



100 West Washington Street, Suite 1101 | Hagerstown, MD 21740-4735 | P: 240.313.2200 | F: 240.313.2201  
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**BOARD OF COUNTY COMMISSIONERS**  
**December 17, 2019**  
**OPEN SESSION AGENDA**

08:00 A.M. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE  
CALL TO ORDER, *President Jeffrey A. Cline*  
APPROVAL OF MINUTES – December 10, 2019

08:05 A.M. CLOSED SESSION

*(To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals; To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; To consult with counsel to obtain legal advice on a legal matter; & To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter)*

10:00 A.M. RECONVENE IN OPEN SESSION

10:05 A.M. COMMISSIONERS' REPORTS AND COMMENTS

10:15 A.M. REPORTS FROM COUNTY STAFF

10:25 A.M. CITIZENS PARTICIPATION

10:35 A.M. APPROVAL OF THE BY-LAWS FOR THE WASHINGTON COUNTY VETERANS ADVISORY COMMITTEE – *Krista L. Hart, County Clerk and Teresa Spruill, Regional Local Veteran's Employment Representative, Division of Workforce Development and Adult Learning*

10:45 A.M. WASHINGTON COUNTY FIRE & RESCUE ASSOCIATION INSURANCE RENEWAL, JANUARY 1, 2020 – JANUARY 1, 2021 – *Tracy McCammon, Risk Management Coordinator, Human Resources and Anthony Davis, Aon Risk Solutions*

10:50 A.M. INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-19-0026) ONE (1) BODY SCANNER FOR SHERIFF'S OFFICE – *Rick Curry, CPPO, Director, Purchasing Department and Major, Craig Rowe, Washington County Detention Center*

10:55 A.M. BID AWARD (PUR-1449) FOR COURTHOUSE AND CLERK'S OFFICE BALLISTIC GLASS - *Rick Curry, CPPO, Director, Purchasing Department, Kevin Tucker, Clerk of the Courts and Scott Hobbs, Director, Division of Engineering*

11:00 A.M. CONSTRUCTION BID AWARD – MILLWORK FOR THE CIRCUIT COURTHOUSE RENOVATION – *Scott Hobbs, Director, Division of Engineering*

- 11:05 A.M. CONSTRUCTION BID AWARD – HVAC WORK FOR THE CIRCUIT COURTHOUSE  
RENOVATION – *Scott Hobbs, Director, Division of Engineering*
- 11:10 A.M. BUDGET ADJUSTMENT – TREE FORESTATION – *Scott Hobbs, Director, Division of Engineering*
- 11:15 A.M. PURCHASE OR LEASE OF A TRACKED EXCAVATOR FOR THE DEPARTMENT OF SOLID  
WASTE – *David A. Mason, P.E., Deputy Director, Department of Solid Waste*
- 11:20 A.M. MOBILE HOME PARK RENTAL TAX – *B. Andrew Bright, Assistant County Attorney, Sara  
Greaves, Chief Financial Officer and Todd Hershey, Treasurer, Washington County*
- 11:30 A.M. ADJOURNMENT



Agenda Report Form

Open Session Item

**SUBJECT:** Approval of the By-Laws for the Washington County Veterans Advisory Committee

**PRESENTATION DATE:** December 17, 2019

**PRESENTATION BY:** Krista L. Hart, County Clerk and Teresa Spruill, Regional Local Veteran's Employment Representative, Division of Workforce Development and Adult Learning

**RECOMMENDED MOTION:** To approve the bylaws of the Washington County Veterans Advisory Committee as presented.

**REPORT-IN-BRIEF:** The County Commissioners along with citizens and various Veteran organizations have expressed the need for the services of a Veterans Advisory Committee. After collaborative discussion and meetings regarding the matter with various staff members of our surrounding counties, and other members of the Regional Local Veterans' Employment Agency, the attached by-laws have been written.

**DISCUSSION:** The mission of the Committee is to advise the Board of County Commissioners on identifying the needs of its veteran community and to provide the Commissioners with recommendations for increased services and resources. Membership is comprised of nine individual voting members and two non-voting, ex-officio members (one County Commissioner member and one Washington County Health Department member).

