigent circumstances, a deputy sheriff will ask the occupant if the occupant wants the deputy sheriff to discontinue use of the recording.

3.12.06 Discretionary Activation

When not otherwise prohibited by law or agency policy, deputies may begin recording with their BWC in circumstances when they determine that doing so would be beneficial to the public interest.

3.12.07 Prohibited Activation

A Deputy Sheriff will not activate a BWC to record agency personnel during routine administrative activities or during non-work-related personal activity.

3.12.08 Notification

Except as otherwise exempted by law, a deputy sheriff shall notify, as soon as is practicable, the individual that the individual is being recorded, unless it is unsafe, impractical, or impossible to do so. This notice provision is satisfied even if another individual becomes a party to the communication after the initial notice has been provided.

Deputy sheriffs will carry an informational card which may be used to notify the hearing impaired that their encounter is being recorded.

3.12.09 Ending a Recording

Once recording with a BWC has been initiated, deputies will not end the recording until:

- A. The event or encounter has fully concluded; or
- B. The deputy leaves the scene and anticipates no further involvement in the event; or
- C. A supervisor has authorized that a recording may cease because the deputy is no longer engaged in a related enforcement or investigative activity; or
- D. When victims, witnesses, or other individuals wish to make a statement or share information, but refuse to do so while being recorded, or request that the camera be turned off, deputies may turn off the BWC in order to obtain the statement or information; or
- E. When the recording deputy separates themselves from the proximity of the event to conduct an administrative task such as completing paperwork, communicating with supervision for guidance, or any task not involving contact with any involved party, the deputy may end the recording temporarily. The deputy will resume the recording prior to continuing any enforcement or investigative activity; or
- F. When the deputy is at a medical facility the deputy may temporarily end the recording when not in the presence of any in-custody subject(s) or conducting any enforcement or investigative activity. The deputy will resume the recording prior to being in proximity to any in-custody subject(s) or continuing any enforcement or investigative activity. This is to prevent the unintentional documentation of capturing unrelated citizens' medical treatment or condition.

3.12.10 Confidentiality

Only BWC equipment owned and approved by the St. Mary's County Sheriff's Office is authorized for use and all recordings are the property of the agency. Except as authorized by agency policy, copying, releasing, altering, erasing, or allowing unauthorized viewing of an agency video recording (or portion thereof) is prohibited and will subject the deputy sheriff to disciplinary action.

3.12.11 Review, Retention, and Storage of BWC Recordings

- A. At a minimum, one video per quarter will be reviewed by the supervisor of those personnel assigned a BWC to ensure personnel are properly using the system. They will offer constructive criticism to both improve the quality of enforcement techniques and aid in improving officer safety.

Supervisors are authorized to review videos of subordinates in the following circumstances:

1. Performance Review
2. Incident Critique/Use of Force Review
3. Administrative Investigations
4. Quarterly Personnel Audits
5. Training
6. Policy Compliance
7. Maryland Public Information Act (MPIA) Requests
8. For the purpose of Completing Vehicle and Personal Inspection Reports

- B. If a supervisor feels that a video file may be useful as a training tool they will notify their division commander via the chain of command and request that a copy of the video file be forwarded to the division commander. No video file will be used for training purposes while the case is being litigated.

- C. Deputies may review a BWC recording in which they were the recorder by logging onto the client software using their assigned user ID and password from a designated computer access point. Recording deputies are authorized to review their videos in the following instances:

1. Report Writing or completion of other official documents
2. Court Preparation
3. Prior to the completion of a Statement of Charges
4. Field Trainers are authorized to review footage of their

trainees while involved in the Field Training Program

If a deputy sheriff is suspected of wrongdoing or involved in an officer-involved shooting or other serious use of force, the sheriff's office reserves the right to limit or restrict a deputy sheriff from viewing the video file. Any limitation or restriction on the deputy Sheriff's ability to view the video file exercised under this section is subject to the requirements of the Law Enforcement Officer's Bill of Rights as a matter of law.

- D. A BWC recording of a constitutionally protected activity may not be used to identify persons present at the activity who are not suspected of being engaged in illegal activity or in need of assistance.
- E. The stored BWC video/audio will not be used to create a database or pool of mugshots nor will it be used as filler in photo arrays.
- F. BWC video/audio will not be searched using facial or voice recognition software.

Note: The prohibition against the use of facial or voice recognition software does not apply when a law enforcement supervisor has reason to believe that a specific suspect or person in need of assistance may be a subject of a particular recording.

- G. To review a BWC recording in which a deputy was not the recorder they must submit a request through the chain of command to their division commander justifying the need. If approved, the patrol commander or designee will submit a copy of the file to the property section. The requesting deputy can then retrieve the video, review it, and return it to the property section. Deputy sheriffs will not copy any recording nor will any copy be removed from headquarters other than for official business.
- H. Civilians will not be allowed to review recordings at the scene of an incident. All requests, to review BWC recordings, by civilian personnel or outside agencies, will be submitted in writing to the sheriff. If approved by the sheriff or designee, arrangements will be made for the requestor to view the video file at headquarters. The video file to be reviewed will not be copied by any means nor will it be removed from headquarters.
- I. Only a division commander or designee will be authorized to copy any recordings.
- J. Officers shall be responsible for uploading all recordings to the secure system server at least once per shift. Recordings will be

stored, duplicated, distributed or erased only in compliance with this policy. The property section is responsible for the management, storage and security of all copied files placed in their care.

- K. Whenever BWC equipment is reassigned to another operator, prior to the reassignment, the originally assigned deputy will dock the BWC at an authorized upload location and ensure all recordings have been uploaded to the server. In circumstances where the assigned deputy has separated from service, the division commander of the affected deputy sheriff will ensure a supervisor with system access logs into the server with the separated employee's BWC at a designated upload location which will initiate an automatic upload of saved video.

If the upload fails to initiate in either circumstance noted above, the division commander or designee will work with the I.T. liaison to have the video uploaded prior to the BWC being placed back into service.

- L. The Video Server automatically erases recordings not bookmarked for retention, or marked as non-evidence, when the retention period for a recording segment has reached three hundred and sixty five (365) days.
- M. Recordings containing material of essential or evidentiary value, such as arrests, assaults, physical or verbal confrontations or incidents which may result in a citizen's complaint, will be bookmarked using one of the classifications available within the bookmark menu.
- N. All Panasonic BWC recordings are maintained on a secure server maintained by the Department of Emergency Services and Technology (ES&T). Access to the server is managed by Department of ES&T who issues logon ID's and passwords to personnel approved for access by the Sheriff's Office IT Liaison.

Video server access is monitored, and activity is recorded via access logs by the video server software. These logs are secured, managed and maintained by the Department of ES&T.

All Axon BWC recordings are maintained on the Agency's Evidence.com account. All Evidence.com BWC recordings are monitored and all activity related to these recordings is documented via an audit log associated with each video.

- O. Data stored on the video server and held as evidence or any applicable evidentiary classification will continue to be held on the server for a minimum period of five hundred and forty-five (545) days. The server will automatically erase bookmarked recordings on the five hundred and forty-sixth day unless a request has been made to extend the

retention period for a specific incident. To request an extension of the retention period for a specific video, the requestor, with approval of their division commander, will contact the IT liaison who will coordinate with the Office of Information and Technology to preserve the video on the server for Panasonic BWC footage. For Axon BWC footage the coordination efforts would be made to the Axon Administrator.

3.12.12 Internal Use of Recordings

- A. The BWC system is not intended to be used as a disciplinary tool against officers for minor infringements of policies or procedures.
- B. Supervisors will not arbitrarily review video/audio recordings for the purpose of identifying minor infractions of department policies or procedures.
- C. However, when cases of misconduct and/or repetitive negative behavior are brought to the attention of the department via supervisor review and/or an official complaint, the video file may be reviewed and be used as the basis for performance counseling or disciplinary action.
- D. The department may use video files for training or other purposes with the approval of the division commander or designee.
- E. BWC video/audio recordings may be used by Field Training Officers to review the actions of probationary officers participating in the field-training program.
- F. Handling of the recording will be consistent with the practice of handling other items of evidence with respect to chain of custody requirements. In this regard, officers will normally pick up recordings just prior to any legal proceeding, unless viewing of the recording by prosecutors or other authorized persons involved in the case is necessary.

3.12.13 Video Data Duplication

- A. All recordings produced by agency recording equipment are the exclusive property of the St. Mary's County Sheriff's Office. Recordings will only be duplicated for official purposes. Copies of recordings needed for court, training, or other official purposes will be produced by the division commander or designee.
- B. Any person requesting a copy of a recording must sign an agreement stating the copy being obtained is only to be used for the purpose(s) stated in the request. All requests for copies of a recording from anyone other than the involved deputy or an agency supervisory/management authority, will be in writing and directed to

the sheriff. This request must be made at least 30 days in advance of the need in order to allow for review, processing and the time needed to create the copy. Any approved request will require a Video Recorder (MVR/BWC) Data Request Form (SMCSO Form #77) be completed by the requestor. The fee for each recording is \$45 per hour after the first two (2) gratis hours, which is waived for intra-agency, allied law enforcement and State's Attorney's Office requests. All original Video Recorder (MVR/BWC) Data Request Forms (SMCSO Form #77) will be maintained in an MVR File by the division commander.

- C. All requests for video made by the States Attorney's Office will be processed by the Patrol Administrative Coordinator. The Administrative Coordinator will be responsible for determining which videos are connected to the criminal case and will provide the videos to the requestor. There will be no requirement to review the video content prior to releasing them.
- D. All intra-agency requests for copies of recordings will be made at least 14 days in advance of the anticipated need. The requesting employee will complete a Mobile Video Recorder (MVR/BWC) Data Request Form (SMCSO Form #77). Requests will normally be submitted by the originating officer; however other intra-agency personnel with a demonstrated need will be considered.
- E. In exceptional cases, the 14-day advance notice rule may be waived, expediting a request. The request for such a waiver will be in the form of a memorandum addressed to the assistant sheriff and sent through the chain of command explaining the need for the waiver. The memo will be attached to the Video Recorder (MVR/BWC) Data Request Form (SMCSO Form #77).
- F. Requests for copies by command personnel, or the Office of Professional Responsibilities are exempt from the 14-day advance notice rule.
- G. When the Video Recorder (MVR/BWC) Data Request Form (SMCSO Form #77) is completed, it will be presented to the deputy's division commander or his/her designee. The division commander or designee will be responsible for having the video file copied in a timely manner. The copy will be immediately submitted to the property section via a property record under the original incident case number.
- H. All copied recordings will be picked up in person from property and will be signed for by the person having authority to have the copy made. That person will have responsibility for the security of the recording and will return it to Property as soon as the purpose for which it was requested is served. Generally, this will be upon completion of a court case, or other legal proceeding, where the

recording was needed. When picking up and returning BWC footage from evidence, the deputy will ensure the chain of custody portion of the property record is properly completed.

- I. Handling of the recording will be consistent with the practice of handling other items of evidence with respect to chain of custody requirements. In this regard, officers will normally pick up recordings just prior to any legal proceeding, unless viewing of the recording by prosecutors or other authorized persons involved in the case is necessary.
- J. When the State's Attorney's Office completes a request for MVR/BWC video, they will complete MVR/BWC Office of the State's Attorney Data Request (SMCSO Form #77A) which is specific for transmittal of evidence for the State's Attorney's Office. Once the requested videos have been approved, the videos will be provided to the State's Attorney's Office through evidence.com.



OFFICE OF THE SHERIFF ST. MARY'S COUNTY, MD

EFFECTIVE DATE August 15, 2019	MOBILE VIDEO RECORDERS	Policy No. 3.10	
		Section Code: B	
AFFECTS: Deputy Sheriffs			Amends: 07/09/16
Sheriff's Approval:			

3.10 MOBILE VIDEO RECORDERS

3.10.001 Purpose

The purpose of this directive is to establish a procedure regarding the use of mobile video/audio recorders (MVR) in agency vehicles. The agency has adopted the use of MVRs for purposes that include, but are not limited to:

- A. Enhancing officer safety;
- B. Collecting evidence; providing a supplement to personal testimony in court by recording actions, conditions, and statements which can be used to aid in the prosecution of those who violate traffic and criminal laws;
- C. Allowing for the viewing of events as they actually occurred and providing corroboration of officer's actions/testimony;
- D. Providing material to be used in performance evaluations; and
- E. Providing an effective aid for training.

3.10.002 Policy

- A. It is the policy of the St. Mary's County Sheriff's Office to ensure that deputy sheriffs will use the digital mobile video/audio recording (MVR) equipment for the purpose of accurately documenting events, actions, conditions, and statements made during citizen contacts, arrests and other critical incidents. To maximize the utility of this equipment, officers will follow the procedures for MVR equipment use as set forth in this policy.
- B. Video and/or audio recordings will be utilized to enhance criminal/traffic reporting, evidence collection, investigations, prosecution, and training.

3.10.003 Definitions

- A. **MVR**: An acronym for Mobile Video Recorder, this term refers to the digital audio/video recording equipment designed for fixed installation in patrol vehicles. This policy does not apply to the use of hand held camcorders or audio/video surveillance devices.
- B. **MVR Operator**: A deputy sheriff who has received instruction in the operation and use of the specific mobile video recording devices installed in sheriff's office vehicles, and who is authorized to utilize such equipment for enforcement purposes.
- C. **MVR File**: A paper file maintained by the patrol commander containing originals of all Mobile Video Data Request Forms (SMCSO Form #77) and associated property records (SMCSO Form #60).

3.10.004 Authorized Use

- A. Accurate documentation of events, actions, conditions and statements made during investigative stops, field interviews, arrests and critical incidents, so as to enhance officer reports, collection of evidence, and courtroom testimony;
- B. Reviewing probable cause for arrest, custody procedures, officer and suspect interaction, and evidence for investigative purposes; and
- C. Evaluation of officer tactics and field performance, and for training purposes.

3.10.005 Legal Considerations

- A. The U.S. Supreme Court has held an officer has the right to observe what the officer can see if the officer has the legal right to be present (plain view). So it follows, if an officer has the right to observe, then he has the right to photograph and/or videotape. The recording is made by "one party consent".
- B. Maryland law makes it unlawful, with some exceptions, for any person to intercept/endeavor to intercept, disclose/endeavor to disclose, use/endeavor to use any audio communication unless all parties to the communication have given prior consent to having the audio recording made. MD. CODE. ANN, CTS, & JUD PROC. § 10-402 (2002).
- C. Deputy sheriffs will not utilize the MVR to make audio recordings

unless consent is obtained or the audio recording is made pursuant to the exceptions outlined below.

- D. The Annotated Code of the Public General Laws of Maryland Courts and Judicial Proceedings (CJ §§ 4, 10-402) relating to wiretapping and electronic surveillance states, "It is lawful under this subtitle for a law enforcement officer in course of the officer's regular duty to intercept an oral communication if the following five (5) requirements are met:
1. The law enforcement officer initially lawfully detained a vehicle during a criminal investigation or for a traffic violation;
 2. The law enforcement officer is a party to the oral communication;
 3. The law enforcement officer has been identified as a law enforcement officer to the other parties to the oral communication prior to any interception;
 4. The law enforcement officer informs all other parties to the communication of the interception at the beginning of the communication; and
 5. The oral interception is being made as part of a video tape recording".
- E. It is important to recognize that state law does not restrict or place consent requirements on video recordings made without audio.

3.10.006 Procedures

- A. MVR Equipment Installation, Maintenance, and Routine Care
1. The St. Mary's County Information Technology (IT) Department shall be responsible for the management of all installation, repairs or modifications of MVR equipment. Only digital mobile video/audio recording equipment acquired by the agency will be installed in agency vehicles.
 2. IT shall be responsible for the management of the MVR system software and maintenance of download stations and storage servers.
 3. IT shall be responsible for the administration of archiving all MVR system recordings.

4. Routine care and maintenance of MVR equipment installed in any Agency vehicle is the responsibility of the deputy sheriff assigned to that vehicle. Equipment will be maintained in accordance with this policy and manufacturer recommendations. Only authorized technicians will install, repair, and/or modify MVR equipment.
5. Prior to and throughout each shift, officers will ensure all components of the MVR equipment are working satisfactorily and will immediately bring any problems to the attention of a supervisor. Supervisors will visually inspect the MVR system and test the equipment for proper function as part of the monthly vehicle inspection. Supervisors will forward any MVR equipment issues to IT immediately. During a shift, cameras should be checked for proper adjustment, mounting security and proper, secure connection of all wires and cables.
6. To prevent damage, only approved products will be utilized to clean the camera lens.
7. Transmitters shall be worn as designed and intended by the manufacturer. A comfortable and convenient location on the duty belt is recommended, and the transmitters should be protected as much as is practical. Wireless microphones and their optional cords can be fragile.

