

BOARD OF GARRETT COUNTY COMMISSIONERS
PUBLIC MEETING
December 17, 2013

IN ATTENDANCE

Chairman Robert G. Gatto
Commissioner Gregan T. Crawford
Commissioner James M. Raley

County Administrator R. Lamont Pagenhardt

ADMINISTRATIVE SESSION

1. The Board of County Commissioners, on a motion by Commissioner Crawford, which was seconded by Commissioner Raley, and made unanimous by Chairman Gatto, moved into Executive Session under section 10-508 of the Maryland Open Meetings Law on this date to discuss economic development and personnel matters. The same motion ended the Executive Session.
2. The Board of County Commissioners, on a motion by Commissioner Crawford, which was seconded by Commissioner Raley, and made unanimous by Chairman Gatto reappointed/appointed the following persons to the Garrett County Commission for Women:

Reappointed

- a) Dorothy Andreas
- b) BJ Gallagher
- c) Joanne Harsh
- d) Caressa Ledford

Appointed

Marilyn Moors

Official letters outlining the term of appointment will be sent to each appointee under the signature of Chairman Gatto.

3. Mr. Pagenhardt reviewed a number of administrative, personnel, and managerial matters under his authority and jurisdiction with the Board of County Commissioners. No official action was taken by the Board at this time.

PUBLIC SESSION

CALL TO ORDER OF PUBLIC SESSION

PRAYER & PLEDGE OF ALLEGIANCE

1. Additions/deletions to public meeting agenda. Mr. Pagenhardt indicated there were no additions or deletions to the Public Meeting Agenda for December 17, 2013. The Board, on a motion by Commissioner Raley, which was seconded by Chairman Gatto, and made unanimous by Commissioner Crawford, approved the Public Meeting Agenda for December 17, 2013.
2. The Board of County Commissioners, on a motion by Commissioner Crawford, which was seconded by Commissioner Raley, and made unanimous by Chairman Gatto, approved the Public Meeting Minutes for December 3, 2013 and Executive Session for December 3, 2013.

3. The Board of County Commissioners provided an update of the boards, committees, and commission meetings they have attended and participated in since the last public meeting.
4. The Purchasing Department presented a recommendation of bid award for HVAC Services (bid #13-1205H). The Board, on a motion by Commissioner Raley, which was seconded by Commissioner Crawford, and made unanimous by Chairman Gatto, approved an award to Rush Services, Inc. with basic Labor rates for licensed Master HVAC at \$80.00 per hour and a percentage mark-up for materials at 25%.
5. The Board of County Commissioners conducted their annual Legislative Review Meeting with Senator George Edwards and Delegate Wendell Beitzel. A list of all legislative issues presented on this date is on file with the Office of the Board of County Commissioners. The Board will schedule a public meeting session on January 7, 2014 to take an official position on legislative issues presented on this date.
6. The Garrett County Emergency Services Board (ESB) requested approval of the Final Draft of the Garrett County Length of Service Awards Program (LOSAP) Agreement. A letter from the ESB outlining the conditions of the Agreement is attached to these public meeting minutes as **Exhibit 1**. The Board, on a motion by Commissioner Crawford, which was seconded and carried by Chairman Gatto approved the revised LOSAP Agreement. Commissioner Raley abstained from the vote due to his membership in the Eastern Garrett County Fire and Rescue Department.
7. The Board of County Commissioners presented Fiscal Year 2015 Budget funding level for the Garrett County Public School System. On behalf of the Board, Mr. Pagenhardt outlined financial projections for forthcoming fiscal years as it pertains to County Government. After this statement was presented, which is attached to these public meeting minutes as **Exhibit 2**, the Board, on a motion by Commissioner Crawford, which was seconded by Commissioner Raley, and made unanimous by Chairman Gatto, approved funding to the Garrett County Public School System for Fiscal Year 2015 as follows:
 - *The Board of County Commissioners will approve additional funding to the Garrett County Public School System for Fiscal Year 2015 that will be equivalent to the projected \$2.2 million deficit. To balance this funding gap, \$500,000 will be appropriated from reductions in County Government expenses and the Garrett County Public School System will be required to reduce operating expenses by \$200,000. \$1.5 million will be appropriated from the County's Fund Balance unless State of Maryland – Loss Limitation funds are approved that will offset this amount. The County will again be required to fund the cost for the teacher pension expense with the additional amount of \$235,330 for a total mandate of \$1,077,874 for Fiscal Year 2015.*
 - *The Board of County Commissioners has set two conditions on this funding plan. The first condition is that the Garrett County Public School System remains an entity participant in the Garrett County Employee Health Care Coalition which includes County Government, the Garrett County Public School System, and Garrett College. The County and the College are in total agreement that the Coalition remain as is. The second condition is that the Garrett County Board of Education discontinues all plans to close any elementary or secondary school in Fiscal Year 2015. In addition, outgoing year financial projections (prepared by the County Department of Financial Services) confirm that the County can provide operating funding to the Garrett County Public School System that is equal to Fiscal Year 2015. Therefore, the Board of County Commissioners is hereby asking the Board of Education to approve an official position that all public schools will remain open as long as this funding level is approved and appropriated.*

Each Commissioner, Members of the Board of Education, and persons in attendance provided commentary. The Board of Education will schedule an emergency public meeting on December 19, 2013 to take official action on this decision by the Board of County Commissioners.