Upon approval of the bylaws, applications from the community will be encouraged through a media release. Members will then be appointed by the County Commissioners.

**FISCAL IMPACT:** None.

**CONCURRENCES:** County Clerk, and Teresa Spruill, Regional Local Veterans' Employment Representative, Division of Workforce Development and Adult Learning

**ALTERNATIVES:** Revise the proposed bylaws or not approve the formation of such a Committee.

**ATTACHMENTS:** Bylaws for the Veterans Advisory Committee



## WASHINGTON COUNTY VETERANS ADVISORY COMMITTEE

### BYLAWS

(in accordance with Policy PR-22, Boards and Commissions)

#### Article I

##### Name

The name of the Board is the Washington County Veterans Advisory Committee (Committee).

#### Article II

##### Mission Statement

The Board shall assist the Board of County Commissioners of Washington County, Maryland (Commissioners) in identifying the needs of its veteran community and provide the Commissioners with recommendations for increased services and resources.

#### Article III

##### Priorities

The Board shall:

- A. Collaborate with established military Veteran oriented service organizations to evaluate, develop and promote new and existing programs and services for veterans and their families within Washington County;
- B. Advise the Commissioners on all matters as related to the development and implementation of services and resources involving veterans;
- C. Create awareness of the issues faced by veterans and preserve the honor due all Veterans;
- D. Work cooperatively with any County board, or staff with regard to policies, programs, and concerns relating to veterans' interest, and to maintain a working relationship with all other agencies service veterans within Washington County.

#### Article IV

##### Membership

- A. **Composition.** The Board shall be comprised of nine (9) individual voting members as appointed by the Commissioners, and two (2) non-voting, ex-officio members:
  1. All members shall be registered voters and residents of Washington County.
  2. Four (4) members shall have been separated from a United States military service under honorable conditions.
  3. Three (3) members may be non-veterans, who represent a variety of organizations that provide services to Veterans such as:
    - a. A post-secondary educational institution; or
    - b. A member of a Veteran's Service Organization.
  4. One (1) representative from the Maryland Department of Veterans Affairs.
  5. One (1) representative from any of the following organizations (not limited to):

- a. Veterans of Foreign Wars (VFW);
  - b. The AMVETS;
  - c. Military Order of the Purple Heart (MOPH);
  - d. The American Legion; or,
  - e. Disabled American Veterans (DAV).
6. Two (2) non-voting, ex-officio members:
- a. The Director of the Washington County Health Department, Behavioral Health Services Division, or the Director's designee; and,
  - b. One (1) County Commissioner.

**B. Terms.** Standing ex-officio non-voting members are not term-limited. Terms of the individual voting members shall be three (3) years, as outlined in Washington County Policy PR-22, Boards and Commissions. The original term of three (3) members shall be for one (1) year; the original term of three (3) members shall be for two (2) years; and the original term of the remaining members shall be for three (3) years. Subsequent terms of all nine (9) members shall be for three (3) years. Members of the Committee shall be eligible for reappointment for one (1) consecutive term only, and, following the second consecutive 3-year term, shall be eligible for reappointment only following an intervening one (1) year period. A one- or two-year term will not be considered a full term for the purpose of these term limits.

**C. Termination of Membership and Vacancies**

- 1. Membership on the Committee may be terminated by voluntary withdrawal or by removal by the Commissioners. Any member may withdraw from membership by giving written notice to the Committee chair of such intention.
- 2. The Committee may recommend to the Commissioners that the membership of an individual member be terminated based on one or more of the following criteria:
  - a. inadequate attendance including excused and unexcused absences;
  - b. breach of confidentiality;
  - c. action/behavior that is inappropriate or inconsistent with County policy; and
- 3. The Commissioners shall have the authority to remove any member of the Committee at any time when, in its sole and absolute discretion, the best interest of the community shall be served.
- 4. Any vacancy occurring in the Committee for any reason shall be filled for the unexpired term by the Commissioners.