B. MVR Equipment Functions

1. **Recorder:** Software with video authentication and embedded time stamp eliminates any possible attempts to alter, change, or eliminate recordings. The recorder media access door will be locked at all times. The recorder will be activated in one of four ways:
 - a. Manually: by pressing the "Record" button;
 - b. Automatically: by activating the vehicle's emergency lights;
 - c. Automatically: when the vehicle is involved in a collision;
 - d. Automatically: when the vehicle speed reaches 85 mph.; and
 - e. Remotely: by activating the unit's wireless microphone

regardless of how the recorder is activated, it can only be turned off manually, by pressing the "Stop" button for approximately three seconds until the "Record" light goes off.

2. **Body Microphone:** The wireless remote microphone transmitter has a microphone built into the transmitter. An optional extension microphone, which connects by wire, and is worn closer to the head is available.
3. **Vehicle Microphone:** The internal microphone allows audio recording of normal speech within the interior of the vehicle, independent of the remote audio transmitters. The interior microphone actively records whenever the system is in the record mode.
4. **Cameras:** The mounting device for the front camera allows for manual adjustment vertically and laterally. Officers shall ensure cameras are positioned properly for each incident where a recording is being made. Officers shall ensure that no items are obstructing the view of the camera.

The front camera lens has the capability of recording a properly mounted license plate at a distance of 25 feet or less, allowing it to be easily read during in-vehicle playback without the need for electronic enhancement. This is accomplished through the use of an operator initiated automatic zoom feature that momentarily limits the field of view and then returns to the preset (normal) view.

C. MVR Use

1. The use of video recording equipment by deputy sheriffs who operate vehicles so equipped is mandatory. All deputy sheriffs will be trained in the use of the MVR during Field Training.
2. The remote microphone transmitter shall be worn attached on the duty-belt at all times while the deputy is on duty. The wireless transmitter has a microphone built into the transmitter. An optional extension microphone, which connects by wire, and is worn closer to the deputy sheriff's head is available. If a deputy chooses to use the optional wired extension microphone, the wire and extension microphone should be securely concealed within the uniform shirt. Deputies will ensure the transmitter is fully charged prior to each shift. Deputy sheriffs shall carry their remote microphone transmitters in their cruisers and use them during off-duty incidents the same as for on-duty incidents.

3. In instances where the deputy is capturing audio on their BWC, they are not required to utilize the MVR wireless microphone. If BWC is unavailable, any time the recorder is on while the deputy is outside the vehicle on a traffic stop, the microphone shall also be activated. The officer will narrate those things which are outside of the camera's view. If the event is being recorded and more than one unit equipped with MVR equipment is present, each officer should record both video and audio. Once recording is started, officers will not cease audio and video recording until the termination of the traffic stop or other citizen contact. Officers will not attempt to erase, reuse, tamper with or attempt to modify recordings in any way. The recorder may be turned off in situations such as:
 - a. Funeral details
 - b. Routine traffic direction
 - c. Work zone projects
 - d. Emergency scenes when the MVR equipment is not otherwise being used.
4. The in-car microphone should be enabled at all times except when consent for audio recording has not been granted by another party inside the vehicle. No attempt should be made to disable the in-car microphone, wiring, or the audio recording components.
5. Deputy sheriffs should always log into and use the MVR system as the "Operator" to ensure proper functioning.
6. Deputy sheriffs should attempt to keep the video camera positioned in such a manner as to capture the event in its entirety.
7. Traffic Stops
 - a. Video recordings with audio will be made of all traffic stops and vehicular pursuits.
 - b. At the beginning of every traffic stop, the officer will notify the person(s) stopped that they are being audibly and visually recorded. The officer's statement should be similar to the following example:

“Good morning, I am Deputy Doe of the St. Mary’s County Sheriff’s Office. We are being audio and video recorded. You were stopped for exceeding the maximum posted speed limit. May I please see your driver’s license and vehicle registration?”

- c. Once recording of an incident has been initiated, the recording of both audio and video will continue until termination of the incident. The recording will capture the entire stop, starting when the decision is made to pull over the violator and ending after the violator has left the scene. If recording is interrupted for any reason during an incident, the record mode will be reactivated as soon as possible and the operator should audibly record the reason for the interruption.
- d. If the driver or any occupant of the vehicle objects to the audio recording, they should be courteously informed that the Maryland law allows audio recording for law enforcement officers conducting traffic stops.
- e. If the traffic stop becomes a criminal detention/arrest, the deputy may continue to make both a visual and audio recording without obtaining consent. The audio and video recording can continue throughout the transport of the arrestee to the detention facility.

D. Prisoner Transports

Video recordings will be made of all prisoner transports. Audio recordings of prisoner transports, however, require the verbal consent of the prisoner.

E. Non-Traffic/Other Uses

- 1. Deputies will begin any field interview or other citizen contact with the audio turned off. The audio will only be turned on if circumstances exist that will allow the officer to ask and obtain consent from all parties to the conversation without creating a safety hazard to the officer or any other person at the scene.
- 2. Officers will make every effort to video record (consent required to record the audio) all potentially criminal field contacts/suspicious vehicles, etc. that occur within camera range.
- 3. At the deputy’s discretion, any other incident may be video

recorded when the officer feels the recording may have prosecutorial or investigative merit (large crowds, accident scenes, premise checks, etc.).

4. Deputies are authorized to audio and video record disturbance scenes that occur in a public place (i.e. disorderly crowds in a bar parking lot). If the deputy is utilizing a BWC, they are not required to activate the MVR wireless microphone.
- F. Deputies will also notify any assisting officers that they are being recorded by using the caution code "AV" (audio visual). Deputies are not required to discontinue recording of an incident at the request of anyone other than a superior officer. Deputies will note in their arrest and related reports when recordings are made. Events to be recorded include, but are not limited to:
1. Emergency responses;
 2. Traffic stops (beginning to end);
 3. Vehicle pursuits;
 4. Observation of DWI suspects prior to stop, during performance of field sobriety tests and during transport if arrested;
 5. Transport of all prisoners;
 6. Vehicle searches and inventories;
 7. Any confrontational contact with a citizen/violator, including all acts of hostility and violence; and
 8. Any other incident the officer feels may become an issue of some importance at a later date. If any doubt exists, record it.
- G. Whenever a video/audio recording is made of a crime or incident and a written report is generated, a note of recording, or multiple records if more than one deputy recorded the event, will be included in the narrative portion of the report.
- H. When preparing written reports, deputies are encouraged to utilize the video recording system's playback feature to review the incident.
- I. Deputies will not use the MVR to covertly record other police personnel.

- J. The agency recognizes that it may not always be practical to activate the MVR equipment. Deputies will not allow the operation of the MVR to interfere with their own personal safety, the personal safety of others, or the safe operation of the police vehicle.
- K. No attempt shall be made to disable or damage the MVR system.
- L. No attempt will be made to capture video from a MVR system either by copying files, using video capture software, or physically recording video with another device as it is playing back.

3.10.008 Video File Uploads and Archiving

A. MVR Storage Functions and Use

The MVR system utilizes removable/reusable media and a secure wireless upload system at designated locations to transfer the files from the media card to the server.

Active upload locations include:

1. Headquarters
2. Leonardtown Fuel Pumps
3. Vehicle Maintenance Fuel Pumps
4. District 1
5. District 4

B. User Responsibility

1. Deputies, at the beginning of each shift, will ensure that the video and audio recording unit is operational, there is sufficient storage space available on the media card to store a typical shift's worth of footage, and the MVR is ready to record. This is accomplished by logging into the client software and reviewing the system prompts available on the home screen. Upon initial issue of a vehicle with MVR equipment installed, the first logon must occur at a designated upload location. This will allow any pending updates to be pushed to the system and verify the users profile is set up correctly and operational.
2. Deputies should be aware of the remaining available

recording time of the MVR and, if necessary, make arrangements to upload their files to the server.

3. Deputies will not, in any manner, attempt to modify, alter, erase, or tamper with any portion of recorded video. MVR video files are the property of the sheriff's office.
4. All recorded arrests, or other incidents that an officer feels may be of evidentiary value, shall be bookmarked using one of the label options available in the pull-down menu. When adding a bookmark, the deputy will include the related case number in the "Notes" block.

C. Supervisor's Responsibilities

1. New supervisors will be granted access to and learn how to review in-car videos during the Sergeant Field Training Program.
2. Supervisors will ensure that MVRs are being utilized properly by their personnel.
3. Supervisors will visually inspect the MVR system and test it for proper function as part of the monthly vehicle inspection. Supervisors will forward any MVR equipment issues to IT immediately.

3.10.009 Review, Retention, and Storage of Recordings

- A. Once a month, shift supervisors will review the video files from their squad to ensure deputies are properly using the system. They will offer constructive criticism to both improve the quality of enforcement techniques and aid in improving officer safety. Supervisors will document at least one video review quarterly for each deputy on their squad in accordance with policy A2.12.
- B. If a supervisor feels that a video file may be useful as a training tool, they will notify the patrol administrative lieutenant via the chain of command and request that a copy of the video file be forwarded to Commander of the Special Operations Division. No video file will be used for training purposes while the case is being litigated.
- C. Deputies may review a recording in which they were the recorder by logging onto the client software using their assigned user ID and password from a designated computer access point. To review a recording in which a deputy was not the recorder, they must submit a request through the chain of command to the patrol commander. If

approved, the patrol commander or designee will submit a copy of the file to the Property Section. The requesting deputy can then retrieve the video, review it, and return it to the Property Section. Deputy sheriffs will not copy any recording, nor will any copy be removed from headquarters other than for official business.

- D. All requests to review recordings by civilian personnel or outside agencies will be submitted in writing to the Sheriff, St. Mary's County Sheriff's Office. If approved by the sheriff or designee, arrangements will be made for the requestor to view the video file at headquarters. The video file to be reviewed will not be copied by any means nor will it be removed from headquarters.
- E. Only the patrol commander or designee will be authorized to copy any recordings.
- F. Officers shall be responsible for uploading all recordings to the secure system server at least once every two weeks. Recordings will be stored, duplicated, distributed or erased only in compliance with this policy. The Property Section is responsible for the management, storage and security of all copied files placed in their care.
- G. Whenever a vehicle equipped with an MVR system is reassigned to another operator, prior to the reassignment the originally assigned deputy will login at a designated upload location and ensure all recordings have been uploaded to the server. In circumstances where the assigned deputy has separated from service, the patrol commander will ensure a supervisor with system access logs into the server from the separated employee's vehicle at a designated upload location, which will initiate an automatic upload of saved video.

If the automatic upload fails to initiate in either circumstance noted above, the patrol commander or designee will remove the SD Card from the affected vehicle's MVR System and manually upload the saved video using a computer workstation equipped with an SD Card reader. Whenever an SD Card is removed from an MVR system, a property record will be completed to preserve chain of custody of any video that may be saved on the SD Card. Once the video has been manually uploaded using an equipped computer workstation, the completed property record will be retained by the patrol commander in the MVR file.

- H. The MVR system automatically erases recordings not bookmarked for retention from the MVR server when the retention period for a recording segment has reached Three hundred and sixty-six (366) days.

- I. Recordings containing material of essential or evidentiary value, such as arrests, assaults, physical or verbal confrontations or incidents which may result in a citizen's complaint, will be bookmarked using one of the classifications available within the bookmark menu.
- J. Data stored on the MVR server and held as evidence will continue to be held on the server for a minimum period of five hundred and forty-five (545) days. The server will automatically erase bookmarked recordings on the five hundred and forty-sixth day unless a request has been made to extend the retention period for a specific incident.

3.10.010 Internal Use of Recordings

- A. The MVR system is not intended to be used as a disciplinary tool against officers for minor infringements of policies or procedures.
- B. Supervisors will not arbitrarily review video/audio recordings for the purpose of identifying minor infractions of department policies or procedures.
- C. However, when cases of misconduct and/or repetitive negative behavior are brought to the attention of the department via supervisor review and/or an official complaint, the video file may be reviewed and be used as the basis for performance counseling or disciplinary action.
- D. The department may use video files for training or other purposes with the approval of the patrol commander or designee.
- E. MVR video/audio recordings may be used by Field Training Officers to review the actions of probationary officers participating in the field-training program.
- F. Handling of the recording will be consistent with the practice of handling other items of evidence with respect to chain of custody requirements. In this regard, officers will normally pick up recordings just prior to any legal proceeding, unless viewing of the recording by prosecutors or other authorized persons involved in the case is necessary.

3.10.011 Video Data Duplication

- A. All recordings produced by agency recording equipment is the exclusive property of the St. Mary's County Sheriff's Office. Recordings will only be duplicated for official purposes. Copies of

recordings needed for court, training, or other official purposes will be produced by the patrol commander or designee.

- B. Any person requesting a copy of a recording must sign an agreement stating the copy being obtained is only to be used for the purpose(s) stated in the request. All requests for copies of a recording from anyone other than the involved deputy or an agency supervisory/management authority, will be in writing and directed to the sheriff. This request must be made at least 30 days in advance of the need in order to allow for review, processing and the time needed to create the copy. Any approved request will require a Mobile Video Recorder (MVR) Data Request Form (SMCSO Form #77) be completed by the requestor. The fee for each recording is \$20, which is waived for intra-agency, allied law enforcement and State's Attorney's Office requests. All original Mobile Video Data Request Forms (SMCSO Form #77) will be maintained in an MVR File by the patrol commander.
- C. All requests for video made by the States Attorney's Office will be processed by the Patrol Administrative Coordinator. The Administrative Coordinator will be responsible for determining which videos are connected to the criminal case and will provide the videos to the requestor. There will be no requirement to review the video content prior to releasing them.
- D. All intra-agency requests for copies of recordings will be made at least 14 days in advance of the anticipated need. The requesting employee will complete a Mobile Video Recorder (MVR) Data Request Form (SMCSO Form #77). Requests will normally be submitted by the originating officer; however, other intra-agency personnel with a demonstrated need will be considered.
- E. In exceptional cases, the 14-day advance notice rule may be waived, expediting a request. The request for such a waiver will be in the form of a memorandum addressed to the assistant sheriff and sent through the chain of command explaining the need for the waiver. The memo will be attached to the Mobile Video Recorder (MVR) Data Request Form (SMCSO Form #77).
- F. Requests for copies by command personnel or the Office of Professional Responsibilities are exempt from the 14-day advance notice rule.
- G. When the Mobile Video Recorder (MVR) Data Request Form (SMCSO Form #77) is completed, it will be presented to the Patrol Commander or his/her designee. The patrol commander or designee will be responsible for having the video file copied in a timely manner.

The copy will be immediately submitted to the Property Section via a Property Record under the original incident.

- H. All copied recordings will be picked up in person from the Property Section and will be signed for by the person having authority to have the copy made. That person will have responsibility for the security of the recording and will return it to Property as soon as the purpose for which it was requested is served. Generally this will be upon completion of a court case or other legal proceeding where the recording was needed.
- I. Handling of the recording will be consistent with the practice of handling other items of evidence with respect to chain of custody requirements. In this regard, officers will normally pick up recordings just prior to any legal proceeding, unless viewing of the recording by prosecutors or other authorized persons involved in the case is necessary.

ST. MARY'S COUNTY GOVERNMENT
COMMISSIONERS OF
ST. MARY'S COUNTY



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

September 29, 2020

The Honorable Matthew Morgan
Maryland House of Delegates
310 House Office Building
6 Bladen Street
Annapolis, MD 21401

Re: St. Mary's County - To amend §10-402 of the *Courts and Judicial Proceedings Article* to allow St. Mary's County Animal Control Officers to wear body cameras

Dear Chairman Morgan:

The Commissioners of St. Mary's County support the request to amend §10-402 of the *Courts and Judicial Proceedings Article* of the *Annotated Code of Maryland* to allow St. Mary's County Animal Control Officers to wear body cameras as requested by Stephen Walker, Director of Emergency Services.

We appreciate the introduction of this legislation and believe this legislation will benefit the citizens of St. Mary's County. We look forward to working with you on this and other initiatives throughout the session.

Sincerely,
COMMISSIONERS OF ST. MARY'S COUNTY

James Randy Guy, President

CSMC/AB/sf
T:/Consent/2020/137

Cc: Senator Jack Bailey
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

HB ____ – St. Mary's County
To allow animal control officers to wear body cameras

SUPPORT

_____, 2021

Delegate _____, Chair
_____ Committee
House Office Building, Room 101
6 Bladen Street
Annapolis, MD 21401

RE: House Bill #: ____ - St. Mary's County - to allow animal control officers to wear
body cameras
Hearing on _____, 2021

Dear Chairman _____:

The Commissioners of St. Mary's County support House Bill #: ____ St. Mary's County
– to allow animal control officers to wear body cameras which is being heard in the
_____ Committee on _____, 2021.