8. Public Commentary. None on this date.

7. Carol Riley-Alexander, Executive Assistant to the Board of County Commissioners and County Administrator, reviewed the Board's meeting and committee schedule for the forthcoming weeks.
8. It is hereby reflected and documented in the these public meeting minutes that Commissioner Crawford attained the required Certificate of Completion of Maryland's Open Meeting Act, which is attached to these public meeting minutes as **Exhibit 3**, as dictated and required under HB 139 which became effective on October 1, 2013. Notification of this has been forwarded to the State of Maryland Open Meetings Compliance Board.
9. In compliance with the Maryland Open Meetings Act under section 10-509, a record of the Executive Session for December 3, 2013 is hereby documented on this date, the next open/public meeting of the Board of County Commissioners.

The Board of County Commissioners, on a motion by Commissioner Crawford, which was seconded by Commissioner Raley, and made unanimous by Chairman Gatto, moved into Executive Session under section 10-508 of the Maryland Open Meetings Law on this date to discuss personnel matters. The same motion ended the Executive Session.

- a) The Board completed the annual performance appraisal for Rodney Glotfelty, County Health Officer.
- b) The Board met with John Nelson, Director, Department of Planning and Land Development relative to his official announcement of retirement to be effective January 31, 2014 and the process for a departmental transition.

ADJOURNMENT OF PUBLIC SESSION

Attest:

By Order of the Board,

R. Lamont Pagenhardt,
County Administrator

Robert G. Gatto, Chairman
Board of County Commissioners

Date

GARRETT COUNTY, MARYLAND

VOLUNTEER LENGTH OF SERVICE AWARD PROGRAM

Original Date: July 1, 2008
Adopted: December 7, 2010
Revised: November 21, 2013

GARRETT COUNTY, MARYLAND VOLUNTEER LENGTH OF SERVICE AWARD PROGRAM

ARTICLE I - INTRODUCTION AND PURPOSE OF PLAN

- 1.1 ESTABLISHMENT OF PLAN.** Garrett County, Maryland (the “County”) hereby established the Garrett County, Maryland Volunteer Length of Service Award Program (the “Plan”), effective as of July 1, 2008. The Plan shall be maintained for the exclusive benefit of Eligible Volunteers who are active members of one or more Garrett County fire, rescue, or emergency medical services, or support organizations approved by the Garrett County Emergency Services. The Plan is intended to comply with the length of service award plan requirements under section 457 (e) (ii) of the Internal Revenue Code of 1986, as amended, and regulations thereunder, and with the length of service award program requirements under the Maryland State Income Tax Subtraction Modification Program (Maryland Tax General Annotated Code section 10-208 (I-1)), as amended, and regulations thereunder.
- 1.2 PURPOSE OF PLAN.** The purpose of this Plan is to provide Eligible Volunteers who become covered under the Plan with retirement and death benefits. Participation in this Plan shall not be construed to establish or create an employment contract between any Eligible Volunteer and the County.
- 1.3 FALSIFICATION OF INFORMATION.** Any person who knowingly makes or causes any false statement or report to be made in any application or in any document required under this Plan may be subject to a fine of \$1,000 under the Maryland Tax General Annotated Code section 10-208. Any person who knowingly makes or causes any false statement or report to be made regarding any application, document, or other reporting required under this Plan shall be subject to loss of benefits accrued as a result of the false statement or report and shall also be subject to loss of all possible future benefits under the Plan subsequent to the date of the false statement or report.

ARTICLE II - DEFINITIONS

Whenever used in the Plan, the following terms shall have the meanings set forth in this Article unless a different meaning is clearly required by the context.