**Article V  
Officers**

**A. Elected Officers.** Members of the Committee shall elect from among their members a chair, vice-chair, and secretary. Notwithstanding any provision of these bylaws, no member may simultaneously hold more than one office. The officers shall have the duties and powers usually attendant upon such officers and other duties and powers not inconsistent herewith as may be provided by the Committee and/or the Commissioners.

B. **Terms.** The chair and vice-chair shall take office at the close of the Annual Meeting and shall serve for a term of one (1) year. Officers are eligible for reelection or reappointment for one (1) additional year. Vacancies occurring during a term of office must be filled for the unexpired balance of the term of office. When a vacancy in the office of the chair occurs, the vice-chair shall automatically succeed to the office of chair.

C. **Chair.** The chair shall:

1. Preside as the chief officer of the Board and shall be present at all meetings of the Board;
2. Serve as a non-voting ex-officio member of all sub-committees and appoint the chair of each sub-committee from among the members;
3. Ensure that proper records are maintained;
4. Communicate to the Board such matters and make such suggestions as may in the chair's opinion tend to promote the achievement of the goals outlined in these bylaws; and
5. Perform such other duties as are necessarily incidental to the office.

D. **Vice-Chair.** The vice-chair shall perform all duties of the chair during his or her absence.

E. **Secretary.** The secretary shall maintain minutes of the meetings and when necessary provide notice of meetings to members of the Board. The secretary shall keep record of the proceedings of each meeting, which shall include the vote of each member on each question, or if absent or failing to vote, indicating such fact; the names and addresses of all witnesses; a summary of facts on which the decision is based; the decision rendered; and other official actions of the Board.

F. **Officer Removal, Resignation, and Vacancies**

1. The Board may recommend to the Commissioners that a member serving as an officer be removed from his or her officer position based on one or more of the following criteria:
  - a. inadequate attendance including excused and unexcused absences;
  - b. breach of confidentiality;
  - c. actions/behavior that in the opinion of the Board is inappropriate or inconsistent with policy; and
2. The Commissioners shall have the authority to remove any member from an officer position of the Committee at any time when, in its sole and absolute discretion, the best interest of the community shall be served.
3. In the event of an officer vacancy that is caused by removal, resignation, or any other reason, the Committee shall elect a member to fill the vacancy. The election shall take place at the next regularly scheduled meeting following the effective date of the vacancy. A member elected to fill a vacancy shall serve out the remainder of the officer's term left vacant. The partial term served shall not be applied to the term limits.

## **Article VI Meetings**

A. **Meetings.** Meetings shall be subject to the Open Meetings Act and members of the public shall be permitted to attend all meetings except as provided by law. General parliamentary rules, as set forth in Robert's Rules of Order, as amended from time to time, shall govern, when not in conflict with these bylaws.

1. **Regular Meetings.** The Board will meet whenever it has appeals to decide. Meetings shall be held on a day and hour as the chair may designate. Each member of the Board shall be notified at least one (1) week in advance of any changes in the time or date of scheduled meetings. No member of the Board shall sit in a meeting of or voice on any matter in which he or she is personally or financially interested.

B. **Attendance.** All members shall be required to attend the regularly scheduled Board meetings as scheduled. Failure to attend these meetings may be at the discretion of the Board and result in the following:

1. A third missed meeting in any fiscal year may result in a letter to the member from the chair regarding the attendance policy.

2. Disassociation from the Board as a voting member may occur after the third unexcused absence of regularly scheduled meetings in any fiscal year.

C. **Quorum.** Fifty-one percent (51%) of the total membership shall constitute a quorum. If such a majority is not present at any time, the presiding officer shall adjourn the meeting until a quorum is present.

D. **Sub-committees.** Other standing or special sub-committees of the Board may be formed by the Board as deemed necessary.

## **Article VII Fiscal Year and Budget**

A. **Fiscal Year.** The fiscal year of the Board shall begin on the 1st day of July and end on the last day of June.

B. **Budget.** No budget will be provided to the Board unless deemed necessary by the Commissioners.

## **Article VIII Amendments to Bylaws**

These bylaws may be amended, repealed, modified, or altered, in whole or in part, by the Commissioners, in their sole and absolute discretion. If such an amendment or change is proposed by the Board, such proposal must be submitted in writing and approved at a meeting of the Board. The proposal to amend these bylaws and the text of the proposed amendment must be included in the notice of the next meeting of the Board. At that time, the Board shall vote on the proposed amendment. Such proposed amendments shall be recommended to the Commissioners only if the proposal receives a quorum vote of the Board.