We request a favorable report on House Bill _____. We support the introduction of this
legislation and believe it would benefit the citizens of St. Mary's County. Thank you for your
consideration as well as your attention to this matter.

Sincerely,

COMMISSIONERS OF ST. MARY'S COUNTY

James Randy Guy, President

Cc: Senator Jack Bailey
Delegate Matthew Morgan
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

Senate Bill ____ – St. Mary's County
– to allow animal control officers to wear body cameras

SUPPORT

_____, 2021

Senator _____, Chair
_____ Committee
_____ West
Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

RE: Bill #: _____ St. Mary's County – Allow animal control officers to wear body
cameras
Hearing on _____, 2021

Dear Chairman _____:

The Commissioners of St. Mary's County support Bill #: ____ – St. Mary's County – to
allow animal control officers to wear body cameras which is being heard in the _____
Committee on _____, 2021.

We request a favorable report on Senate Bill _____. We support the introduction of this
legislation and believe it would benefit the citizens of St. Mary's County. Thank you for your
consideration as well as your attention to this matter.

Sincerely,

COMMISSIONERS OF ST. MARY'S COUNTY

James Randy Guy, President

Cc: Senator Jack Bailey
Delegate Matthew Morgan
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

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**COMMISSIONERS OF ST. MARY'S COUNTY
2021 LEGISLATIVE PROPOSAL FORM**

JOINT MEETING

**ST. MARY'S COUNTY LEGISLATIVE DELEGATION AND COMMISSIONERS OF ST. MARY'S COUNTY
OCTOBER 6, 2020 AT 6:00 P.M.
41770 BALDRIDGE STREET, LEONARDTOWN, MARYLAND**

August 26 – Legislative Proposals are due to Commissioners and Delegate Morgan.

September 22 – Legislative Proposals will be presented to the Commissioners at their regular meeting at 9:00 a.m.

September 29 - Commissioners will take positions/vote on legislative proposals at their regular meeting at 9:00 a.m.

October 6 – Joint Public Meeting with Commissioners and St. Mary's County Delegation at 6:00 p.m.

Requestors will be given WEBEX contact information prior to the meetings to participate.

REQUESTOR: LORI JENNINGS-HARRIS, DIRECTOR, DEPARTMENT OF AGING AND HUMAN SERVICES
MR. VANTE BURKES, CHAIR, HUMAN RELATIONS COMMISSION

ADDRESS: 41770 BALDRIDGE STREET, LEONARDTOWN, MD 20650

TELEPHONE: 301-475-4200 X1070 (LORI JENNINGS-HARRIS)
207-837-7374 (VANTE BURKES)

EMAIL: LORIHARRIS@STMARYSMD.COM
VANTE.BURKES@GMAIL.COM

SUBJECT MATTER: TO REQUEST TO REVISE THE ST. MARY'S COUNTY HUMAN RELATIONS COMMISSION
PROTECTED CLASSES TO INCLUDE SEXUAL ORIENTATION AND GENDER IDENTITY

LEGISLATIVE REFERENCE: Annotated Code: Local Government Article §29-106(b)(2)

FISCAL IMPACT: YES ___ NO X AMOUNT: _____

REQUEST: To request to revise the language located in the Local Government Article 29-106(b)(2) (St. Mary's County Human Relations Council Duties) to include sexual orientation and gender identity within the protected classes of people.

§ 29-106. Miscellaneous powers and duties

(a) Powers. -- The Commission may:

- (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 on the rights and responsibilities of people relating to housing, employment, and public accommodations;
- (3) advocate for the removal of all vestiges of discrimination; and
- (4) assist in nonbinding alternative dispute resolution.

(b) Duties. -- The Commission shall:

- (1) use its influence and persuasion to direct the efforts of the community to solving problems that many times are the basic reasons for racial tensions; and
- (2) encourage and ensure equal treatment of all people, without regard to race, color, religion, ancestry, national origin, sex, **SEXUAL ORIENTATION, GENDER IDENTITY**, age, marital status, or physical or

mental disability, in compliance with federal, State, and local laws and regulations related to housing, employment, and public accommodations.

SUBMIT BY AUGUST 26, 2020 TO:

COMMISSIONERS OF ST. MARY'S COUNTY
41770 BALDRIDGE STREET
P.O. BOX 653
LEONARDTOWN MARYLAND 20650
csmc@stmarysmd.com

AND

MATT MORGAN, DELEGATE
DISTRICT 29A, ST. MARY'S COUNTY
310 HOUSE OFFICE BUILDING
6 BLADEN STREET
ANNAPOLIS, MD 21401
matt.morgan@house.state.md.us

Md. LOCAL GOVERNMENT Code Ann. § 29-101

This documents reflects changes received through chapter 18 of the 2020 session

MD - Annotated Code of Maryland > LOCAL GOVERNMENT > DIVISION V. OTHER LOCAL ENTITIES > TITLE 29. ST. MARY'S COUNTY HUMAN RELATIONS COMMISSION

§ 29-101. Definitions

(a) **In general.** --In this title the following words have the meanings indicated.

**** REVISOR'S NOTE**

This subsection formerly was Art. 49B, § 44(a).

**** REVISOR'S NOTE**

The former reference to "phrases" is deleted as included in the reference to "words".

**** REVISOR'S NOTE**

The only other change is in style.

(b) **Alternative dispute resolution.** --"Alternative dispute resolution" includes mediation.

**** REVISOR'S NOTE**

This subsection formerly was Art. 49B, § 44(b).

**** REVISOR'S NOTE**

No changes are made.

(c) **Commission.** --"Commission" means the St. Mary's County Human Relations Commission.

**** REVISOR'S NOTE**

This subsection formerly was Art. 49B, § 44(d).

**** REVISOR'S NOTE**

No changes are made.

History

An. Code 1957, art. 49B, § 44(a), (b), (d); [2013, ch. 119, § 2](#).

Annotations

Notes

REVISOR'S NOTE TO SECTION.

Former Art. 49B, § 44(c), which defined "Board" to mean the Board of County Commissioners of St. Mary's County, is deleted as unnecessary in light of the revision of this title to refer to the County Commissioners of St.

Md. LOCAL GOVERNMENT Code Ann. § 29-102

This documents reflects changes received through chapter 18 of the 2020 session

MD - Annotated Code of Maryland > LOCAL GOVERNMENT > DIVISION V. OTHER LOCAL ENTITIES > TITLE 29. ST. MARY'S COUNTY HUMAN RELATIONS COMMISSION

§ 29-102. Established; purpose

(a) **Established.** --By ordinance or resolution, the County Commissioners of St. Mary's County may establish a Human Relations Commission for the county.

(b) **Purposes.** --The purposes of the Commission are to:

- (1) promote understanding and harmony of relationship among the people of the county through the study of the nature and causes of social friction and prejudice;
- (2) advance the means for the alleviation of social friction and prejudice; and
- (3) further the American ideal of equality and justice.

History

An. Code 1957, art. 49B, § 45(a), (b); [2013, ch. 119, § 2](#).

Annotations

Notes

REVISOR'S NOTE

This section is new language derived without substantive change from former Art. 49B, § 45(a) and (b).

Research References & Practice Aids

DEFINED TERM:

"Commission"

§ 29-101

USER NOTE:

For more generally applicable notes, see notes under the first section of this part, subtitle, title, division or article.

Md. LOCAL GOVERNMENT Code Ann. § 29-103

This documents reflects changes received through chapter 18 of the 2020 session

MD - Annotated Code of Maryland > LOCAL GOVERNMENT > DIVISION V. OTHER LOCAL ENTITIES > TITLE 29. ST. MARY'S COUNTY HUMAN RELATIONS COMMISSION

§ 29-103. Membership

(a) Appointment of members. --The County Commissioners of St. Mary's County shall:

- (1) determine the size of the Commission;
- (2) appoint the members of the Commission; and
- (3) ensure that the membership of the Commission reflects the diversity of the people of the county.

(b) Tenure. --

- (1) The term of a member is 4 years.
- (2) The terms of the members shall be staggered in a manner determined by the County Commissioners of St. Mary's County.
- (3) A member may not serve more than two consecutive terms.

History

An. Code 1957, art. 49B, § 47(a), (b); [2013, ch. 119, § 2](#).

Annotations

Notes

REVISOR'S NOTE

This section is new language derived without substantive change from former Art. 49B, § 47(a) and (b).

In subsection (a)(3) of this section, the reference to the "people of the county" is substituted for the former reference to the "County's population" for clarity.

In subsection (b)(3) of this section, the reference to "member" is substituted for the former reference to "person" for clarity.

Research References & Practice Aids

[Md. LOCAL GOVERNMENT Code Ann. § 29-104](#)

This documents reflects changes received through chapter 18 of the 2020 session

MD - Annotated Code of Maryland > LOCAL GOVERNMENT > DIVISION V. OTHER LOCAL ENTITIES > TITLE 29. ST. MARY'S COUNTY HUMAN RELATIONS COMMISSION

§ 29-104. Officers

(a) **Chair and vice chair.** --From among its members, the Commission shall select a chair and a vice chair of the Commission.

(b) **Tenure.** --

(1)The terms of the chair and vice chair are 1 year.

(2)A member may not serve as the chair or vice chair for more than two consecutive terms.

History

An. Code 1957, art. 49B, § 47(c); [2013, ch. 119, § 2](#).

Annotations

Notes

REVISOR'S NOTE

This section is new language derived without substantive change from former Art. 49B, § 47(c).

In subsection (a) of this section, the phrase "[f]rom among its members" is added for consistency with other revised articles of the Code.

Also in subsection (a) of this section, the former reference to selecting a chair and vice chair "to be the officers" of the Commission is deleted as implicit.

In subsection (b) of this section, the references to "chair" and "vice chair" are substituted for the former references to "an officer of the Commission" for clarity.

In subsection (b)(2) of this section, the reference to "member" is substituted for the former reference to "person" for clarity.

Research References & Practice Aids

[Md. LOCAL GOVERNMENT Code Ann. § 29-105](#)

This documents reflects changes received through chapter 18 of the 2020 session

MD - Annotated Code of Maryland > LOCAL GOVERNMENT > DIVISION V. OTHER LOCAL ENTITIES > TITLE 29. ST. MARY'S COUNTY HUMAN RELATIONS COMMISSION

§ 29-105. Compensation; administrative support

(a) Compensation. --A member of the Commission may not receive compensation as a member of the Commission.

(b) Administrative support. --The County Commissioners of St. Mary's County may appropriate money for the administrative support of the Commission.

History

An. Code 1957, art. 49B, §§ 47(d), 50; [2013, ch. 119, § 2](#).

Annotations

Notes

REVISOR'S NOTE

This section is new language derived without substantive change from former Art. 49B, §§ 50 and 47(d).

Subsection (a) of this section is revised in standard language for consistency with other revised articles of the Code.

Research References & Practice Aids

DEFINED TERM:

"Commission" § 29-101

USER NOTE:

For more generally applicable notes, see notes under the first section of this part, subtitle, title, division or article.

[Md. LOCAL GOVERNMENT Code Ann. § 29-106](#)

This documents reflects changes received through chapter 18 of the 2020 session

MD - Annotated Code of Maryland > LOCAL GOVERNMENT > DIVISION V. OTHER LOCAL ENTITIES > TITLE 29. ST. MARY'S COUNTY HUMAN RELATIONS COMMISSION

§ 29-106. Miscellaneous powers and duties

(a) **Powers.** --The Commission may:

- (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 on the rights and responsibilities of people relating to housing, employment, and public accommodations;
- (3) advocate for the removal of all vestiges of discrimination; and
- (4) assist in nonbinding alternative dispute resolution.

(b) **Duties.** --The Commission shall:

- (1) use its influence and persuasion to direct the efforts of the community to solving problems that many times are the basic reasons for racial tensions; and
- (2) encourage and ensure equal treatment of all people, without regard to race, color, religion, ancestry, national origin, sex, age, marital status, or physical or mental disability, in compliance with federal, State, and local laws and regulations related to housing, employment, and public accommodations.

History

An. Code 1957, art. 49B, §§ 45(c), (d), 46; [2013, ch. 119, § 2](#).

Annotations

Notes

REVISOR'S NOTE

This section is new language derived without substantive change from former Art. 49B, §§ 46 and 45(c) and (d).

In the introductory language of subsection (a) of this section, the former phrase "[t]o accomplish the obligation imposed under § 45 of this subtitle" is deleted as surplusage.

In subsection (b)(2) of this section, the reference to "disability" is substituted for the former reference to "handicap" for consistency with federal law and other revised articles of the Code.

DEFINED TERMS:

"Alternative dispute resolution"

§ 29-101

ANGELA BLONDINO

Md. LOCAL GOVERNMENT Code Ann. § 29-107

This documents reflects changes received through chapter 18 of the 2020 session

MD - Annotated Code of Maryland > LOCAL GOVERNMENT > DIVISION V. OTHER LOCAL ENTITIES > TITLE 29. ST. MARY'S COUNTY HUMAN RELATIONS COMMISSION

§ 29-107. Request for alternative dispute resolution

(a) **Time limit to file written request.** --A person seeking an alternative dispute resolution under this title shall file a written request for alternative dispute resolution within 6 months after the date of the incident giving rise to the request.

(b) **Filing requirements.** --

(1) A person who satisfies the time requirements under subsection (a) of this section is deemed to have complied with the requirements of [§ 20-1004 of the State Government Article](#).

(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 the compliance of a party with the requirements of [§ 20-1004 of the State Government Article](#).

History

An. Code 1957, art. 49B, § 51; [2013, ch. 119, § 2](#).

Annotations

Notes

REVISOR'S NOTE

This section is new language derived without substantive change from former Art. 49B, § 51.

In subsection (a) of this section, the reference to the date of the "incident giving rise to the request" is substituted for the former reference to the "relevant incident" for clarity.

Also in subsection (a) of this section, the former reference to a person seeking "the involvement of the Commission" is deleted as surplusage.

Also in subsection (a) of this section, the reference to an alternative dispute resolution "under this title" is substituted for the former reference to an alternative dispute resolution "related to an incident within the Commission's jurisdiction" for brevity.

DEFINED TERMS:

"Alternative dispute resolution" § 29-101

"Commission" § 29-101

[Md. LOCAL GOVERNMENT Code Ann. § 29-109](#)

This documents reflects changes received through chapter 18 of the 2020 session

MD - Annotated Code of Maryland > LOCAL GOVERNMENT > DIVISION V. OTHER LOCAL ENTITIES > TITLE 29. ST. MARY'S COUNTY HUMAN RELATIONS COMMISSION

§ 29-109. Annual report

(a) Required. --Subject to subsection (b) of this section, the Commission shall file with the County Commissioners of St. Mary's County a comprehensive report of its activities at least once every 12 months.

(b) Confidential information. --The Commission may not reveal any confidential information in the report to the county commissioners.

History

An. Code 1957, art. 49B, § 49; [2013, ch. 119, § 2](#).

Annotations

Notes

REVISOR'S NOTE

This section formerly was Art. 49B, § 49.

The only changes are in style.

Research References & Practice Aids

DEFINED TERM:

"Commission" § 29-101

USER NOTE:

For more generally applicable notes, see notes under the first section of this part, subtitle, title, division or article.

Md. LOCAL GOVERNMENT Code Ann. § 29-108

This documents reflects changes received through chapter 18 of the 2020 session

MD - Annotated Code of Maryland > LOCAL GOVERNMENT > DIVISION V. OTHER LOCAL ENTITIES > TITLE 29. ST. MARY'S COUNTY HUMAN RELATIONS COMMISSION

§ 29-108. Alternative dispute resolution

(a) Construction of section. --This section supersedes any contrary provision of the Public Information Act and the St. Mary's County Open Meetings Act.

(b) Confidentiality. --

(1) Subject to paragraph (2) of this subsection:

(i) all activities of the Commission that relate to an alternative dispute resolution, a grievance, or a complaint of discrimination shall be conducted in confidence and without publicity; and

(ii) the Commission may meet in closed session when dealing with an alternative dispute resolution, a grievance, or a complaint of discrimination.

(2) If all parties involved in an alternative dispute resolution, a grievance, or a complaint of discrimination consent in writing, the activities of the Commission related to the alternative dispute resolution, grievance, or complaint of discrimination may be conducted publicly.