- 2.1 ACTIVE VOLUNTEER** means an Eligible Volunteer who accumulates a minimum of fifty (50) points by actively participating in the categories defined in the Maryland State Tax Incentive in the **prior Service Year** under the Point System established pursuant to Article VI.
- 2.2 ACTIVE LOSAP SERVICE CREDIT** means credit for a Service Year in which the volunteer is classified as an Active Volunteer (i.e., the volunteer has accumulated a minimum of fifty (50) points under the Point System established pursuant to Article VI).
- 2.3 ACTUARIAL(LY) EQUIVALENT OR EQUIVALENT ACTUARIAL VALUE** means the dollar value of any benefit on a specified date.
- 2.4 ADMINISTRATOR** means the Garrett County Department of Financial Services Director or Designee, in accordance with standards and procedures established by the Garrett County Emergency Services Board and the Board of Garrett County Commissioners.
- 2.5 BENEFICIARY(IES)** means the person(s), or legal entity entitled to receive benefits under this Plan which become payable in the event of the Participant’s death. A Participant’s Beneficiary(ies) under the Plan shall be the Participant’s spouse.
- 2.6 BOARD OF COMMISSIONERS** means the Board of County Commissioners of Garrett County, Maryland.

- 2.7** **BREAK(S) IN SERVICE** shall occur in any Service Year in which an Eligible Volunteer is not classified as an Active Volunteer (i.e., is an Inactive Volunteer). An otherwise eligible volunteer shall not be eligible for benefits during the year(s) of break in service.
- 2.8** **CODE** means the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder.
- 2.9** **COMPANY** means a bona fide Garrett County fire, rescue, or emergency medical services organization participating under the Plan, duly recognized by the Garrett County Fire and Rescue Association and the Emergency Services Board.
- 2.10** **COUNTY** means Garrett County, Maryland.
- 2.11** **ELIGIBLE VOLUNTEER**. An individual is an Eligible Volunteer fire, rescue, or emergency medical services member for the purpose of this Plan if the individual:
- (a) is a member of a bona fide Garrett County fire, rescue or emergency medical services organization, regardless of whether the volunteer is a Garrett County resident.
 - (b) serves in a volunteer capacity without compensation, except nominal expenses or meals and/or company established incentive programs.
 - (c) has at any time earned a minimum of (1) point under the Point System established pursuant to Article VI.
- 2.12** **INACTIVE VOLUNTEER** means an Eligible Volunteer who **did not earn** a minimum of fifty (50) points by actively participating in the categories defined in the Maryland State Tax Incentive in the prior Service year under the Point System established pursuant to Article VI.
- 2.13** **MARYLAND CODE** means the Annotated Code of Maryland, as amended, and the regulations thereunder.
- 2.14** **NORMAL BENEFIT ELIGIBILITY AGE** means age sixty (60).
- 2.15** **PARTICIPANT** means an Eligible Volunteer who participates in the Plan as provided in Article III, a Retired Volunteer receiving benefits under Section 4.2, or an Active Volunteer receiving Disability benefits under Section 4.5.
- 2.16** **PLAN** means the Garrett County, Maryland Volunteer Length of Service Award Program as it may be amended from time to time.
- 2.17** **PLAN ADMINISTRATOR** means the Garrett County Department of Financial Services Director or Designee.
- 2.18** **POINT SYSTEM** means the Garrett County Point System established under Article VI of the Plan.
- 2.19** **RETIRED VOLUNTEER** means an Eligible Volunteer currently receiving benefits under Section 4.2 of the Plan.
- 2.20** **SERVICE YEAR** means the calendar year.
- 2.21** **VESTED** means an Eligible Volunteer who has a minimum of Five (5) years of active service as defined herein.

ARTICLE III - ELIGIBILITY

- 3.1** **ELIGIBILITY**. Each Eligible Volunteer shall be eligible to participate in the Plan.
- (a) The Eligible Volunteer must be a member of a certified and participating Company in Garrett County and must accumulate twenty-five (25) active LOSAP service years, beginning with the date of certification. In the event a member completes twenty-five (25) active LOSAP years prior to reaching age sixty (60) and continues to be a

member of a recognized Company by the Garrett County Fire and Rescue Association, the member is eligible for the award at age sixty (60).

- (b) Eligible Volunteers will be certified on an annual basis using a form designed and furnished by the Garrett County Department of Financial Services. A review and certification will be made by the individual's Company. The findings of the review will then be furnished to the County LOSAP Coordinator and/or the Finance Officer.
- (c) Auxiliary members of the Company recognized by the Department of Public Safety/Emergency Management are eligible to receive full service credit for all years of service. In order to receive credit, the auxiliary member must follow the procedures as outlined in the Point System established under Article VI of the Plan.
- (d) An Eligible volunteer must earn a minimum of fifty (50) points each year in order to obtain an active LOSAP service year of credit.

