

BOARD OF GARRETT COUNTY COMMISSIONERS
ADMINISTRATIVE SESSION
February 11, 2014

IN ATTENDANCE

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

County Administrator R. Lamont Pagenhardt

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 personnel matters. The same motion ended the Executive Session.

(County Attorney Gorman Getty was in attendance for session 2 through 4.)

2. The Board of County Commissioners, Mr. Getty, and Mr. Pagenhardt met with Wendy Yoder, Director, Department of Financial Services, Scott Weeks, Assistant Director, Department of Financial Services; and Jeanie Hetrick, Assistant Director, Office of Human Resources to discuss the Garrett County Health Care Coalition and a request for a response from the Garrett County Board of Education on certain demands to the County Government. The Board read, approved, and executed a letter of response prepared by Mr. Getty and Mr. Pagenhardt which is included along with the letter from the Board of Education as **Exhibit 1** to these administrative minutes.
3. Issues related to the Department of Public Works, Engineering Department, and Department of Financial Services. In attendance for these sessions were Ms. Yoder; Mr. Weeks, Jay Moyer, Director, Department of Public Works; and Dwight Emory, County Engineer, Engineering Department.
 - a) Review of a letter from the Mayor and Town Council of Oakland related to the reimbursement for completed work on the Oakland Third Street Bridge. The Board directed staff to contact Congressman Delaney's office to inquire about a waiver of the federal requirement for payment. Another option approved by the Board was to consider a cost share of funds due with the Town's percentage to be deducted from the Tax Differential Agreement payment from the County to the Town.
 - b) Review and update on road maintenance and long-term plans for Overlook Pass and Wisp Mountain Road. Mr. Getty has attempted to schedule a meeting with Wisp Resort legal counsel but has not received a reply. He will continue to work on a time to meet. A point of information noted was that the County has paid \$50,000 year-to-date on snow removal operations.
 - c) Review of Jasper Riley Road Bridge replacement project. Mr. Getty advised the Board on the legal condemnation process and Mr. Ritchie will take the lead on this course of action.
4. Department of Planning and Community Development and Department of Public Works. In attendance for these sessions were James Torrington, Department of Planning and Community

Development – Office of Permits and Inspection Services; Frank Shap, Assistant Director, Department of Planning and Community Development – Economic Development Office; and David Ritchie, Project Engineer, Engineering Department.

- a) Mr. Torrington presented an update on the Fourmile Ridge Wind Energy Project – Amendment #1 as of February 7, 2014. It was noted that the total number of turbines was reduced from 24 to 16 with an April 1, 2014 construction date. This Amendment is on file with the Department of Planning and Community Development – Office of Permits and Inspection Services.
 - b) Mr. Torrington presented an update and status review of Greg Mortimer – Mystic Creek Villas Subdivision. Mr. Getty recommendation that the County declares default and make demand on the bond which needs to be completed prior to April 7, 2014.
 - c) Mr. Torrington presented a recommended Permit Fee Schedule. This issue had been previously reviewed by the Board and staff. The Board agreed with the proposed fee schedule and a public meeting review session will be scheduled for February 18, 2014 to allow for public commentary.
 - d) The Board discussed the Meagher vs. St. Moritz et. al. decision that requires a final decision. The Board will schedule a decision on this issue to be part of the February 18, 2014 public meeting.
 - e) The Board reviewed information provided to the Board by Cecil Holtschneider on January 21, 2014. The Board will take no further action. Mr. Getty will respond to Mr. Holtschneider on their behalf.
 - f) Mr. Shap presented a Memorandum of Understanding (MOU) between the Board of County Commissioners and the State of Maryland Department of Information Technology that covers additional fiber to be installed as part of the existing Appalachian Regional Commission Broadband Extension Grant. The terms of this MOU were previously verbally agreed to by the Board. Chairman Gatto and Mr. Pagenhardt executed the MOU on behalf of the Board.
5. Chairman Gatto requested that a final decision by the Board of County Commissioners be made on the 2014 Garrett County Appreciation Day date. It was agreed to schedule this event at the Garrett County Fairgrounds at same time as the Wings and Wheels Event at the County Airport.
6. Mr. Pagenhardt reviewed a number of administrative and managerial issues under his jurisdiction and responsibility.