(3) Except as provided under § 29-107 of this title, the Commission shall hold confidential all information concerning an alternative dispute resolution, a grievance, or a complaint of discrimination, including the identities of the parties involved.

(4) 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 July 1, 1997.

(c) Admissibility of records of proceedings as evidence. --

(1) Information related to the activities or involvement of the Commission in an alternative dispute resolution, a grievance, or a 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.

(d) Public inspection of records. --

(1) Except as provided under § 29-107 of this title and paragraph (2) of this subsection, information or records related to the activities or involvement of the Commission in an alternative dispute resolution, a grievance, or a 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 § 4-501(e) of the General Provisions Article.

History

An. Code 1957, art. 49B, § 48; [2013, ch. 119, § 2](#); [2014, ch. 104, § 2](#).

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

September 29, 2020

The Honorable Matthew Morgan
Maryland House of Delegates
310 House Office Building
6 Bladen Street
Annapolis, MD 21401

Re: St. Mary's County - To amend 829-106(b)(2) of the Local Government Article to revise the Human Relations Commission Duties to include sexual orientation and gender identity language within the protected classes of people

Dear Chairman Morgan:

The Commissioners of St. Mary's County support the request to amend 829-106(b)(2) of the Local Government Article to revise the Human Relations Commission Duties to include sexual orientation and gender identity language within the protected classes of people as requested by Lori Jennings-Harris, Director of the Department of Aging and Human Services and Vante Burkes, Chair of the St. Mary's County Human Relations Commission.

We appreciate the introduction of this legislation and believe this legislation will benefit the citizens of St. Mary's County. We look forward to working with you on this and other initiatives throughout the session.

Sincerely,
COMMISSIONERS OF ST. MARY'S COUNTY

James Randy Guy, President

CSMC/AB/sf
T:/Consent/2020/138

Cc: Senator Jack Bailey
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

HB ____ – St. Mary's County Human Relations
Commission – to add sexual orientation and gender
identity to the list of protected classes of people
SUPPORT

_____, 2021

Delegate _____, Chair
_____ Committee
House Office Building, Room 101
6 Bladen Street
Annapolis, MD 21401

RE: House Bill #: _____ - St. Mary's County Human Relations Commission – to add
sexual orientation and gender identity to the list of protected classes of people
Hearing on _____, 2021

Dear Chairman _____:

The Commissioners of St. Mary's County support House Bill #: ____ St. Mary's County
Human Relations Commission – to add sexual orientation and gender identity to the list of
protected classes of people which is being heard in the _____ Committee
on _____, 2021.

We request a favorable report on House Bill _____. We support the introduction of this
legislation and believe it would benefit the citizens of St. Mary's County. Thank you for your
consideration as well as your attention to this matter.

Sincerely,

COMMISSIONERS OF ST. MARY'S COUNTY

James Randy Guy, President

Cc: Senator Jack Bailey
Delegate Matthew Morgan
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

Senate Bill ____ St. Mary's County Human Relations
Commission – to add sexual orientation and gender
identity to the list of protected classes of people
SUPPORT

_____, 2021

Senator _____, Chair
_____ Committee
_____ West
Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

RE: Bill #: ____ St. Mary's County Human Relations Commission – to add sexual
orientation and gender identity to the list of protected classes of people
Hearing on _____, 2021

Dear Chairman _____:

The Commissioners of St. Mary's County support Bill #: ____ – St. Mary's County
Human Relations Commission – to add sexual orientation and gender identity to the list of
protected classes of people which is being heard in the _____ Committee on
_____, 2021.

We request a favorable report on Senate Bill _____. We support the introduction of this
legislation and believe it would benefit the citizens of St. Mary's County. Thank you for your
consideration as well as your attention to this matter.

Sincerely,

COMMISSIONERS OF ST. MARY'S COUNTY

James Randy Guy, President

Cc: Senator Jack Bailey
Delegate Matthew Morgan
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

P.O. BOX 653 • CHESAPEAKE BUILDING • 41770 BALDRIDGE ST., LEONARDTOWN, MD 20650
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10

**COMMISSIONERS OF ST. MARY'S COUNTY
2021 LEGISLATIVE PROPOSAL FORM**

JOINT MEETING

**ST. MARY'S COUNTY LEGISLATIVE DELEGATION AND COMMISSIONERS OF ST. MARY'S COUNTY
OCTOBER 6, 2020 AT 6:00 P.M.
41770 BALDRIDGE STREET, LEONARDTOWN, MARYLAND**

August 26 – Legislative Proposals are due to Commissioners and Delegate Morgan.

September 22 – Legislative Proposals will be presented to the Commissioners at their regular meeting at 9:00 a.m.

September 29 - Commissioners will take positions/vote on legislative proposals at their regular meeting at 9:00 a.m.

October 6 – Joint Public Meeting with Commissioners and St. Mary's County Delegation at 6:00 p.m.

Requestors will be given WEBEX contact information prior to the meetings to participate.

REQUESTOR: TIM CAMERON, SHERIFF

ADDRESS: 23150 LEONARD HALL DRIVE, LEONARDTOWN, MD 20650

TELEPHONE: (301) 475-4200 X1911

EMAIL: TIM.CAMERON@STMARYSMD.COM

SUBJECT MATTER: TO REQUEST AMENDMENT OF THE LOCAL GAMING PROVISIONS RELATING TO BINGO

LEGISLATIVE REFERENCE: Annotated Code: Criminal Law Article
§13-2101, §13-2103, §13-2105, §13-2106, §13-2107 AND §13-2115

FISCAL IMPACT: YES ___ NO ___ **AMOUNT:** _____

REQUEST:

To request amendment of Criminal Law Article §13-2101, §13-2103, §13-2105, §13-2106, §13-2107 AND §13-2115 and to replace with the following:

§ 13-2101. Definitions

- (a) **In general.** -- In this subtitle the following words have the meanings indicated.
- (b) **County commissioners.** -- "County commissioners" means the Commissioners of St. Mary's County.
- (c) **Gaming device.** --
- (1) "Gaming device" includes a paddle wheel, wheel of fortune, chance book, bingo, Nevada card, and a stamp machine.
 - (2) "Gaming device" does not include a slot machine, as defined in § 12-301 of this article.
- (d) **Gaming event.** -- "Gaming event" means a carnival, bazaar, or raffle.
- (e) **Qualified organization.** -- "Qualified organization" means:
- (1) a volunteer fire company; or
 - (2) a bona fide:
 - (i) religious organization;
 - (ii) fraternal organization;
 - (iii) civic organization;
 - (iv) war veterans' organization; or

~~{(f) Sheriff.}—"Sheriff" means the Sheriff of St. Mary's County.~~

~~-(f) COMMITTEE – COMMITTEE MEANS THE “BINGO LICENSING PERMIT REVIEW COMMITTEE” APPOINTED BY THE COMMISSIONERS OF ST. MARY’S COUNTY IN SECTION 13-2103 OF THIS SECTION.~~

§ 13-2103. ~~[Bingo License Required]~~ Bingo Licensing Permit Review Committee, County Agency or the Commissioners’ Designee

A. A qualified organization must have a bingo license whenever the qualified organization conducts bingo.

B. THE COUNTY COMMISSIONERS MAY APPOINT:

1. **A BINGO LICENSING PERMIT REVIEW COMMITTEE; OR**
 - (A) **THE COMMITTEE CONSISTS OF FIVE REGULAR MEMBERS AND TWO ALTERNATE MEMBERS.**
 - (B) **A QUORUM OF THE COMMITTEE CONSISTS OF:**
 - (i) **THREE REGULAR MEMBERS; OR**
 - (ii) **IF FEWER THAN THREE REGULAR MEMBERS ARE PRESENT AT A MEETING, ENOUGH ALTERNATE MEMBERS DESIGNATED BY THE CHAIRPERSON TO ACT AS REGULAR MEMBERS TO CREATE A QUORUM.**
 - (C) **AN ALTERNATE MEMBER OF THE COMMITTEE MAY SERVE ONLY AS PROVIDED UNDER PARAGRAPH (3) OF THIS SUBSECTION.**
2. **A COUNTY AGENCY; OR**
3. **THE COMMISSIONERS’ DESIGNEE.**

C. DUTIES OF THE BINGO LICENSING PERMIT REVIEW COMMITTEE, COUNTY AGENCY OR THE COMMISSIONERS’ DESIGNEE. -- SUBJECT TO THE APPROVAL OF THE COUNTY COMMISSIONERS, THE COMMITTEE, COUNTY AGENCY OR THE COMMISSIONERS’ DESIGNEE MAY ADOPT REGULATIONS TO GOVERN BINGO ACTIVITIES AND THE ISSUANCE OF PERMITS UNDER § 21-2107 OF THIS SUBTITLE.

§ 13-2105. Bingo – License application

(a) Submission to ~~[sheriff]~~ BINGO LICENSING PERMIT REVIEW COMMITTEE, COUNTY AGENCY OR THE COMMISSIONERS’ DESIGNEE. -- An organization shall submit an application for a bingo license to the ~~[sheriff]~~ **BINGO LICENSING PERMIT REVIEW COMMITTEE, COUNTY AGENCY OR THE COMMISSIONERS’ DESIGNEE.**

(b) Contents. -- A principal officer of the organization shall certify in the application for a bingo license:

- (1) the name and address of the organization;
- (2) the name and address of the officer seeking the license for the organization;
- (3) that the officer is authorized by the organization to file the application;
- (4) the time and place of bingo;
- (5) that, within 15 days after the last day named in the application for the license to conduct bingo, a principal officer of the organization will file under penalties of perjury the report required by § 13-2109 of this subtitle;
- (6) that bingo will be conducted solely and personally by the regular members of the organization, without the assistance of gaming professionals; and

(7) that no compensation or reward will be paid to a person for conducting or assisting in conducting bingo.

§ 13-2106. Bingo -- License fee

(a) Established by county commissioners. -- By resolution, the county commissioners may establish a bingo license fee schedule based on criteria that the county commissioners consider appropriate.

(b) Charged by [sheriff] BINGO LICENSING PERMIT REVIEW COMMITTEE, COUNTY AGENCY OR THE COMMISSIONERS' DESIGNEE. . -- The [sheriff] BINGO LICENSING PERMIT REVIEW COMMITTEE, COUNTY AGENCY OR THE COMMISSIONERS' DESIGNEE shall charge for each license the annual license fee that the county commissioners set by resolution.

(c) Deposit. -- A resolution adopted under subsection (a) of this section shall specify the fund in which the license fees are to be deposited.

§ 13-2107. Bingo -- Right to license

The [sheriff] BINGO LICENSING PERMIT REVIEW COMMITTEE, COUNTY AGENCY OR THE COMMISSIONERS' DESIGNEE shall issue a numbered license to an organization that meets the requirements of §§ 13-2103 through 13-2110 of this subtitle to conduct bingo and award prizes.

§ 13-2115. Gaming events and gaming devices -- Record keeping

(a) Required. -- A qualified organization shall keep accurate records of proceeds and expenditures involving gaming devices.

(b) Inspection. -- On request, a qualified organization shall allow the State's Attorney for the county, a State Police officer, and the [sheriff or deputy sheriff] BINGO LICENSING PERMIT REVIEW COMMITTEE, COUNTY AGENCY OR THE COMMISSIONERS' DESIGNEE to examine the records required under subsection (a) of this section.

SUBMIT BY **AUGUST 26, 2020** TO:

COMMISSIONERS OF ST. MARY'S COUNTY
41770 BALDRIDGE STREET
P.O. BOX 653
LEONARDTOWN MARYLAND 20650
csmc@stmarysmd.com

AND

MATT MORGAN, DELEGATE
DISTRICT 29A, ST. MARY'S COUNTY
310 HOUSE OFFICE BUILDING
6 BLADEN STREET
ANNAPOLIS, MD 21401
matt.morgan@house.state.md.us

Md. CRIMINAL LAW Code Ann. § 13-2101

Statutes current through legislation effective July 10, 2020

MD - Annotated Code of Maryland > CRIMINAL LAW > TITLE 13. GAMING -- LOCAL PROVISIONS > SUBTITLE 21. ST. MARY'S COUNTY

§ 13-2101. Definitions

(a) **In general.** --In this subtitle the following words have the meanings indicated.

**** REVISOR'S NOTE**

This subsection is new language used as the standard introductory language to a definition section.

(b) **County commissioners.** --"County commissioners" means the Board of County Commissioners of St. Mary's County.

**** REVISOR'S NOTE**

This subsection is new language added to avoid repetition of the phrase "Board of County Commissioners of St. Mary's County" and for consistency within this title.

(c) **Gaming device.** --

(1)"Gaming device" includes a paddle wheel, wheel of fortune, chance book, bingo, Nevada card, and a stamp machine.

(2)"Gaming device" does not include a slot machine, as defined in § 12-301 of this article.

**** REVISOR'S NOTE**

This subsection is new language added to avoid repetition of the phrase "paddle wheels, wheels of fortune, chance books, bingo, Nevada cards, stamp machines, or any other gaming device" found in former Art. 27, § 255(d).

(d) **Gaming event.** --"Gaming event" means a carnival, bazaar, or raffle.

**** REVISOR'S NOTE**

This subsection is new language added for consistency within this title.

(e) **Qualified organization.** --"Qualified organization" means:

(1)a volunteer fire company; or

(2)a bona fide:

(i)religious organization;

(ii)fraternal organization;

(iii)civic organization;

(iv)war veterans' organization; or

(v)charitable organization.

**** REVISOR'S NOTE**

ANGELA BLONDINO

Md. CRIMINAL LAW Code Ann. § 13-2101

This subsection is new language added to avoid repetition of the phrase "a volunteer fire company or bona fide fraternal, civic, war veterans', religious, or charitable organization or corporation".

**** REVISOR'S NOTE**

The former reference to a "corporation" is deleted as implicit in the references to an "organization".

(f) **Sheriff.** --"Sheriff" means the Sheriff of St. Mary's County.

**** REVISOR'S NOTE**

This subsection is new language added to avoid repetition of the phrase "Sheriff of St. Mary's County" and for consistency within this title.

History

[2002, ch. 26, § 2.](#)

Annotations

Notes

REVISOR'S NOTE TO SECTION.

The Revisor's notes in this section comprise information related to the revision by Acts [2002, ch. 26](#).

EDITOR'S NOTE. --

Some of the cases appearing in the notes to this article were decided under the former statutes in effect prior to the 2002 revision. These earlier cases have been moved to pertinent sections of the revised material where they may be used in interpreting the current statutes. Internal references have also been updated.

Editor's notes from legislation affecting the statutes from which the provisions of this article were derived may have been retained and may appear under pertinent provisions of this article.

[Section 5, ch. 26, Acts 2002](#), provides that "§ 281 (i) of Article 27 -- Crimes and Punishments of the Annotated Code of Maryland be repealed and reenacted, with amendments, and transferred to the Session Laws, to read as follows:

1. The Department of Health and Mental Hygiene [Maryland Department of Health] shall initially permit persons to register under Title 5, Subtitle 3 of the Criminal Law Article if the persons own or operate any establishment engaged in the manufacture, distribution or dispensing of any controlled dangerous substances prior to July 1, 1970, and who are registered or licensed by the State."

[Section 6, ch. 26, Acts 2002](#), provides that "§§ 302 (a) through (c), inclusive, of Article 27 - Crimes and Punishments of the Annotated Code of Maryland be repealed and reenacted, with amendments, and transferred to the Session Laws, to read as follows:

ANGELA BLONDINO

[Md. CRIMINAL LAW Code Ann. § 13-2102](#)

Statutes current through legislation effective July 10, 2020

MD - Annotated Code of Maryland > CRIMINAL LAW > TITLE 13. GAMING -- LOCAL PROVISIONS > SUBTITLE 21. ST. MARY'S COUNTY

§ 13-2102. Scope and application of subtitle

- (a) **Scope of subtitle.** --This subtitle applies only in St. Mary's County.
- (b) **Application of Subtitle 2.** --Subtitle 2 of this title applies in St. Mary's County.

History

An. Code 1957, art. 27, § 255(a)(12), (d); [2002, ch. 26, § 2](#).

Annotations

Notes

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts [2002, ch. 26](#).

Subsection (a) of this section is new language added to clarify that this subtitle applies only in St. Mary's County.

Subsection (b) of this section is new language derived without substantive change from former Art. 27, § 255(a)(12) and the first sentence of (d), as it related to its application to St. Mary's County.

Research References & Practice Aids

USER NOTE:

For more generally applicable notes, see notes under the first section of this part, subtitle, title, division or article.