ARTICLE IV - BENEFITS

4.1 BENEFITS UNDER THE PLAN. No benefits under the Plan shall be paid prior to July 1, 2013.

4.2 BENEFIT ELIGIBILITY.

- (a) **Normal Eligibility Benefit.** Effective July 1, 2013, an Active Volunteer who has (1) attained Normal Benefit Eligibility Age and (2) completed a minimum of twenty-five (25) years of Active LOSAP Service Credit, shall receive until his or her date of death a monthly benefit payment of one hundred dollars (\$100). Benefit payments shall begin on January 1st coincident with or next following the date on which the Active Volunteer meets the eligibility criteria under this Section and shall be made directly to the Active Volunteer.
- (b) **Supplemental Benefit.** Effective July 1, 2013, in addition to the benefit provided under Section 4.2(a) above, the Active Volunteer shall receive until his or her date of death an additional monthly benefit payment of four dollars (\$4) for each additional year of Active LOSAP Service Credit in excess of twenty-five (25) years, not to exceed a combined monthly payment under Section 4.2(a) and (b) of one hundred and seventy-five dollars (\$175.00). Any benefit payment under this Section 4.2 (b) shall begin on or about January 1st coincident with or next following the Active Volunteer's completion of each such additional year of Active LOSAP Service Credit in excess of twenty-five (25) years.
- (c) **Age 70 Benefit Eligibility.** Effective July 1, 2013, an Active Volunteer who attains age seventy (70), but has not been credited with twenty-five (25) or more years of Active LOSAP Service Credit, shall receive until his or her date of death a monthly benefit payment equal to A multiplied by B, where A equals the Active Volunteer's number of years of Active LOSAP Service Credit and B equals four dollars (\$4.00). Upon the Active Volunteer's attainment of age seventy (70), benefit payments under this Section shall begin on or about January 1st coincident with or next following the date on which the Active Volunteer meets the eligibility criteria under this Section and shall be made directly to the Active Volunteer.

Notwithstanding the preceding, if an Active Volunteer receiving benefits under this Section 4.2 (c) subsequently becomes eligible for benefits under Section 4.2(a) of the Plan (i.e. is credited with twenty-five (25) or more years of Active LOSAP Service Credit), benefit payments under Section 4.2 (c) shall cease and the Active Volunteer's benefit shall be determined under Sections 4.2 (a) and (b) of the Plan.

- (d) **Code Section 457 (e) (11) limitation.** Notwithstanding any provision of this Plan to the contrary, the aggregate amount of length of service award accruing under the Plan for and Eligible Volunteer with respect to any Service Year shall not exceed three thousand dollars (\$3,000), as provided under Code section 457 (e) (11) (B) (ii).

4.3 **DEATH BENEFITS.**

- (a) **Death Prior to Commencement of Benefits.** If an Active Volunteer who has (1) attained Normal Benefit Eligibility Age and (2) completed a minimum of twenty-five (25) years of Active LOSAP Service Credit, dies prior to commencement of benefits under the Plan, a "Survivor Benefit" shall be paid to the Active Volunteer's Beneficiary(ies). The Survivor Benefit shall be a monthly benefit payment equal to (A) plus (B) where: (A) equals fifty dollars (\$50) and (B) equals (i) the deceased Active Volunteer's number of years of Active LOSAP Service Credit in excess of twenty-five (25) years, multiplied by (ii) two dollars (\$2.00), not to exceed a total monthly benefit payment of eighty seven dollars and fifty cents (\$87.50) (i.e., fifty percent (50%) of the retirement benefit which would have been paid to the Active volunteer under Sections 4.2 (a) and (c) above).

Any such Survivor Benefit paid to the Participant's spouse shall terminate upon the death or remarriage of the spouse. Upon the death or remarriage of the spouse, the Survivor Benefits shall cease and shall not be paid further to the child(ren) of the Participant.

- (b) **Death After Benefits Begin.** If the Participant dies while receiving benefits under Section 4.2 of the Plan, the remaining interest, if any, shall be distributed pursuant to the form in which the Participant's interest was being paid prior to the Participant's death.
- (c) **Burial Benefit.** In the event of an Eligible Volunteer's death, irrespective of whether the Eligible Volunteer is married or not, or whether the Eligible volunteer has children or not, the Plan shall pay burial benefit of three thousand dollars (\$3,000) to the surviving spouse, and if there is no surviving spouse, to the estate of the Eligible Volunteer.

4.4 **FORMS OF BENEFIT.**

- (a) **Normal Form of Benefit.** A Participant's normal monthly benefit payment, if any, as determined under Section 4.2, shall be paid for the Participant's lifetime. Upon the Participant's death, all payments shall cease.
- (b) **Lump Sum.** A Participant may not elect to receive his/her benefit in the form of a lump sum payment.