Attest:

By Order of the Board,

R. Lamont Pagenhardt,
County Administrator

Robert G. Gatto, Chairman
Board of County Commissioners

Date

EXHIBIT 1



40 South Second Street • Oakland, Maryland 21550
Telephone: 301-334-8900 • www.garrettcountryschools.org

Members of the Board of Education

Mrs. Cynthia M. Downton, President
Mr. Thomas A. Carr, Vice-President
Mr. Matthew A. Paugh, Associate Member
Mr. Rodney A. Reckart, Associate Member
Mrs. Charlotte A. Sebold, Associate Member
John R. Major, Student Board Member

Superintendent of Schools
Dr. Janet S. Wilson

January 16, 2014

Mrs. Wendy Yoder
Director, Financial Services
Garrett County Government
203 South 4th Street
Oakland, MD 21550
County Government

RE: Healthcare Coalition

Dear Wendy,

This communication serves as a reply to your October 24, 2013 email and subsequent January 2, 2014 face-to-face request for a response to four (4) proposals presented by CBIZ to the Garrett County Healthcare Coalition (hereinafter, "Coalition") for consideration.¹

Please know that Garrett County Public Schools (hereinafter, "GCPS"), as a vital member of the Coalition, has definitive opinions regarding CBIZ's proposals. However, before sharing those opinions, GCPS seeks written acknowledgement of the following from an authorized designee from each of the Coalition entities (i.e., County Government and Garrett College):

1. Pursuant to §§ 6-408 and 6-510 of the Education Article to the Annotated Code of Maryland, the Garrett County Board of Education (hereinafter, "Board") has sole responsibility for negotiating healthcare benefits with the exclusive bargaining agents (i.e., unions) which represent their respective GCPS unit members.²
2. Healthcare benefits shall include, but not be limited to, issues pertaining to plan design, deductibles, premium splits, co-pays, etc.
3. The Coalition or any representative of County Government or Garrett College shall not attempt to influence or impede the efforts of the Board or any authorized GCPS representative as it relates to the negotiation of healthcare benefits.

It is my understanding that County Government has been asked on two (2) separate and distinct occasions by the Superintendent of Schools for these acknowledgements to be placed in writing, yet to date, no such recognition has been received.³ Please be assured that GCPS has an interest in discussing and reaching a win-win resolution on the CBIZ proposals; however, GCPS first seeks the outlined acknowledgements from authorized County Government and Garrett College representatives prior to entering into said discussions.

On a final note, I must express grave concerns related to the administrative structure established for the CareFirst employee portal. As it was explained to me by both Ms. Amy Barnhouse and Ms. Liz Logsdon, a County Government employee will be the designated "Super Navigator" for the portal, thus allowing this individual to have unrestricted access to Board employee medical and personal records.⁴ If this is true, such an arrangement, at a minimum, would violate §§ 10-616, 10-617, and 10-624 of the State Government Article to the Annotated Code of Maryland.⁵ Therefore, an emergency meeting of the Healthcare Coalition and CBIZ is needed to discuss this illegal access to confidential Board employee information.

Sincerely,


Tim Thornburg, SPHR
Director of Human Resources and Employee Relations

Cc: Lary McKenzie, Director of Finance, Garrett County Public Schools

¹ For your convenience and reference, attached is a copy of the October 24, 2013 email.

² For your convenience and review, attached is a copy of the referenced statutory provisions.

³ For your convenience and review, attached is a copy of the December 13, 2013 and December 16, 2013 emails.

⁴ Ms. Barnhouse, Human Resources Administrative Assistant for the Garrett County Public Schools, informed me of the "Super Navigator" access on January 10, 2014, following a meeting with CareFirst, CBIZ, and other Healthcare Coalition representatives. Ms. Logsdon, CBIZ representative, confirmed the same via phone on January 15, 2014.

⁵ For your convenience and review, attached is a copy of the referenced statutory provisions.