Annotated Code of Maryland
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ANGELA BLONDINO

[Md. CRIMINAL LAW Code Ann. § 13-2103](#)

Statutes current through legislation effective July 10, 2020

MD - Annotated Code of Maryland > CRIMINAL LAW > TITLE 13. GAMING -- LOCAL PROVISIONS > SUBTITLE 21. ST. MARY'S COUNTY

§ 13-2103. Bingo -- License required

A qualified organization must have a bingo license whenever the qualified organization conducts bingo.

History

An. Code 1957, art. 27, § 251(a); [2002, ch. 26, § 2](#).

Annotations

Notes

REVISOR'S NOTE •

This Revisor's note comprises information related to the revision by Acts [2002, ch. 26](#).

This section is new language derived without substantive change from former Art. 27, § 251(a), as it related to the requirement of a qualified organization to conduct bingo.

The references to a "qualified" organization are substituted for the former reference to an "eligible" organization for consistency within this title.

Research References & Practice Aids

DEFINED TERM:

"Qualified organization" § 13-2101

USER NOTE:

For more generally applicable notes, see notes under the first section of this part, subtitle, title, division or article.

ANGELA BLONDINO

Md. CRIMINAL LAW Code Ann. § 13-2104

Statutes current through legislation effective July 10, 2020

MD - Annotated Code of Maryland > CRIMINAL LAW > TITLE 13. GAMING -- LOCAL PROVISIONS > SUBTITLE 21. ST. MARY'S COUNTY

§ 13-2104. Bingo -- Qualified organizations

To be eligible for a bingo license, an organization must be:

- (1) a bona fide religious group that has conducted religious services at a fixed location in the county for at least 3 years before the application date;
- (2) a volunteer fire company or volunteer rescue squad, regardless of whether the company or squad is supported by tax revenues, or an auxiliary unit whose members are associated directly with the company or squad;
- (3) a nationally chartered veterans' organization, or an auxiliary unit whose members are associated directly with the organization; or
- (4) a nonprofit organization that:
 - (i) has operated in the county for at least 3 years before the application date; and
 - (ii) intends to raise money for an exclusively charitable, athletic, or educational purpose specifically described in the application.

History

An. Code 1957, art. 27, § 251(b); [2002, ch. 26, § 2](#); [2003, ch. 21, § 1](#).

Annotations

Notes

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts [2002, ch. 26](#).

This section is new language derived without substantive change from former Art. 27, § 251(b).

In item (1) of this section, the former reference to "all types of licenses under this section" is deleted as unnecessary.

In items (3) and (4) of this section, the former references regarding submission of an application for a bingo license "to the Sheriff" are deleted in light of § 13-2105(a) of this subtitle.

EFFECT OF AMENDMENTS. --

ANGELA BLONDINO

Md. CRIMINAL LAW Code Ann. § 13-2105

Statutes current through legislation effective July 10, 2020

MD - Annotated Code of Maryland > CRIMINAL LAW > TITLE 13. GAMING -- LOCAL PROVISIONS > SUBTITLE 21. ST. MARY'S COUNTY

§ 13-2105. Bingo -- License application

- (a) **Submission to sheriff.** --An organization shall submit an application for a bingo license to the sheriff.
- (b) **Contents.** --A principal officer of the organization shall certify in the application for a bingo license:
- (1) the name and address of the organization;
 - (2) the name and address of the officer seeking the license for the organization;
 - (3) that the officer is authorized by the organization to file the application;
 - (4) the time and place of bingo;
 - (5) that, within 15 days after the last day named in the application for the license to conduct bingo, a principal officer of the organization will file under penalties of perjury the report required by § 13-2109 of this subtitle;
 - (6) that bingo will be conducted solely and personally by the regular members of the organization, without the assistance of gaming professionals; and
 - (7) that no compensation or reward will be paid to a person for conducting or assisting in conducting bingo.

History

An. Code 1957, art. 27, § 251(c); [2002, ch. 26, § 2](#).

Annotations

Notes

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts [2002, ch. 26](#).

Subsection (a) of this section is new language added to state expressly that which was only implied in the former references to submission of an application for a bingo license "to the Sheriff" in former Art. 27, § 251(b) and (c).

In subsection (a) of this section, the reference to "[a]n organization" submitting an application for a license is added to state expressly that which was only implied in the former reference to the ability of an organization to receive a license under former Art. 27, § 251(c).

Subsection (b) of this section is new language derived without substantive change from former Art. 27, § 251(c).

ANGELA BLONDINO

Md. CRIMINAL LAW Code Ann. § 13-2106

Statutes current through legislation effective July 10, 2020

MD - Annotated Code of Maryland > CRIMINAL LAW > TITLE 13. GAMING -- LOCAL PROVISIONS > SUBTITLE 21. ST. MARY'S COUNTY

§ 13-2106. Bingo -- License fee

- (a) **Established by county commissioners.** --By resolution, the county commissioners may establish a bingo license fee schedule based on criteria that the county commissioners consider appropriate.
- (b) **Charged by sheriff.** --The sheriff shall charge for each license the annual license fee that the county commissioners set by resolution.
- (c) **Deposit.** --A resolution adopted under subsection (a) of this section shall specify the fund in which the license fees are to be deposited.

History

An. Code 1957, art. 27, § 251(d); [2002, ch. 26, § 2](#).

Annotations

Notes

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts [2002, ch. 26](#).

This section is new language derived without substantive change from former Art. 27, § 251(d).

In subsections (a) and (b) of this section, the former references to a "bingo" license are deleted for consistency and clarity.

In subsection (b) of this section, the former reference to the "issuance of" a license is deleted as unnecessary.

DEFINED TERMS:

"County commissioners"	§ 13-2101
"Sheriff"	§ 13-2101

Research References & Practice Aids

ANGELA BLONDINO

Md. CRIMINAL LAW Code Ann. § 13-2107

Statutes current through legislation effective July 10, 2020

MD - Annotated Code of Maryland > CRIMINAL LAW > TITLE 13. GAMING -- LOCAL PROVISIONS > SUBTITLE 21. ST. MARY'S COUNTY

§ 13-2107. Bingo -- Right to license

The sheriff shall issue a numbered license to an organization that meets the requirements of §§ 13-2103 through 13-2110 of this subtitle to conduct bingo and award prizes.

History

An. Code 1957, art. 27, § 251(a); [2002, ch. 26, § 2](#).

Annotations

Notes

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts [2002, ch. 26](#).

This section is new language derived without substantive change from former Art. 27, § 251(a), as it related to the right of eligible organizations to bingo licenses.

The former phrase "[n]otwithstanding any other provisions of this subtitle [sic]" is deleted as implicit in the reorganization of material derived from the former "Gaming" subheading of Article 27.

The defined term "sheriff" is substituted for the former reference to the "Sheriff of St. Mary's County" for brevity.

Case Notes

BINGO NOT LOTTERY. --Bingo is not a lottery. [Bender v. Arundel Arena, Inc., 248 Md. 181, 236 A.2d 7 \(1967\)](#).

Md. CRIMINAL LAW Code Ann. § 13-2108

Statutes current through legislation effective July 10, 2020

MD - Annotated Code of Maryland > CRIMINAL LAW > TITLE 13. GAMING -- LOCAL PROVISIONS > SUBTITLE 21. ST. MARY'S COUNTY

§ 13-2108. Bingo -- License term

A license issued under this subtitle is valid for 1 year.

History

An. Code 1957, art. 27, § 251(a); [2002, ch. 26, § 2](#).

Annotations

Notes

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts [2002, ch. 26](#).

This section is new language derived without substantive change from former Art. 27, § 251(a), as it related to the term of a bingo license, and is revised for consistency with similar provisions elsewhere in the Code.

Research References & Practice Aids

USER NOTE:

For more generally applicable notes, see notes under the first section of this part, subtitle, title, division or article.

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End of Document

ANGELA BLONDINO

Md. CRIMINAL LAW Code Ann. § 13-2109

Statutes current through legislation effective July 10, 2020

MD - Annotated Code of Maryland > CRIMINAL LAW > TITLE 13. GAMING -- LOCAL PROVISIONS > SUBTITLE 21. ST. MARY'S COUNTY

§ 13-2109. Bingo -- Report

Within 15 days after the last day authorized for bingo in the license, a principal officer of the organization shall file a report under penalties of perjury that certifies:

- (1) that the regular members of the organization personally conducted bingo at the time and place stated in the application without the assistance of gaming professionals;
- (2) the disposition of the cash proceeds of the bingo; and
- (3) that the organization did not pay a premises rental fee to:
 - (i) itself;
 - (ii) its trustees;
 - (iii) a committee of the organization; or
 - (iv) any organization whose members are the same, or substantially the same, as the licensed organization.

History

An. Code 1957, art. 27, § 251(c)(7); [2002, ch. 26, § 2](#).

Annotations

Notes

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts [2002, ch. 26](#).

This section is new language derived without substantive change from former Art. 27, § 251(c)(7).

This section is revised as an affirmative requirement to file a report on bingo activities rather than as a mere promise to file a report contained in a license application under § 13-2105 of this subtitle, to reflect the duty to file implicit in that promise and the sanction for failure to file the report under § 13-2110 of this subtitle.

In item (1) of this section, the reference to "gaming" professionals is added for clarity and consistency within this title.

In item (3)(iii) of this section, the reference to an "organization" is substituted for the former reference to a "licensee" for consistency.

ANGELA BLONDINO

Md. CRIMINAL LAW Code Ann. § 13-2110

Statutes current through legislation effective July 10, 2020

MD - Annotated Code of Maryland > CRIMINAL LAW > TITLE 13. GAMING -- LOCAL PROVISIONS > SUBTITLE 21. ST. MARY'S COUNTY

§ 13-2110. Bingo -- Disqualification

An organization is disqualified from obtaining a license under this subtitle for 1 year if the organization fails to:

- (1) file the report required under § 13-2109 of this subtitle; or
- (2) comply with §§ 13-2103 through 13-2110 of this subtitle.

History

An. Code 1957, art. 27, § 251(e); [2002, ch. 26, § 2](#).

Annotations

Notes

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts [2002, ch. 26](#).

This section is new language derived without substantive change from former Art. 27, § 251(e).

The reference to "[being] disqualified from obtaining" a license is substituted for the former reference to "forfeit[ing] its right to the issuance of" any license for clarity.

The reference to an organization that "fails" to file is substituted for the former reference to an organization "refusing" to file for consistency.

In item (2) of this section, the reference to "§§ 13-2103 through 13-2110 of this subtitle" is substituted for the former reference to this "section" to reflect the reorganization of material derived from former Art. 27, § 251.

Research References & Practice Aids

USER NOTE:

ANGELA BLONDINO

Md. CRIMINAL LAW Code Ann. § 13-2111

Statutes current through legislation effective July 10, 2020

MD - Annotated Code of Maryland > CRIMINAL LAW > TITLE 13. GAMING -- LOCAL PROVISIONS > SUBTITLE 21. ST. MARY'S COUNTY

§ 13-2111. Gaming events and gaming devices

A qualified organization may hold a gaming event and may operate a gaming device if an individual or group of individuals does not:

- (1) benefit financially from the operation of the gaming device; or
- (2) receive from the operation of the gaming device any proceeds for personal use or benefit.

History

An. Code 1957, art. 27, § 255(d); [2002, ch. 26, § 2](#).

Annotations

Notes

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts [2002, ch. 26](#).

This section is new language derived without substantive change from the first sentence of former Art. 27, § 255(d).

The former reference to "St. Mary's County" is deleted in light of § 13-2101 of this subtitle.

The former reference to "conduct[ing]" a gaming event is deleted as included in the reference to "hold[ing]" a gaming event.

In item (2) of this section, the former reference to being "paid" proceeds from the operation of a gaming device is deleted as included in "receiv[ing]" the proceeds.

DEFINED TERMS:

"Gaming device"	§ 13-2101
"Gaming event"	§ 13-2101
"Qualified organization"	§ 13-2101

ANGELA BLONDINO

Md. CRIMINAL LAW Code Ann. § 13-2112

Statutes current through legislation effective July 10, 2020

MD - Annotated Code of Maryland > CRIMINAL LAW > TITLE 13. GAMING -- LOCAL PROVISIONS > SUBTITLE 21. ST. MARY'S COUNTY

§ 13-2112. Gaming events and gaming devices -- Management of operation

Members of the qualified organization shall personally manage the operation of the gaming device.

History

An. Code 1957, art. 27, § 255(d); [2002, ch. 26, § 2](#).

Annotations

Notes

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts [2002, ch. 26](#).

This section is new language derived without substantive change from the fifth sentence of former Art. 27, § 255(d).

DEFINED TERMS:

"Gaming device"	§ 13-2101
"Qualified organization"	§ 13-2101

Research References & Practice Aids

USER NOTE:

For more generally applicable notes, see notes under the first section of this part, subtitle, title, division or article.

Md. CRIMINAL LAW Code Ann. § 13-2113

Statutes current through legislation effective July 10, 2020

MD - Annotated Code of Maryland > CRIMINAL LAW > TITLE 13. GAMING -- LOCAL PROVISIONS > SUBTITLE 21. ST. MARY'S COUNTY

§ 13-2113. Gaming events and gaming devices -- Daily use limitation

If a qualified organization uses a gaming device on a daily basis:

- (1) the qualified organization may not operate more than five gaming devices; and
- (2) the premises in which the qualified organization operates the gaming device may not contain more than five gaming devices.

History

An. Code 1957, art. 27, § 255(d); [2002, ch. 26, § 2](#).

Annotations

Notes

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts [2002, ch. 26](#).

This section is new language derived without substantive change from the second sentence of former Art. 27, § 255(d).

In the introductory language of this section, the reference to "a qualified organization [that] uses a gaming device" on a daily basis is new language added to state expressly that which was only implied by the context of former Art. 27, § 255(d).

In items (1) and (2) of this section, the former reference to a "corporation" operating gaming devices is deleted as included in the reference to an "organization" operating gaming devices.

DEFINED TERMS:

"Gaming device"	§ 13-2101
"Qualified organization"	§ 13-2101

ANGELA BLONDINO

Md. CRIMINAL LAW Code Ann. § 13-2114

Statutes current through legislation effective July 10, 2020

MD - Annotated Code of Maryland > CRIMINAL LAW > TITLE 13. GAMING -- LOCAL PROVISIONS > SUBTITLE 21. ST. MARY'S COUNTY

§ 13-2114. Gaming events and gaming devices -- Proceeds

(a) **Allowed uses.** --All proceeds from a gaming device shall be used solely for the legitimate charitable, benevolent, or tax-exempt purposes of the qualified organization.

(b) **Personal benefit prohibited.** --Proceeds from the operation of a gaming device may not be used to benefit personally any member of the qualified organization.

History

An. Code 1957, art. 27, § 255(d); [2002, ch. 26, § 2](#).

Annotations

Notes

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts [2002, ch. 26](#).

This section is new language derived without substantive change from the third sentence of former Art. 27, § 255(d).

In subsection (a) of this section, the reference to "tax-exempt" purposes is substituted for the former reference to "exempt" purposes for clarity. The Criminal Law Article Review Committee calls this substitution to the attention of the General Assembly.

In subsection (b) of this section, the reference to "[p]roceeds from the operation of a gaming device" is added for clarity.

DEFINED TERMS:

"Gaming device"	§ 13-2101
"Qualified organization"	§ 13-2101

Research References & Practice Aids

ANGELA BLONDINO

Md. CRIMINAL LAW Code Ann. § 13-2115

Statutes current through legislation effective July 10, 2020

MD - Annotated Code of Maryland > CRIMINAL LAW > TITLE 13. GAMING -- LOCAL PROVISIONS > SUBTITLE 21. ST. MARY'S COUNTY

§ 13-2115. Gaming events and gaming devices -- Record keeping

(a) Required. --A qualified organization shall keep accurate records of proceeds and expenditures involving gaming devices.

(b) Inspection. --On request, a qualified organization shall allow the State's Attorney for the county, a State Police officer, and the sheriff or deputy sheriff to examine the records required under subsection (a) of this section.

History

An. Code 1957, art. 27, § 255(d); [2002, ch. 26, § 2](#).

Annotations

Notes

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts [2002, ch. 26](#).

This section is new language derived without substantive change from the fourth sentence of former Art. 27, § 255(d).

In this section, the former reference to "books" is deleted as included in the term "records".