4.5 **MISSING PARTICIPANTS.** The Administrator shall make a reasonable effort to locate all persons entitled to benefits under the Plan. Should the Administrator be unable to locate any person entitled to benefits, such benefits shall be payable to such person at any future date that such person is located by the Administrator. Before the Administrator can deem that a person cannot be located, the Administrator shall send a certified letter to such person at his or her last known address advising the person that benefit payments shall be suspended unless the person responds to such certified letter.

4.6 **COMPLETION OF SERVICE REQUIREMENTS PRIOR TO NORMAL BENEFIT ELIBIILITY AGE.** Effective on or after July 1, 2013, in the event an Eligible Volunteer is credited with twenty- five (25) years of Active LOSAP Service Credit prior to attaining Normal Benefit Eligibility Age, the Eligible Volunteer shall be eligible to receive benefits under Section 4.2 on the date he or she attains age sixty (60).

ARTICLE V - PLAN FUNDING

5.1 **FUNDING.** The Plan shall be funded by a means set forth by the Board of County Commissioners of Garrett County, Maryland.

ARTICLE VI - GARRETT COUNTY POINT SYSTEM

6.1 RECORDKEEPING.

- (a) **Volunteer Company Responsibility.** It shall be the responsibility of each participating Volunteer Company to:
- (i) maintain complete and accurate membership records on all Company volunteers, including, but not limited to, the volunteer's full name, address, entry date, social security number, date of birth, and total Service Years; and
 - (ii) maintain accurate hourly time information on all Company volunteers participating in the point system; and
 - (iii) appoint a LOSAP Chairperson; and
 - (iv) report the names and contact information to include phone numbers of the LOSAP Chairperson to the LOSAP Committee of the Garrett County Volunteer Fire and Rescue Association, Inc. (the "Association") each Service Year or whenever a vacancy is filled; and
 - (v) provide each Eligible Volunteer with approved certification to obtain benefits; and
 - (vi) submit detailed and accurate annual records for each member of the Company on approved forms prescribed by the Garrett County Department of Financial Services
 - (vii) on or before April 1 of each Service Year, furnish to the Garrett County Department of Financial Services a detailed list, in the format prescribed by the Garrett County Department of Financial Services, certifying all Eligible Volunteers of the Company who have qualified as Active Volunteers for the prior Service Year, including, but not limited to the members' name, age and previous credits earned; and
 - (viii) to resolve all conflicts and disputes regarding the information reported within this Section 6.1 (a) within 30 days and disseminate the outcome to the volunteer and the Garrett County Department of Financial Services in writing on forms required by the Garrett County Department of Financial Services; and
 - (ix) to verify all documents submitted for the Point System.
- (b) **Volunteer Responsibility.** It shall be the responsibility of each Eligible Volunteer to:
- (i) make application to his or her volunteer Company to be included under the Garrett County Point System (the "Point System") on such forms and in such manner as may be required by the Garrett County Department of Financial Services; and
 - (ii) verify that he or she has been included under the Point System, and that all personal information is correct and current;
 - (iii) accurately complete all forms required to tabulate points and submit such forms to the Company;
 - (iv) verify that all points are accumulated and accounted for on an annual basis.

- 6.2 **EARNING LOSAP POINTS UNDER THE POINT SYSTEM.** To qualify as an Active Volunteer for each Service Year, points must be earned in at least Two (2) categories listed under Section 6.3 of this article.

If an Eligible Volunteer has service in more than one company, the Eligible Volunteer shall receive Active LOSAP Service Credit for the service in each organization provided that not more than one (1) year's Active LOSAP Service Credit may be granted for each Service Year of volunteer service.

6.3 SERVICE CREDIT POINTS. A minimum of fifty (50) points for each active LOSAP service year will be required of all Eligible Volunteers based on the following categories in accordance to and consistent with the Maryland State Tax Incentive (Appendix 1) based on approval of the Garrett County Emergency Services Board.

- Drills
- Formal Training
- Sleep In/Standby
- Meetings
- Alarms/Emergency Responses
- Collateral Duties
- Elected/Appointed

6.4 POINTS WAIVER FOR DISABILITY. The point system may be waived in a given year by the Garrett County Emergency Service Board on appeal from an Eligible Volunteer for medical/disability reasons. After the Eligible Volunteer submits a signed medical certificate of the illness or injury from a duly licensed physician, the Garrett County Emergency Services Board will review and, based on prevailing guidelines, may grant or deny the waiver. The waived year will be credited as an active LOSAP service year. Unless the medical waiver indicates a permanent disability, the request for a waiver must be submitted annually along with the appropriate updated medical information from a duly licensed physician.

ARTICLE VII - ADMINISTRATION

7.1 PLAN ADMINISTRATOR. The Plan Administrator as defined in Article 2, Section 2.17 shall be the Plan Administrator. The Plan shall be administered in accordance with standards and procedures established by the Garrett County Emergency Services Board and the Board of Garrett County Commissioners.