Approved and adopted this \_\_\_\_\_ day of **March**, 2019

ATTEST:

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Krista L. Hart, *County Clerk*

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Jeffrey A. Cline, *President*  
Board of County Commissioners of  
Washington County, Maryland

DRAFT





Agenda Report Form

Open Session Item

**SUBJECT:** Washington County Fire & Rescue Association Insurance Renewal, January 1, 2020 – January 1, 2021

**PRESENTATION DATE:** December 17, 2019

**PRESENTATION BY:** Tracy McCammon, Risk Management Coordinator, Human Resources and Anthony Davis, Aon Risk Solutions

**RECOMMENDED MOTION:** Move to renew the commercial property, auto and casualty package with VFIS Insurance Company at the quoted premium of \$337,317 and workers compensation insurance with Chesapeake Employers Insurance Company at the quoted premium of \$513,123. Additional Cyber Liability is recommended and will be placed with Hiscox Insurance Company for a premium of \$3,707.71.

**REPORT-IN-BRIEF:** Last year the insurance package was marketed by Aon and two proposals were received. VFIS submitted the lowest proposal at the time, therefore, there was not a need to market the insurance package this time.

**DISCUSSION:** Due to the dependent and connected nature of data and technology that overlap between the County and the Fire & Rescue companies, we looked to minimize the risk of potential cyber-attacks, due to the increasing number of cyber-attacks in other municipalities. We have quoted in our renewal premium to increase our limits of coverage for cyber to \$2,000,000. The Baltimore City cyber-attack earlier this year has cost them roughly \$18 million so far. Also, with the ongoing financial audits, the Crime policy was increased to \$250,000, Management Liability to \$3,000,000 aggregate and our Excess Liability to \$3,000,000 with \$6,000,000 aggregate limit.

**FISCAL IMPACT:** Even with recommended increases in limits, total premium for both programs is \$854,147.71. Actual premiums paid for CY2019 was \$947,311. There is a savings in premium of \$93,163.29. We are well within the budget while needing to increase limits of coverage. VFIS requires a down payment of \$83,545 due on January 1, 2020. The remaining balance will be paid in nine monthly installments. Chesapeake Employers Insurance also requires a down payment of \$102,640 on January 1, 2020. Again, the remaining balance will be paid in ten monthly installments.

**CONCURRENCES:** Director, Human Resources

**ALTERNATIVES:** Complete market bids with a lapse in coverage

**ATTACHMENTS:** N/A

**AUDIO/VISUAL NEEDS:** N/A



## Agenda Report Form

### Open Session Item

**SUBJECT:** Intergovernmental Cooperative Purchase (INTG-19-0026) One (1) Body Scanner for Sheriff's Office

**PRESENTATION DATE:** December 17, 2019

**PRESENTATION BY:** Rick Curry, CPPO, Director of Purchasing and Major, Craig Rowe, Washington County Detention Center

**RECOMMENDATION:** Move to authorize, by Resolution the Sheriff's Office to purchase one (1) Body Scanner and related equipment from Sysorex Government Services, Inc. of Herndon, VA and to utilize a GSA contract No. GS-35F-210DA for the total amount of \$149,000.

**REPORT-IN-BRIEF:** Section 106.3 of the Public Local Laws of Washington County grants authorization for the County to procure goods or services under contracts entered into by other government entities. On items over \$50,000, a determination to allow or participate in an intergovernmental cooperative purchasing arrangement shall be by Resolution and shall indicate that the participation will provide cost benefits to the county or result in administrative efficiencies and savings or provide other justification for the arrangement.

Acquisition of the equipment by utilizing the GSA contract and eliminating our County's bid process would result in administrative efficiencies for the Sheriff's Office as well as overall better pricing due to economies of scale offered by the subject contract.