DEFINED TERMS:

"Gaming device"	§ 13-2101
"Qualified organization"	§ 13-2101
"Sheriff"	§ 13-2101

Research References & Practice Aids

ANGELA BLONDINO

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

September 29, 2020

The Honorable Matthew Morgan
Maryland House of Delegates
310 House Office Building
6 Bladen Street
Annapolis, MD 21401

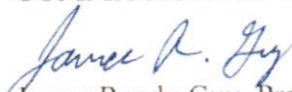
Re: St. Mary's County Gaming Provision - To amend the St. Mary's County Gaming Provisions located in §13-2101, §13-2103, §13-2105, §13-2106, §13-2107 and §13-2115 of the *Criminal Law* Article

Dear Chairman Morgan:

The Commissioners of St. Mary's County support the request to amend the St. Mary's County Gaming Provisions located in §13-2101, §13-2103, §13-2105, §13-2106, §13-2107 and §13-2115 of the *Criminal Law* Article relating to bingo as requested by Sheriff Tim Cameron.

We appreciate the introduction of this legislation and believe this legislation will benefit the citizens of St. Mary's County. We look forward to working with you on this and other initiatives throughout the session.

Sincerely,
COMMISSIONERS OF ST. MARY'S COUNTY


James Randy Guy, President

CSMC/AB/sf
T:/Consent/2020/139

Cc: Senator Jack Bailey
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

House Bill ____ - St Mary's County - to amend local
gaming provisions
SUPPORT

_____, 2021

Delegate _____, Chair
_____ Committee
House Office Building, Room 101
6 Bladen Street
Annapolis, MD 21401

RE: House Bill #: ____ - St Mary's County - to amend local gaming provisions
Hearing on _____, 2021

Dear Chairman _____:

The Commissioners of St. Mary's County support House Bill #: ____ St Mary's County -
to amend local gaming provisions which is being heard in the _____ Committee
on _____, 2021.

We request a favorable report on House Bill _____. We support the introduction of this
legislation and believe it would benefit the citizens of St. Mary's County. Thank you for your
consideration as well as your attention to this matter.

Sincerely,

COMMISSIONERS OF ST. MARY'S COUNTY

James Randy Guy, President

Cc: Senator Jack Bailey
Delegate Matthew Morgan
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

Senate Bill ____ St Mary's County - to amend
gaming provisions

SUPPORT

_____, 2021

Senator _____, Chair
_____ Committee

_____ West
Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

RE: Senate Bill #: _____ - St Mary's County - to amend local gaming provisions
Hearing on _____, 2021

Dear Chairman _____:

The Commissioners of St. Mary's County support Senate Bill #: ____ St Mary's County -
to amend local gaming provisions which is being heard in the _____ Committee
on _____, 2021.

We request a favorable report on Senate Bill _____. We support the introduction of this
legislation and believe it would benefit the citizens of St. Mary's County. Thank you for your
consideration as well as your attention to this matter.

Sincerely,

COMMISSIONERS OF ST. MARY'S COUNTY

James Randy Guy, President

Cc: Senator Jack Bailey
Delegate Matthew Morgan
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

11

**COMMISSIONERS OF ST. MARY'S COUNTY
2021 LEGISLATIVE PROPOSAL FORM**

JOINT MEETING

**ST. MARY'S COUNTY LEGISLATIVE DELEGATION AND COMMISSIONERS OF ST. MARY'S COUNTY
OCTOBER 6, 2020 AT 6:00 P.M.
41770 BALDRIDGE STREET, LEONARDTOWN, MARYLAND**

August 26 – Legislative Proposals are due to Commissioners and Delegate Morgan.

September 22 – Legislative Proposals will be presented to the Commissioners at their regular meeting at 9:00 a.m.

September 29 - Commissioners will take positions/vote on legislative proposals at their regular meeting at 9:00 a.m.

October 6 – Joint Public Meeting with Commissioners and St. Mary's County Delegation at 6:00 p.m.

Requestors will be given WEBEX contact information prior to the meetings to participate.

REQUESTOR: COMMISSIONER JOHN O'CONNOR AND COMMISSIONER ERIC COLVIN

ADDRESS: 41770 BALDRIDGE STREET, P.O. BOX 653, LEONARDTOWN, MD 20650

TELEPHONE: 301-475-4200

EMAIL: JOHN.OCONNOR@STMARYSMD.COM
ERIC.COLVIN@STMARYSMD.COM

SUBJECT MATTER: TO ALLOW GOLF CARTS TO BE DRIVEN ON OLD HORSE LANDING ROAD IN MECHANICSVILLE, MARYLAND.

LEGISLATIVE REFERENCE: Maryland Annotated Code: Transportation Article § 21-104.3

FISCAL IMPACT: YES _____ NO X **AMOUNT:** N/A

Request: To amend § 21-104.3 of the Transportation Article to exempt golf carts from motor vehicle registration requirements for golf carts driven on Old Horse Landing Road, a county road located in Mechanicsville, Maryland.

§ 21-104.3. Person operating golf cart on highways; community of Golden Beach Patuxent Knolls **AND ON OLD HORSE LANDING ROAD, MECHANICSVILLE**, St. Mary's County.

(a) Rights and duties. -- A person who operates a golf cart on a county highway in the community of Golden Beach Patuxent Knolls, St. Mary's County, without registration as authorized under § 13-402(c)(12) of this article:

(1) May operate the golf cart only:

(i) On a county highway on which the maximum posted speed limit does not exceed 35 miles per hour;

(ii) Between dawn and dusk; and

(iii) If the golf cart is equipped with lighting devices as required by the Administration;

(2) Shall keep the golf cart as far to the right of the roadway as feasible; and

(3) Shall possess a valid driver's license.

(b) Designation of permissible county highways. -- The St. Mary's County Department of Public Works and Transportation may designate the county highways in the community of Golden Beach Patuxent Knolls on which a person may operate a golf cart.

(C) RIGHTS AND DUTIES. -- **A PERSON WHO OPERATES A GOLF CART ON OLD HORSE LANDING ROAD IN MECHANICSVILLE, ST. MARY'S COUNTY, WITHOUT REGISTRATION AS AUTHORIZED UNDER § 13-402(C)(12) OF THIS ARTICLE:**

(1) MAY OPERATE THE GOLF CART ONLY:

(I) ON A COUNTY HIGHWAY ON WHICH THE MAXIMUM POSTED SPEED LIMIT DOES NOT EXCEED 30 MILES PER HOUR;

(II) BETWEEN DAWN AND DUSK; AND

(III) IF THE GOLF CART IS EQUIPPED WITH LIGHTING DEVICES AS REQUIRED BY THE ADMINISTRATION;

(2) SHALL KEEP THE GOLF CART AS FAR TO THE RIGHT OF THE ROADWAY AS FEASIBLE;

(3) SHALL POSSESS A VALID DRIVER'S LICENSE AND

(4) SHALL NOT CROSS STATE ROADS WHILE OPERATING THE GOLF CART.

SUBMIT BY AUGUST 26, 2020 TO:

COMMISSIONERS OF ST. MARY'S COUNTY
41770 BALDRIDGE STREET
P.O. Box 653
LEONARDTOWN MARYLAND 20650
csmc@stmarysmd.com

AND

MATT MORGAN, DELEGATE
DISTRICT 29A, ST. MARY'S COUNTY
310 HOUSE OFFICE BUILDING
6 BLADEN STREET
ANNAPOLIS, MD 21401
matt.morgan@house.state.md.us

[Md. TRANSPORTATION Code Ann. § 21-104.3](#)

Statutes current through legislation effective July 10, 2020

MD - Annotated Code of Maryland > TRANSPORTATION > TITLE 21. VEHICLE LAWS -- RULES OF THE ROAD > SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS

§ 21-104.3. Person operating golf cart on highway; community of Golden Beach Patuxent Knolls, St. Mary's County.

(a) Rights and duties. --A person who operates a golf cart on a county highway in the community of Golden Beach Patuxent Knolls, St. Mary's County, without registration as authorized under § 13-402(c)(12) of this article:

(1) May operate the golf cart only:

(i) On a county highway on which the maximum posted speed limit does not exceed 35 miles per hour;

(ii) Between dawn and dusk; and

(iii) If the golf cart is equipped with lighting devices as required by the Administration;

(2) Shall keep the golf cart as far to the right of the roadway as feasible; and

(3) Shall possess a valid driver's license.

(b) Designation of permissible county highways. --The St. Mary's County Department of Public Works and Transportation may designate the county highways in the community of Golden Beach Patuxent Knolls on which a person may operate a golf cart.

History

[2017, ch. 710](#); [2018, chs. 174, 175](#).

Annotations

Notes

EFFECT OF AMENDMENTS. --

Chapters 174 and 175, Acts 2018, effective June 1, 2018, made identical changes. Each substituted "§ 13-402(c)(12)" for "§ 13-402(c)(13)" in the introductory language of (a).

EDITOR'S NOTE. --

[Section 2, ch. 710, Acts 2017](#), provides that the act shall take effect October 1, 2017.

Md. TRANSPORTATION Code Ann. § 21-104.3

Annotated Code of Maryland

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End of Document

June 11, 2020

TO WHOM IT MAY CONCERN:

We the residents of Mt. Zion Church Road and Old Horse Landing Road in Mechanicsville, MD are requesting permission to ride our golf carts on Old Horse Landing Road. Approximately 2 years ago, we went to a County Commissioners meeting and stood and made this same request. We were told that they were doing a pilot project in Golden Beach first and would see how that goes then would decide about other areas.

We have not heard anything on how the pilot project went but would like you to know that we are nothing like Golden Beach. They, as you know have multiple side roads and are a largely populated area with a lot of traffic daily. We (Old Horse Landing Road) are mainly family. This property was all owned by Bucklers and was subdivided and sold to their 15 children. Over the years, some have moved off the property, but majority still live here. Some properties were sold outside the family and some are rented.

We have gone door to door asking for signatures of residents who are joining us in this request.

There is only one road in and one way out. The speed limit is posted as 30 MPH.

Very Respectively Submitted,

Karen Buckler

27084 Mt. Zion Church Road
Mechanicsville, MD 20659
240.298.7612

Tony and Michele Evans

40826 Old Horse Landing Road
Mechanicsville, MD 20659
301.247.0368
240.298.2934

DATE	NAME	ADDRESS
6/14/20	Linda Copsey	40465 Old Horse Landing Rd
6/14/20	Beryl Vinty	40519 Old Horse Ldg Rd.
6/14/20	Elaine & Jackson Berry	40535 Old Horse Ldg Rd.
6/14/20	Wayne Buckle	40443 Old Horse Landing Rd.
6/14/20	Laura Buckler	40443 Lolly Pop Tree Ln.
6/14/20	Jeffrey Jenkins	40615 Lolly Pop Tree Ln
6-14-20	Ashley Wood	40680 Oldhorse landing rd
6/14/20	[Signature]	407530 Oldhorse landing Rd
6/14/20	William Buckler III	40803 Old Horse Landing Rd.
6/14/20	[Signature]	40791 Old Horse Landing Rd
6/14/20	Blaine Buckler	40795 Old Horse Landing Rd
6/14/20	Ferry O Connell	27222 Helen Bohle dr.
6-14-20	Ruth Quade	27280 Four Log Ln.
6-14-20	Kevin Wood	27212 Helen Bohle DR
6-14-20	Joseph Buckler	40431 old Horse Landing Rd.
6-14-20	Mike [Signature]	40765 Old Horse Landing Rd
6-14-20	[Signature]	40811 OLD Horse landing Rd
6-14-20	Ken Buckler	27084 MT. ZION church RD
6-17-20	Lillian Buckler	27092 MT Zion Church Rd Mech, Md 20657
6/16/20	Lebbie Buckler	27455 Evans Buckler Lane Mech Md
6/14/20	David [Signature]	27465 Evans Buckler Lane Mech Md
6/15	Bert Gagnon	27465 EVANS, Buckler Lane 20657
6/15/20	[Signature]	27465 Evans Buckler Lane
6/19/20	Melva Ritter Buckler	40545 Old Horse Landing Rd 20659
6/19/20	Mina W. Buckler	40545 Old Horse Landing Rd.
6/19/20	Janie Guy	40545 Old Horse Landing Rd
6/19/20	Roger Shewmake	40558 old Horse Landing Rd.
6/19/20	Jennifer N Bebler	40553 Old Horse Landing Rd
6/24/20	Angela Pomerleau	27375 Jamie Deans Way Mech. Md 20658

6-24-20	Amond Pomulian III	27375 Jamie Deans Way	MechM 2065
6-24-20	Walter Pomeroy	27375 Jamie Deans Way	Mech. MD 2065
6-25-20	Edith Kowalek	27358 Jamie Deans Way	2065
6-25-20	Miguel Ramirez	27358 Jamie Deans Way	2065
6-25-20	Davy Lambert	27304 Helen Bohle Drive	2065
6-25-20	HELEN BOHLE Helen Bohle	27350 JAMIE DEANS WAY	20659
6-25-20	JIM BOHLE Jim Bohle	27350 JAMIE DEANS WAY	20659
6-26-2020	Helen I. Thompson	40830 OLD HORSE LANDING Rd.	MECH. MD 20659
6-26-2020	Tim W. Thompson	40830 Old Horse Landing Rd.	MECH. MD 20659
6-28-2020	James C. Hyslop	40845 Old Horse Landing Rd	MECH. 20659
7-1-2020	Courtney Buckler	40711 Old Horse Landing Rd	MECH MD 20659
7-1-2020	Samantha Ginzalez	40711 Old Horse Landing Rd	Mechanicsville, MD
7-3-2020	Troy Buckler	40699 Old Horse Land RD	Mech, MD 2065

DATE	Name	Address
6/19/2020	Eleanor Buckler CONNIE BUCKLER	40602 Old Horse Landing Rd Mechanicsville, MD
6-19-2020	Yvonne Buckler	40605 Old Horse Lndg. Rd
6/19/2020	TAMMY HARRY	40605 Old Horse Lndg Rd
6/19/2020	David	40611 Old horse lndg Rd.
6/19/2020	Joshua Egan	40611 Old horse Landings Rd.
6-19-2020	Francis Showalter Francis Showalter	40733 Old Horse Landing Road
6-19-2020	Tony Evarz	40826 Old Horse Landing Rd Mechanicsville MD
6-19-2020	Michelle Evans	40826 Old Horse Landing Rd Mechanicsville, MD 20655
6-21-2020	Olivia Evans	40826 Old Horse Landing Rd Mechanicsville, MD 20659

Angela Blondino

From: David Yingling
Sent: Wednesday, September 23, 2020 1:14 PM
To: Angela Blondino
Subject: RE: Golf Cart accidents on Golden Beach Road since 2017?

Angela,

A check of Sheriff's Office records revealed we have handled a total of five (5) accidents in that time frame involving golf carts. None of those accidents have occurred in the Golden Beach/Patuent Knolls area. We are further checking with State Police to see if they have handled any but at this point it does not appear so at this time.

Hope that helps.

Dave

From: Angela Blondino <Angela.Blondino@stmarysmd.com>
Sent: Tuesday, September 22, 2020 3:55 PM
To: David Yingling <David.Yingling@stmarysmd.com>
Cc: Neil Murphy <Neil.Murphy@stmarysmd.com>; David Weiskopf <David.Weiskopf@stmarysmd.com>
Subject: Golf Cart accidents on Golden Beach Road since 2017?

Captain Yingling,

Jason Babcock directed my request to you. We need to know if any accidents involving golf carts have occurred on Golden Beach Road Patuxent Knolls since 2017 when golf carts were allowed to be driven on that road. We have a similar legislative proposal this year from Commissioner O'Connor for Old Horse Landing Road and one of the Commissioners asked during the meeting today if any accidents have come about as a result of the 2017 legislation. They are voting on this legislation next Tuesday and I am trying to add this to board docs by Thursday so if you could possibly get this information to me that would be greatly appreciated.

Thank you,
Angela

*Angela Blondino, Paralegal
Office of the County Attorney
St. Mary's County Government
41770 Baldrige Street
P.O. Box 653
Leonardtown, MD 20650
301-475-4200 x1701*

Angela Blondino

From: Richard Tarr
Sent: Wednesday, September 23, 2020 2:31 PM
To: Neil Murphy
Cc: Angela Blondino
Subject: RE: Speed Limit on Old Horse Landing Road
Attachments: Ordinance 2020-16 Speed Airport Rd CSMC signed and recorded.pdf

Good Afternoon Neil,

We recently went through this for Airport Road, see attached.

I'd be glad to make a site visit to fill in the blanks as it relates to the distances, etc. as it pertains to the specific roadway.

The route number for Old Horse Landing Road is #30064.

Once drafted, the requestor, typically DPW, presents the Ordinance during a Commissioner meeting for approval.

Any particular reason the drop in the speed limit is being considered?