7.2 POWERS AND RESPONSIBILITIES. The Administrator shall have the following powers and responsibilities:

- (a) Under advice of counsel, who may be counsel to the County, constructing the Plan, and remedying any ambiguities, inconsistencies, or omissions.
- (b) Determining all questions relative to the eligibility of volunteers to be Participants and the benefits of Participants or Beneficiaries.
- (c) Establishing, interpreting, amending, and revoking reasonable rules for the administration of the Plan.
- (d) Maintaining appropriate records relating to Participants and their Beneficiaries.
- (e) Delegating ministerial duties and employing such outside professionals as may be required for prudent administration of the Plan.
- (f) Preparing and filing such reports with respect to the Plan as may be required by law.
- (g) Performing other duties necessary for the administration of the Plan which appear to the Administrator to be necessary or appropriate in order to properly administer and operate the Plan.

The Administrator shall discharge its duties for the exclusive purpose of providing benefits hereunder and defraying the reasonable expenses of operating the Plan and with the skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.

In carrying out its duties herein, the Administrator shall have discretionary authority to exercise all powers and to make all determinations, consistent with the terms of the Plan, in all matters entrusted to it, and its determinations shall be given deference and shall be final and binding on all interested parties.

- 7.3 ADVICE.** The Administrator may secure specialized advice or assistance as it deems necessary or desirable in connection with the administration and operation of the Plan and shall be entitled to rely conclusively upon, and shall be fully protected in any action or omission taken by it in good faith reliance upon, any advice or opinion so obtained.
- 7.4 LIABILITY:INDEMNIFICATION.** No member of the Administrators shall incur any liability; (i) by virtue of any contract, agreement, bond or other instrument made or executed by the member or on the member's behalf as a member of the Administrator, (ii) for any act or failure to act, or any mistake or judgment made by the member, with respect to the business of the Plan, unless resulting from the member's gross negligence or willful misconduct, or (iii) for the neglect, omission or wrongdoing of any other member of the Administrator or of any person employed or retained by the Administrator. The County shall indemnify and hold harmless each member of the Administrator from the effects and consequences of the member's acts, omissions and conduct with respect to the Plan, except to the extent that such effects and consequences of the member's own willful misconduct or gross negligence. The foregoing right to indemnification shall be in addition to such other rights as the Administrator may enjoy as a matter of law or by reason of insurance coverage of any kind. In all computations, the Administrator shall be entitled to rely fully upon data furnished by the County and upon information furnished it by or on behalf of a Volunteer or Volunteers.
- 7.5 COMPENSATION.** The Administrator shall serve without compensation.

ARTICLE VIII - DISPUTED CLAIMS PROCEDURE

- 8.1 DISPUTED CLAIMS PROCEDURE.** An Eligible Volunteer who was not certified for the prior year shall have the right to appeal within thirty (30) days following the posting of the year-end report.
- (a) Any appeal relating to the LOSAP program shall be in writing and forwarded to the Public Safety/Emergency Management Director who will present the appeal to the Garrett County Emergency Services Board at their next regular meeting. The Garrett county Emergency Services Board will investigate and make disposition of all appeals. The decisions of the Garrett County Emergency Service Board will be final.
 - (b) The decisions of the Garrett County Emergency Service Board shall be in writing and signed by the Chairperson and all members of the Emergency Service Board. A copy of the decision shall be forwarded to all parties including the Garrett County Commissioners and a copy placed in the member's file located at the Garrett County Department of Public Safety/Emergency Management.

ARTICLE IX - AMENDMENT OR TERMINATION OF PLAN

- 9.1 AMENDMENT OF PLAN.** The Board of County Commissioners shall have the right to amend the Plan, at any time and from time to time, in whole or in part, including, but not limited to, amending the form of benefits or increasing or reducing benefit amounts hereunder.
- 9.2 TERMINATION.** Although the County has established this Plan with the intention and expectation to maintain the Plan indefinitely, the County may terminate or discontinue the Plan in whole or in part at any time without liability for such termination or discontinuance. In the event of such Plan termination, benefit payments to those Participants then receiving benefit payments under the Plan shall continue. Remaining funds shall be distributed to other eligible participants on an actuarially determined basis.

ARTICLE X - MISCELLANEOUS

- 10.1 LIMITATION OF RIGHTS.** Neither the establishment of this Plan nor any modification thereof, nor the creation of any fund or account, nor the payment of any benefits, shall be construed as giving a Participant or other person any legal or equitable right against the County except as provided in the Plan.
- 10.2 NO CONTRACT OF EMPLOYMENT.** Nothing in the Plan shall be deemed to be an agreement, consideration, inducement or condition of employment.
- 10.3 LIMITATION ON ASSIGNMENT.** Benefits under this Plan may not be assigned, sold, transferred, or encumbered, and any attempt to do so shall be void. A Participant's or Beneficiary's interest in benefits under the Plan shall not be subject to debts or liabilities of any kind and shall not be subject to attachment, garnishment or other legal process.
- 10.4 REPRESENTATIONS.** The County does not represent or guarantee that any particular federal or state income, payroll, personal property or other tax consequences will result from participation in this Plan. A Participant should consult with professional tax advisors to determine the tax consequences of his or her participation.
- 10.5 SEVERABILITY.** If a court of competent jurisdiction holds any provisions of this Plan to be invalid or unenforceable, the remaining provisions of the Plan shall continue to be fully effective.
- 10.6 APPLICABLE LAW.** This Plan shall be construed in accordance with applicable federal law and, to the extent otherwise applicable and to the extent not superseded by applicable federal law, the laws of the State of Maryland.
- 10.7 PAYMENT OF FEES AND EXPENSES.** Administration fees and expenses of the Plan, if any, shall be paid by the Plan.
- 10.8 UNIFORMITY OF DISCRETIONARY ACTS.** Whenever in the administration or operation of the Plan discretionary actions by the County are required or permitted, such actions shall be consistently and uniformly applied to all persons similarly situated, and no such action shall be taken which shall discriminate in favor of any particular person or group of persons.
- 10.9 LITIGATION.** In any action of judicial proceeding affecting the Plan, it shall be necessary to join as a party only the County. Except as may be otherwise required by law, in any action or judicial proceeding affecting the Plan, no Participant or Beneficiary shall be entitled to any notice or service of process, and any final judgment entered in such action shall be binding on all persons interested in, or claiming under, the Plan.

IN WITNESS WHEREOF, this Plan has been duly executed by the County effective as of the _____ day of December 2013.

WITNESS/ATTEST

R. Lamont Pagenhardt
County Administrator

**BOARD OF COUNTY COMMISSIONERS OF
GARRETT COUNTY, MARYLAND**

Robert G. Gatto, Chairman

Gregan T. Crawford, Commissioner

James M. Raley, Commissioner

Approved as to legal sufficiency:

Gorman E. Getty III, County Attorney

**GARRETT COUNTY VOLUNTEER
FIRE AND RESCUE ASSOCIATION**

The Garrett County Volunteer Fire and Rescue Association hereby certifies that the following companies and organizations, constitute the bona fide fire, rescue, emergency medical services, and support organizations in Garrett County, Maryland.

Accident Volunteer Fire Department

Bittinger Volunteer Fire Department, Inc.

Bloomington Fire Company

Deep Creek Volunteer Fire Company, Inc.

Deer Park Community Volunteer Fire Department

Eastern Garrett County Fire and Rescue Department

Friendsville Volunteer Fire and Rescue Department, Inc.

Gorman Volunteer Fire Department

Grantsville Fire Department, Inc.

Kitzmiller Volunteer Fire Department, Inc.

Oakland Volunteer Fire Department, Inc.

Northern Garrett County Rescue Squad, Inc.

Southern Garrett County Rescue Squad, Inc.

MARYLAND STATE FIREMEN'S ASSOCIATION

SUGGESTED POINT SYSTEM

FORMAL TRAINING – MAXIMUM 25 POINTS

A half (½) point for each hour of formal training. A list of approved formal training programs should be developed and approved formal training programs should be developed and issued by the Fire Administrator, Fire chief, or Rescue Chief having jurisdiction. Among the items that should be included are training programs offered by the following organizations:

- Maryland Fire/Rescue Institute (MFRI)
- Maryland Institute for Emergency Medical Services Systems (MIEMSS)
- Maryland Emergency Management Agency (MEMA)
- Municipal and County Training Academies
- County fire association training committees
- National Fire Academy (NFA)
- Emergency Management Institute
- Colleges and Universities

DRILLS – MAXIMUM 20 POINTS

One (1) point for each two (2) hours of in-service type training conducted by the local department or training academy.

SLEEP IN/STANDBY – MAXIMUM 20 POINTS

One (1) point for each full night of sleeping in the station and being available to respond to an alarm.

One (1) point for each four (4) hours of standby either in the station or as part of a rostered duty crew and available to respond on an alarm. Credit for standby can only be given if no credit is received for an alarm.

ELECTED/APPOINTED POSITION – MAXIMUM 25 POINTS

Twenty-Five (25) points may be awarded for each full year of service in an elected or appointed office.

MEETING – MAXIMUM 25 POINTS

One (1) point for attendances at each meeting of the fire or ambulance company, a committee, or county or state fire association.

ALARMS – MAXIMUM 40 POINTS

One (1) point will be awarded for each emergency alarm response or station standby.