Rick

From: Neil Murphy <Neil.Murphy@stmarysmd.com>
Sent: Wednesday, September 23, 2020 2:18 PM
To: Richard Tarr <Richard.Tarr@stmarysmd.com>
Cc: Angela Blondino <Angela.Blondino@stmarysmd.com>
Subject: RE: Speed Limit on Old Horse Landing Road

Hi Rick,

Hope you're well.

What would be the process to reduce the speed limit from 30 to 25 mph?

Sincerely,

Neil

Neil A. Murphy

Deputy County Attorney

St. Mary's County Government

41770 Baldrige Street

Post Office Box 653



Leonardtown, Maryland 20650

Phone: 301-475-4200, ext. 71704

Fax: 301-475-4660

Email: Neil.Murphy@stmarysmd.com

<https://www.stmarysmd.com/>

This electronic message originates from the St. Mary's County Office of Law. The message and any file transmitted with it contain confidential information which may be subject to the attorney-client privilege, or otherwise protected against unauthorized use. The information contained in this message and the file transmitted with it is transmitted in this form based on a reasonable expectation of privacy consistent with ABA Formal Opinion No. 477R (Revised May 22, 2017). Any disclosure, distribution, copying or use of the information by anyone other than the intended recipient, regardless of address or routing, is strictly prohibited. If you have received this message in error, please advise the sender by immediate reply and delete the original message.

From: Richard Tarr <Richard.Tarr@stmarysmd.com>

Sent: Wednesday, September 23, 2020 7:42 AM

To: Angela Blondino <Angela.Blondino@stmarysmd.com>; John Deatrick <John.Deatrick@stmarysmd.com>

Subject: RE: Speed Limit on Old Horse Landing Road

30 mph

From: Angela Blondino <Angela.Blondino@stmarysmd.com>

Sent: Tuesday, September 22, 2020 3:08 PM

To: John Deatrick <John.Deatrick@stmarysmd.com>; Richard Tarr <Richard.Tarr@stmarysmd.com>

Subject: RE: Speed Limit on Old Horse Landing Road

Thanks John.

From: John Deatrick <John.Deatrick@stmarysmd.com>

Sent: Tuesday, September 22, 2020 3:05 PM

To: Richard Tarr <Richard.Tarr@stmarysmd.com>

Cc: Angela Blondino <Angela.Blondino@stmarysmd.com>

Subject: FW: Speed Limit on Old Horse Landing Road

Rick – can you help?

John Deatrick

Director

DPW&T

301-475-4200, ext. 3510 Office

240-496-6367 Mobile

From: Angela Blondino <Angela.Blondino@stmarysmd.com>
Sent: Tuesday, September 22, 2020 2:48 PM
To: John Deatruck <John.Deatruck@stmarysmd.com>
Subject: Speed Limit on Old Horse Landing Road

John,
Commissioner O'Connor had a legislative proposal for allowing golf carts on Old Horse Landing Road in Mechanicsville. Do you happen to know the speed limit on that road? If not, can you please tell me who to contact?

Thanks,
Angela

*Angela Blondino, Paralegal
Office of the County Attorney
St. Mary's County Government
41770 Baldrige Street
P.O. Box 653
Leonardtown, MD 20650
301-475-4200 x1701*

Subject: Roads - To Regulate Speed on Airport Road

LIBER 0028 FOLIO 194

ORDINANCE

TO REGULATE SPEED ON AIRPORT ROAD

WHEREAS, pursuant to §12-538 (a, c) of the *Local Government Article* and §25-102(a) of the *Transportation Article* of the *Annotated Code of Maryland*, the Commissioners of St. Mary's County may regulate the speed of vehicles on a public road within the County which has not been designated or maintained as a part of the State or federal highway system; and

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has recommended that 35 miles per hour (mph) is a reasonable and safe maximum speed for Airport Road, County Route #30466 between Maryland State Route 235, Station 0+00' to Station 17+21'; and

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has recommended that 25 mph is a reasonable and safe maximum speed for Airport Road, County Route #30466 between Station 17+21' and the end of the County Road, Station 49+19'; and

WHEREAS, the Commissioners of St. Mary's County, finds that it is in the best interest of the health, safety and welfare of the citizens of St. Mary's County to regulate the speed of vehicles on Airport Road,

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

SECTION I. MAXIMUM SPEED.

1. The maximum speed limit on Airport Road, County Route 30466, shall be 35 mph from Station 0+00' to Station 17+21'; and
2. The maximum speed limit on Airport Road, County Route 30466, shall be 25 mph from Station 17+21' to the end of the County Road, Station 49+19'.

SECTION II. TRAFFIC CONTROL DEVICES.

The Director of the Department of Public Works and Transportation shall place a 35 mph speed limit sign on Airport Road, County Route 30466 at or near the entrance to Airport Road, a 25 mph speed limit sign at Station 17+21' on the inbound lane, a 25 mph speed limit sign at or near station 43+70' on the outbound lane and a 35 mph speed limit sign at Station 17+21' on the outbound lane.

LIBER0028 FOLIO 195

Subject: Roads - To Regulate Speed on Airport Road

SECTION III. EFFECTIVE DATE.

This Ordinance shall be effective upon the date written below, or on the date(s) that each sign required in Section II is placed or erected.

Those voting Aye: 5

Those voting Nay: 0

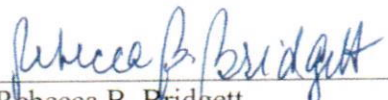
Those Abstaining: 0

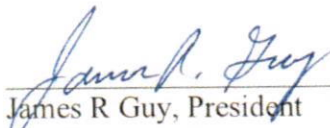
Date of Adoption: 5/12/2020

Effective Date: 5/24/2020

ATTEST:

COMMISSIONERS OF ST. MARY'S COUNTY

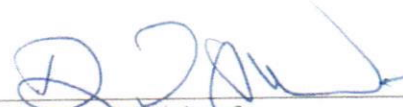

Rebecca B. Bridgett
County Administrator


James R. Guy, President

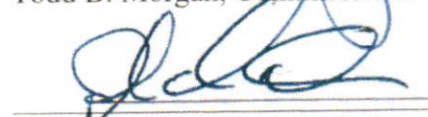

Eric Colvin, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


Michael L. Hewitt, Commissioner


David A. Weiskopf
County Attorney


Todd B. Morgan, Commissioner


John E. O'Connor, Commissioner

DOCUMENT VALIDATION

LIBER 0028 FOLIO 196

LR - Government
Instrument 0.00
Agency Name: ST.MARY'S
COUNTY COMMISSIONERS
Instrument List: Other
Describe Other:
ORDINANCE
Ref:

=====
Total: 0.00
05/19/2020 11:18
CC18-JS
#13686861 CC0704 - St
Mary's
County/CC07.04.05 -
Register 05

Circuit Court for St. Mary's County
PO Box 676
41605 Courthouse Drive
Leonardtown, MD 20650
(301) 475-7844

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

September 29, 2020

The Honorable Matthew Morgan
Maryland House of Delegates
310 House Office Building
6 Bladen Street
Annapolis, MD 21401

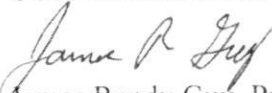
Re: To request to amend § 21-104.3 of the Transportation Article to exempt from motor vehicle registration requirements golf carts driven on Old Horse Landing Road, Mechanicsville, Maryland.

Dear Chairman Morgan:

The Commissioners of St. Mary's County support the request to amend § 21-104.3 of the Transportation Article to exempt from motor vehicle registration requirements golf carts driven on Old Horse Landing Road, a county road located in Mechanicsville, Maryland as requested by Commissioner John O'Connor and Commissioner Eric Colvin.

We appreciate the introduction of this legislation and believe this legislation will benefit the citizens of St. Mary's County. We look forward to working with you on this and other initiatives throughout the session.

Sincerely,
COMMISSIONERS OF ST. MARY'S COUNTY


James Randy Guy, President

CSMC/AB/sf
T:/Consent/2020/140

Cc: Senator Jack Bailey
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

ST. MARY'S COUNTY GOVERNMENT

COMMISSIONERS OF
ST. MARY'S COUNTY



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

House Bill _____ - Motor Vehicle Registration –
Exception for Golf Carts –Old Horse Landing Road,
Mechanicsville

SUPPORT

_____, 2021
Delegate _____, Chair
_____ Committee
House Office Building, Room 101
6 Bladen Street
Annapolis, MD 21401

RE: House Bill #: _____ Motor Vehicle Registration – Exception for Golf Carts –Old
Horse Landing Road, Mechanicsville
Hearing on _____, 2021

Dear Chairman _____:

The Commissioners of St. Mary's County support House Bill #: _____ Motor Vehicle
Registration – Exception for Golf Carts –Old Horse Landing Road, Mechanicsville which is
being heard in the _____ Committee on _____, 2021.

We request a favorable report on House Bill _____. We support the introduction of this
legislation and believe it would benefit the citizens of St. Mary's County. Thank you for your
consideration as well as your attention to this matter.

Sincerely,

COMMISSIONERS OF ST. MARY'S COUNTY

James Randy Guy, President

Cc: Senator Jack Bailey
Delegate Matthew Morgan
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

P.O. BOX 653 ♦ CHESAPEAKE BUILDING ♦ 41770 BALDRIDGE ST., LEONARDTOWN, MD 20650
PHONE 301.475.4200 *1350 ♦ FAX 301.475.4935 ♦ www.stmarysmd.com ♦ CSMC@STMARYSMD.COM

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

Senate Bill _____ - Motor Vehicle Registration –
Exception for Golf Carts –Old Horse Landing Road,
Mechanicsville

SUPPORT

_____, 2021
Senator _____, Chair
_____ Committee
_____ West
Miller Senate Office Building
11Bladen Street
Annapolis, MD 21401

RE: Senate Bill #: _____ Motor Vehicle Registration – Exception for Golf Carts –Old
Horse Landing Road, Mechanicsville
Hearing on _____, 2021

Dear Chairman _____:

The Commissioners of St. Mary's County support Senate Bill #: _____ Motor Vehicle
Registration – Exception for Golf Carts –Old Horse Landing Road, Mechanicsville which is
being heard in the _____ Committee on _____, 2021.

We request a favorable report on Senate Bill _____. We support the introduction of this
legislation and believe it would benefit the citizens of St. Mary's County. Thank you for your
consideration as well as your attention to this matter.

Sincerely,

COMMISSIONERS OF ST. MARY'S COUNTY

James Randy Guy, President

Cc: Senator Jack Bailey
Delegate Matthew Morgan
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

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**COMMISSIONERS OF ST. MARY'S COUNTY
2021 LEGISLATIVE PROPOSAL FORM**

JOINT MEETING

ST. MARY'S COUNTY LEGISLATIVE DELEGATION AND COMMISSIONERS OF ST. MARY'S COUNTY

OCTOBER 6, 2020 AT 6:00 P.M.

41770 BALDRIDGE STREET, LEONARDTOWN, MARYLAND

August 26 – Legislative Proposals are due to Commissioners and Delegate Morgan.

September 22 – Legislative Proposals will be presented to the Commissioners at their regular meeting at 9:00 a.m.

September 29 - Commissioners will take positions/vote on legislative proposals at their regular meeting at 9:00 a.m.

October 6 – Joint Public Meeting with Commissioners and St. Mary's County Delegation at 6:00 p.m.

Requestors will be given WEBEX contact information prior to the meetings to participate.

REQUESTOR: BRETON BAY GOLF & COUNTRY CLUB

ADDRESS: 21935 SOCIETY HILL ROAD, LEONARDTOWN, MD 20650

TELEPHONE: 301-475-3068

EMAIL: ADMIN.BRETONBAY@MD.METROCAST.NET

SUBJECT MATTER: The water management pond located in Breton Bay Community is in need of repair. The state has required this pond (Dam) be fixed. This pond allows for substantial drainage for the residential neighborhood and also serves as a vital water source to the community golf course. Additionally, the pond provides a place to accept affluent water from Metcom. If the water management pond is not repaired, there would be major consequences for both the neighborhood and the golf course and a loss of channel protection resulting in an increased sediment load into Cherry Cove Creek and Breton Bay.

Breton Bay Golf & Country Club is seeking assistance from the county to facilitate the completion of the repair project. The country club has sponsored local schools' golf teams to provide free practice facilities and hosts charitable golf tournaments for the last 50+ Years. The repair of this water management pond is extremely important to the future success of the Breton Bay community and the Breton Bay Golf & Country Club.

LEGISLATIVE REFERENCE (IF KNOWN): Annotated Code: _____ Article § _____
Code of St. Mary's County: Chapter _____

FISCAL IMPACT: YES ___ **NO** ___ **AMOUNT:** _____

REQUEST (continue on separate sheet, if necessary):

SUBMIT BY AUGUST 26, 2020 TO:

**COMMISSIONERS OF ST. MARY'S COUNTY
41770 BALDRIDGE STREET
P.O. BOX 653
LEONARDTOWN MARYLAND 20650**

AND

**MATT MORGAN, DELEGATE
DISTRICT 29A, ST. MARY'S COUNTY
310 HOUSE OFFICE BUILDING
6 BLADEN STREET**

Maryland General Assembly Legislative Bond Initiative Request Form

Project Name: *Breton Bay Pond/Dam Repair and Reconstruction*

Amount Requested: *\$750,000.00*

Contact Person

Project Location: *St. Mary's*

Name: *Kevin McCleaf*

Address: *21935 Society Hill Road, Leonardtown, MD 20650*

Phone Number: *301-475-3068*

Email: *admin.bretonbay@md.metrocast.net*

Legal Name of Recipient (If a corporation, please give name exactly as it appears in the Articles of Incorporation as registered with the State Department of Assessments and Taxation):

Breton Bay Recreation, Inc

Legal Status of Recipient (e.g., corporation, local government):

Corporation

If the recipient is a non-governmental entity, is it governed by:

Board of Directors Board of Trustees

Other. If other, please explain:

Address of Project and Recipient (If project and recipient have different address, include both)

21935 Society Hill Road, Leonardtown, MD 20650

Briefly describe the purpose and reason for the project:

The water management pond/dam located in Breton Bay Community is in need of repair and reconstruction. The state has required this pond/dam be fixed. This pond/dam allows for substantial drainage for the residential neighborhood and also serves as a vital water source to the community golf course. Additionally, the pond/dam provides a place to accept affluent water from Metcom. If the water management pond/dam is not repaired, there would be major consequences for both the neighborhood and the golf course and a loss of channel protection resulting in an increased sediment load into Cherry Cove Creek and Breton Bay.

Amount of Matching Fund:

Equal match (this also includes an amount higher than that of the bond requested)

Unequal match (less than the amount of the bond requested)

Amount of unequal match:

No match

Type of Matching Fund:

Money In kind (e.g., donated services)

Real property Funds expended before June 1

Does the project or recipient have any religious affiliation or involvement?

Yes No

Please list the year of any previous bond bills or initiatives.