COLLATERAL DUTIES – MAXIMUM 25 POINTS

One (1) point will be awarded for each three (3) hours of collateral duties. This includes fundraising, fire prevention, administrative work, equipment and apparatus maintenance, and work details.

NO INDIVIDUAL MAY BE ABLE TO EARN ALL OF THE REQUIRED POINTS IN ONE CATEGORY. POINTS MUST BE EARNED IN A MINIMUM OF TWO (2) CATEGORIES TO QUALIFY.

THE BOARD OF GARRETT COUNTY COMMISSIONERS

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EXHIBIT 2

Board of Commissioners

Gregan T. Crawford
Robert G. Gatto
James M. Raley

County Administrator
R. Lamont Pagenhardt

County Attorney
Gorman E. Getty III

STATEMENT

*Monty Pagenhardt, County Administrator
On Behalf of the Board of Garrett County Commissioners*

I am very pleased to be in a position to present the following announcement. What I am about to articulate is a result of many hours of thought, a realization that mutual cooperation must be the standard practice, and an encouraging conclusion to a long debate. In my opinion this is a great day for Garrett County.

As reported in prior press releases projected revenue for Garrett County Government shows contracted growth that will limit funding for all areas of public service that the Board of County Commissioners has the responsibility to direct funding to. This includes public health, public works, public safety, public education, and general administration. Estimates show that succeeding budget years will provide limited financial resources.

Over the past month the Board of County Commissioners has been focusing their attention on long term budget planning. Every department head has offered constructive input and valid suggestions on how their office can reduce expenses. Plans are for County Government to reduce Fiscal Year 2015 expenses by \$500,000 and the Board of County Commissioners is confident this goal can be met. It has been a primary objective of budget deliberations to develop a comprehensive funding model that will allow the Garrett County Public School System to keep all schools open. The Board of County Commissioners is now at a point that this objective can be met.

On behalf of the Board of County Commissioners, the County Administrator and County Department of Financial Services prepared a comprehensive budget forecast model which was shared with Garrett County Public School System administrative staff. The forecast disclosed that forthcoming fiscal years will provide limited financial resources; however, the County will be able to accomplish and continue its goal of providing essential funding to all areas of the budget.

Garrett County Government is in very good financial condition - evident of numerous indicators and our plan of financial operation must continue. Budget planning is not a 1 year plan. We must be realistic about the challenges we face while remaining optimistic about our solutions. The decisions to be made are not easy and the solutions will require insight and in some cases

true sacrifice. However, the benefit of finally making these tough decisions will help us to work with a budget in a way that creates a permanent, structurally sound financial plan for the future. If we are going to move our County forward we have to agree that we can no longer afford to rely on past successes and short-term fixes that may compound problems and possibly lead to ongoing financial uncertainty. We must bring uncertainty to realization. We have not allowed this to happen and I truly believe that the opportunities outweigh the challenges.

The Board of County Commissioners will approve additional funding to the Garrett County Public School System for Fiscal Year 2015 that will be equivalent to the projected \$2.2 million deficit. To balance this funding gap, \$500,000 will be appropriated from reductions in County Government expenses and the Garrett County Public School System will be required to reduce operating expenses by \$200,000. \$1.5 million will be appropriated from the County's Fund Balance unless State of Maryland – Loss Limitation funds are approved that will offset this amount. The County will again be required to fund the cost for the teacher pension expense with the additional amount of \$235,330 for a total mandate of \$1,077,874 for Fiscal Year 2015.

The Board of County Commissioners has set two conditions on this funding plan:

- The first condition is that the Garrett County Public School System remains an entity participant in the Garrett County Employee Health Care Coalition which includes County Government, the Garrett County Public School System, and Garrett College. The County and the College are in total agreement that the Coalition remain as it has been since 2005 when it was established to provide affordable and quality health care benefits to employees, dependents, and retirees.
- The second condition is that the Garrett County Board of Education discontinues all plans to close any elementary or secondary school in Fiscal Year 2015. In addition, outgoing year financial projections (prepared by the County Department of Financial Services) confirm that the County can provide operating funding to the Garrett County Public School System that is equal to Fiscal Year 2015. Therefore, the Board of County Commissioners is hereby asking the Board of Education to approve an official position that all public schools will remain open as long as this funding level is approved and appropriated.



Certificate of Completion

This is an official acknowledgement that

Gregan Crawford

has completed the virtual class entitled

Maryland's Open Meetings Act

December 5, 2013

Handwritten signature of Robin Parker Cox in cursive.

Robin Parker Cox, Director
University of Maryland

Handwritten signature of Douglas Gansler in cursive.

Douglas Gansler, Attorney General
State of Maryland