X	
State ID	475
National ID	MD00431
Dam Name	Breton Bay Golf and Country Club Dam
Other Dam Names	
Lake Name	
Hazard Classification	SIGNIFICANT
County	St Marys
Latitude	38.2757
Longitude	-76.6661
River or Stream	Cherry Cove Creek
Dam Type	Earth
Purpose	Irrigation Recreation
Year Completed	1970E
Year Dam Modified	1970E
Dam Height (ft)	45
Dam Length (ft)	250
Surface Area (acres)	3.37
Normal Storage (acre-feet)	40
Drainage Area (sq. miles)	0.11
Owner Name	Breton Bay Golf and Country Club

475

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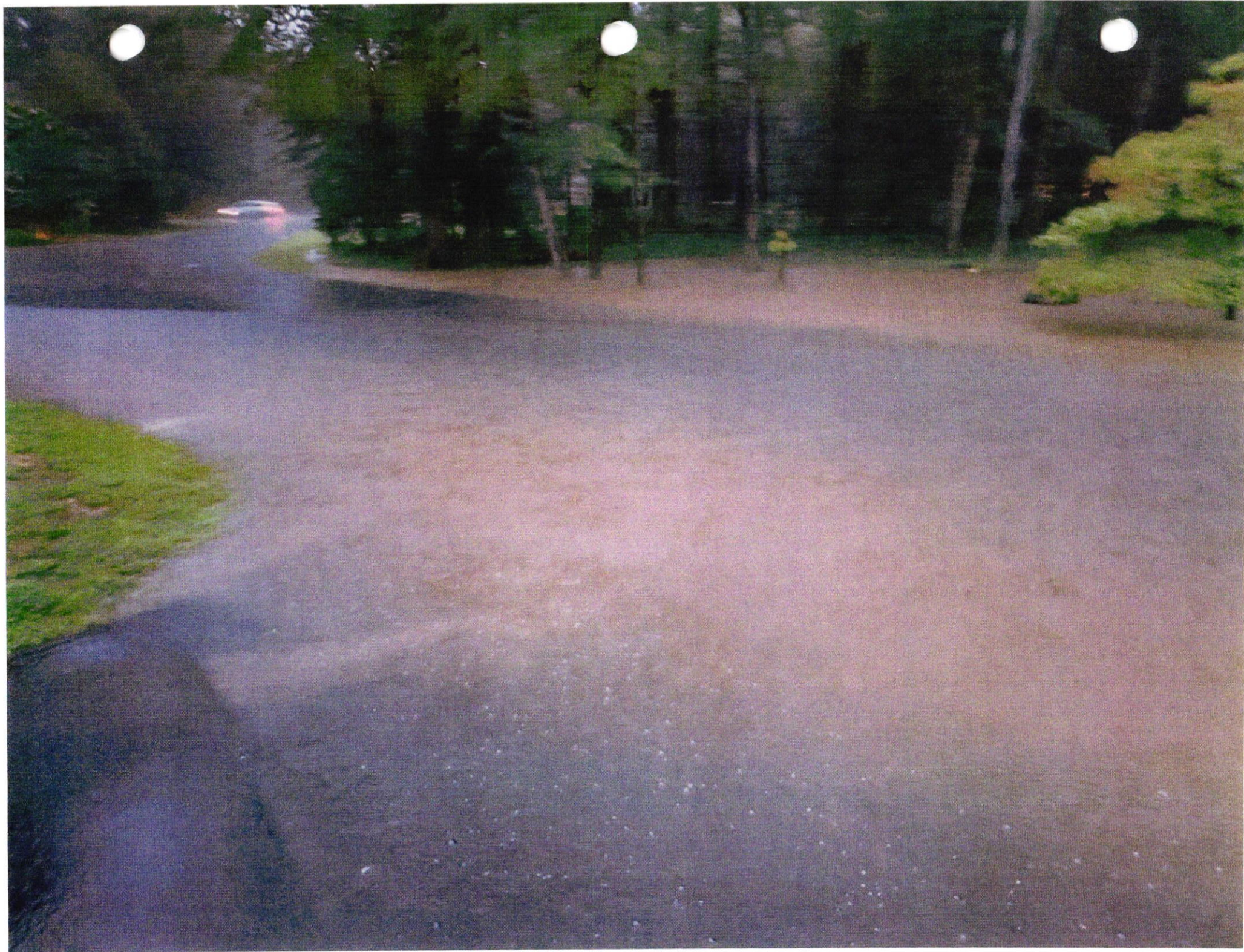
Imagery Date: 10/19/2013 38°16'50.76" N 76°40'16.44" W elev. 87 ft eye alt 2375 ft











ST. MARY'S COUNTY GOVERNMENT
DEPARTMENT OF
PUBLIC WORKS & TRANSPORTATION
John Deatrick, P.E., AICP, LEED BD+C
Director



COMMISSIONERS OF ST. MARY'S COUNTY
James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

September 11, 2020

Delegate Matt Morgan, Chairman
St. Mary's County Legislative Delegation
Maryland House of Delegates
310 House Office Building
6 Bladen Street
Annapolis, MD 21401

RE: Breton Bay Dam (MD Str ID #475)
Support Letter

Dear Delegate Morgan,

The pond on Breton Bay Golf Course was completed in 1970 and the surrounding residential lots were developed soon thereafter. The pond has served as an amenity for Society Hill Community and Breton Bay Golf Course. Maryland Department of Environment (MDE) has issued a Notice of Violation which requires the dam to be either repaired or breached. The board members of the Breton Bay Golf Course seek to repair the dam as it stores water which is used for keeping other smaller ponds on the course full but that is not the only benefit that the pond provides.

The pond serves as a water storage device by capturing runoff from the surrounding area and storing it which will be used as irrigation later. This method is known as rainwater harvesting and commonly used as a stormwater management device under the current design standards. Rainwater harvesting is labeled as a M-1 device in Chapter 5 of the Maryland Stormwater Management Design Manual, a supplement to COMAR 26.17.02.01-1B.

The pond will also help with channel erosion downstream from the outfall point of the dam. The volume of water that the pond captures will reduce how much water is released over the duration of a storm event. A tributary of Cherry Cove Creek extends from the tidal waters up to the outlet of the dam and much of soil types along the tributary are prone to erosion. Regulating the runoff release rate reduces the sediment movement along/from the stream banks and channel while uncontrolled runoff would adversely impact the creek and the Breton Bay.

DPW&T is in support the dam reconstruction effort as this feature assists in environmental integrity as well as providing a water resource that would otherwise be removed if the dam were to be breached.

I trust you will choose in favor of the dam reconstruction funding but if you have any questions, please don't hesitate to contact me ((301) 475-4200, ext 73510).

Respectfully,

John Deatrick, P.E., AICP, LEED BD+C
Director

CC:

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

September 29, 2020

The Honorable Matthew Morgan
Maryland House of Delegates
310 House Office Building
6 Bladen Street
Annapolis, MD 21401

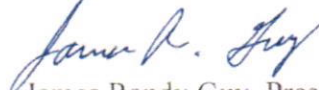
Re: To request a bond bill in the amount of \$750,000 to repair/reconstruct the water management pond/dam in Breton Bay

Dear Chairman Morgan:

The Commissioners of St. Mary's County support the bond bill request in the amount of \$750,000 to assist in the repair/reconstruction of the water management pond/dam in Breton Bay as requested by the Breton Bay Golf and Country Club.

We appreciate the introduction of this legislation and believe this legislation will benefit the citizens of St. Mary's County. We look forward to working with you on this and other initiatives throughout the session.

Sincerely,
COMMISSIONERS OF ST. MARY'S COUNTY


James Randy Guy, President

CSMC/AB/sf
T:/Consent/2020/141

Cc: Senator Jack Bailey
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

ST. MARY'S COUNTY GOVERNMENT

**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

**Bond Bill Request - St Mary's County –
Breton Bay Golf and Country Club
SUPPORT**

_____, 2021

Delegate _____, Chair
_____ Committee
House Office Building, Room 101
6 Bladen Street
Annapolis, MD 21401

RE: Bond Bill Request - St Mary's County - to request a bond bill to assist in the
repair/reconstruction of the Breton Bay water management pond/dam
Hearing on _____, 2021

Dear Chairman _____:

The Commissioners of St. Mary's County support the Bond Bill request of Breton Bay
Golf and Country Club to assist in the repair/reconstruction of the Breton Bay water management
pond/dam as requested by the Breton Bay Golf and Country Club.

We request a favorable report on this Bond Bill. We support the introduction of this
legislation and believe it would benefit the citizens of St. Mary's County. Thank you for your
consideration as well as your attention to this matter.

Sincerely,

COMMISSIONERS OF ST. MARY'S COUNTY

James Randy Guy, President

Cc: Senator Jack Bailey
Delegate Matthew Morgan
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

**Senate Bill ____ Bond Bill Request –
St. Mary's County – Breton Bay Golf and
Country Club**

SUPPORT

_____, 2021

Senator _____, Chair
_____ Committee
_____ West
Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

RE: Bond Bill Request - St Mary's County - to request a bond bill to assist in the repair/reconstruction of the Breton Bay water management pond/dam
Hearing on _____, 2021

Dear Chairman _____:

The Commissioners of St. Mary's County support the Bond Bill request of Breton Bay Golf and Country Club to assist in the repair/reconstruction of the Breton Bay water management pond/dam as requested by the Breton Bay Golf and Country Club.

We request a favorable report on this Bond Bill. We support the introduction of this legislation and believe it would benefit the citizens of St. Mary's County. Thank you for your consideration as well as your attention to this matter.

Sincerely,

COMMISSIONERS OF ST. MARY'S COUNTY

James Randy Guy, President

Cc: Senator Jack Bailey
Delegate Matthew Morgan
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

13

**COMMISSIONERS OF ST. MARY'S COUNTY
2021 LEGISLATIVE PROPOSAL FORM**

JOINT MEETING

ST. MARY'S COUNTY LEGISLATIVE DELEGATION AND COMMISSIONERS OF ST. MARY'S COUNTY

OCTOBER 6, 2020 AT 6:00 P.M.

41770 BALDRIDGE STREET, LEONARDTOWN, MARYLAND

August 26 – Legislative Proposals are due to Commissioners and Delegate Morgan.

September 22 – Legislative Proposals will be presented to the Commissioners at their regular meeting at 9:00 a.m.

September 29 - Commissioners will take positions/vote on legislative proposals at their regular meeting at 9:00 a.m.

October 6 – Joint Public Meeting with Commissioners and St. Mary's County Delegation at 6:00 p.m.

Requestors will be given WEBEX contact information prior to the meetings to participate.

**REQUESTOR: ALCOHOL BEVERAGE BOARD OF ST. MARY'S COUNTY – R. CHRISTOPHER BEAVER, ATTORNEY
& TAMARA HILDEBRAND, ADMINISTRATOR**

ADDRESS: 41650 TUDOR HALL RD., LEONARDTOWN, MD 20650

TELEPHONE: 301-475-4200 x 71600

EMAIL: TAMARA.HILDEBRAND@STMARYSMD.COM

SUBJECT MATTER: NEW LEGISLATION

LEGISLATIVE REFERENCE (IF KNOWN): Annotated Code: Alcoholic Beverages Article § 28-404
Code of St. Mary's County: Chapter _____

FISCAL IMPACT: YES X NO ___ **AMOUNT: APPROX REVENUE \$650/DISTILLERY**

REQUEST (continue on separate sheet, if necessary):

Amendment of Title 28 of Division 2 of the Alcoholic Beverages Article for the issuance of permits to Class 1 distillery license holders allowing for the sale of mixed drinks on-premises.

Proposed Bill is attached.

SUBMIT BY **AUGUST 26, 2020 TO:**

**COMMISSIONERS OF ST. MARY'S COUNTY
41770 BALDRIDGE STREET
P.O. BOX 653
LEONARDTOWN MARYLAND 20650
csmc@stmarysmd.com**

AND

**MATT MORGAN, DELEGATE
DISTRICT 29A, ST. MARY'S COUNTY
310 HOUSE OFFICE BUILDING
6 BLADEN STREET
ANNAPOLIS, MD 21401
matt.morgan@house.state.md.us**

Proposed Bill

L2

By: **St. Mary's County Delegation**

Introduced and read first time: _____, 2021

Assigned to: _____

Committee Report: _____

House action: _____

Read second time: _____, 2021

CHAPTER _____

1 AN ACT concerning

2 **St. Mary's County – Alcoholic Beverages – On-Site Consumption Permit**

3 FOR the purpose of establishing an on-site consumption permit for the holder of a Class 1
4 Distillery license in St. Mary's County authorized by Section 2-202(I) of MD Code,
5 Alcoholic Beverages, D. I, T. 2, Subt. 2; authorizing the sale of certain drinks under
6 the permit in a certain manner; establishing an annual fee for the permit; providing
7 for the application of certain provisions in St. Mary's County; and generally relating
8 to alcoholic beverages in St. Mary's County.

9 BY adding to
10 Article – Alcoholic Beverages
11 Section 28-404
12 Annotated Code of Maryland
13 (2016 Volume and 2019 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Alcoholic Beverages**

17 **28-404.**

18 **(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

1 MAY ISSUE TO A HOLDER OF A CLASS 1 DISTILLERY LICENSE A PERMIT
2 THAT ALLOWS FOR THE SALE OF MIXED DRINKS MADE FROM LIQUOR
3 WHICH LICENSE HOLDER PRODUCES THAT IS MIXED WITH OTHER
4 NONALCOHOLIC INGREDIENTS FOR ON-PREMISES CONSUMPTION
5 AS AUTHORIZED BY SECTION 2-202 OF THIS ARTICLE.

6 (B) (1) THE PERMIT HOLDER MAY NOT USE MORE THAN AN
7 AGGREGATE OF SEVEN THOUSAND, SEVEN HUNDRED, FIFTY (7,750)
8 GALLONS ANNUALLY OF LIQUOR THAT LICENSE HOLDER PRODUCES FOR
9 MIXED DRINKS SOLD UNDER SUBSECTION (A) OF THIS SECTION.

10 (2) THE PERMIT HOLDER SHALL:

11 (I) COMPLY WITH THE ALCOHOL AWARENESS
12 REQUIREMENTS UNDER SECTION 4-505 OF THIS ARTICLE; AND

13 (II) ABIDE BY ALL APPLICABLE TRADE PRACTICE
14 RESTRICTIONS.

15 (C) APPLICATIONS FOR THE PERMIT MAY NOT BE MADE NOT
16 LESS THAN THIRTY (30) DAYS BEFORE THE DAY ON WHICH THE
17 PERMIT IS TO TAKE EFFECT.

18 (D) THE ANNUAL PERMIT FEE IS \$650.00.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
20 Effect October 1, 2021.

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
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Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

September 29, 2020

The Honorable Matthew Morgan
Maryland House of Delegates
310 House Office Building
6 Bladen Street
Annapolis, MD 21401

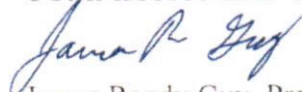
Re: St. Mary's County – Alcoholic Beverages – On-Site Consumption Permit to amend Title 28 of the *Alcohol Beverages* Article to allow issuance of permits to Class 1 distillery license holders

Dear Chairman Morgan:

The Commissioners of St. Mary's County support the amendment of Title 28 of the *Alcohol Beverages* Article to allow issuance of permits to Class 1 distillery license holders allowing for the sale of mixed drinks on premises as requested by the Alcohol Beverage Board of St. Mary's County.

We appreciate the introduction of this legislation and believe this legislation will benefit the citizens of St. Mary's County. We look forward to working with you on this and other initiatives throughout the session.

Sincerely,
COMMISSIONERS OF ST. MARY'S COUNTY


James Randy Guy, President

CSMC/AB/sf
T:/Consent/2020/142

Cc: Senator Jack Bailey
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
Commissioner John O'Connor
Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

ST. MARY'S COUNTY GOVERNMENT
**COMMISSIONERS OF
ST. MARY'S COUNTY**



James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

**House Bill ____ - St Mary's County – Alcoholic
Beverages – On-Site Consumption Permit**

SUPPORT

_____, 2021

Delegate _____, Chair
_____ Committee
House Office Building, Room 101
6 Bladen Street
Annapolis, MD 21401

RE: House Bill #: _____ - St Mary's County – Alcoholic Beverages – On-Site
Consumption Permit
Hearing on _____, 2021

Dear Chairman _____:

The Commissioners of St. Mary's County support House Bill #: ____ St Mary's County -
Alcoholic Beverages – On-Site Consumption Permit which is being heard in the _____
Committee on _____, 2021.

We request a favorable report on House Bill _____. We support the introduction of this
legislation and believe it would benefit the citizens of St. Mary's County. Thank you for your
consideration as well as your attention to this matter.

Sincerely,

COMMISSIONERS OF ST. MARY'S COUNTY

James Randy Guy, President

Cc: Senator Jack Bailey
Delegate Matthew Morgan
Delegate Gerald Clark
Delegate Brian Crosby
Commissioner Eric Colvin
Commissioner Michael Hewitt
Commissioner Todd Morgan
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Dr. Rebecca Bridgett, County Administrator
David Weiskopf, County Attorney

P.O. BOX 653 ♦ CHESAPEAKE BUILDING ♦ 41770 BALDRIDGE ST., LEONARDTOWN, MD 20650
PHONE 301.475.4200 *1350 ♦ FAX 301.475.4935 ♦ www.stmarysmd.com ♦ CSMC@STMARYSMD.COM

ST. MARY'S COUNTY GOVERNMENT
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James R. Guy, President
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Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

**Senate Bill ____ - - St Mary's County – Alcoholic
Beverages – On-Site Consumption Permit
SUPPORT**

_____, 2021
Senator _____, Chair
_____ Committee
_____ West
Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

RE: Senate Bill ____ - St Mary's County – Alcoholic Beverages – On-Site
Consumption Permit
Hearing on _____, 2021

Dear Chairman _____:

The Commissioners of St. Mary's County support Senate Bill ____ - St Mary's
County – Alcoholic Beverages – On-Site Consumption Permit which is being heard in
the _____ Committee on _____, 2021.

We request a favorable report on Senate Bill _____. We support the introduction of this
legislation and believe it would benefit the citizens of St. Mary's County. Thank you for your
consideration as well as your attention to this matter.

Sincerely,

COMMISSIONERS OF ST. MARY'S COUNTY

James Randy Guy, President

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