GSA is a nationwide strategic sourcing program designed by public purchasing professionals for use by government agencies and public-benefit non-profits throughout the country. The Sheriff's Office would be purchasing a new body scanner to be used primarily at the Detention Center. Full body scanners provide an additional, crucial tool to intercept drugs, weapons, and other contraband. Reducing contraband increases safety for the officers and other staff and can assist with improving the outcome for inmates receiving substance use disorder treatment and recovery services by the interception of drugs being smuggled into the facility. Dangerous contraband, whether it be weapons designed to cause bodily harm, tools used to aid escape attempts, or illegal drugs that disrupt normal operations and cause health and safety concerns, is an operational safety and security challenge requiring constant line level and management level attention.

**DISCUSSION:** N/A

**FISCAL IMPACT:** Funds in the amount of \$167,750 are budgeted in account 600400-25-25010 for the purchase of the equipment.

**CONCURRENCES:** Sheriff, Mullendore

**ALTERNATIVES:** 1) Do not award the purchase of the body scanner equipment and process our own bid for the equipment in which pricing would not be as favorable, or (2) utilize the GSA contract which does offer better pricing because of the economies of scale.

**ATTACHMENTS:** Miracle Recreation Equipment Company's Quote, dated November 13, 2019

**AUDIO/VISUAL NEEDS:** N/A



# GSA Schedule Quotation

13880 Dulles Corner Lane, Suite 175, Herndon, VA 20171  
 t. 800-680-7412 f. 703-961-1127

<b>Quote #</b>	SYXQ2359
<b>Terms</b>	NET 30
<b>Quote Date</b>	Nov 13, 2019
<b>Expires</b>	Dec 31, 2019

**Sales Rep:** Chris Pasielski  
 703-955-4634 x3025  
 Chris.Pasielski@sysorexinc.com

Customer	Bill To	Ship To
Washington County Detention Center Major Craig Rowe 240-313-2213 crowe@washco-md.net 500 Western Maryland Parkway Hagerstown, MD 21740		Washington County Detention Center Major Craig Rowe 240-313-2213 crowe@washco-md.net 500 Western Maryland Parkway Hagerstown, MD 21740

Description	RFQ#	Contract
WashingtonCtyTEK84GSA	email	GSA GS-35F-210DA

Item	Mfg	Part #	Qty	Description	Price	Ext. Price
1	Tek84	SSD-017-1000-1	1	Intercept Security Scanning System with installation/Training and 1 year warranty Contract: GSA GS-35F-210DA	\$149,000.00	\$149,000.00

<b>SubTotal</b>	\$149,000.00
<b>Shipping</b>	\$0.00
<b>Total</b>	<b>\$149,000.00</b>

GSA Schedule GS-35F-210DA, expires 03/02/2021; DUNS# 884141599; Cage Code 08DR8; TIN 54-1764522: Delivery FOB Dest.

IF PAYING BY WIRE OR ACH. Bank: Wells Fargo Bank, N.A., 420 Montgomery Street, San Francisco, CA 94014  
 ABA: 121000248 SWIFT Code: WFBIUS6S Account Number: 4619990609 Account Name: Payplant Alternatives Fund LLC

IF PAYING BY CHECK. Sysorex, Inc., c/o Payplant Alternatives Fund LLC, 2625 Middlefield Rd #595, Palo Alto, CA 94306

Returns are subject to manufacturer policies. A Restocking Fee may apply: Restocking Fee will be capped at no more than 30% of the item cost when the contractor incurs additional costs due to customer ordering error. There shall be no restocking fees when the item is returned due to contractor error.

Purchase Order Requirements: PO must show a Bill To and Ship To address, Purchase Order #, authorized signature, and Net 30 terms. Please include the name, phone # and email address for the receiver on the order.



Open Session Item

**SUBJECT:** Bid Award (PUR-1449) for Courthouse and Clerk's Office Ballistic Glass

**PRESENTATION DATE:** December 17, 2019

**PRESENTATION BY:** Rick Curry, CPPO, Director, Purchasing Department, Kevin Tucker, Clerk of the Courts, Scott Hobbs, Director, Division of Engineering

**RECOMMENDED MOTION:** Move to award the contract for the Courthouse and Clerk's Office Ballistic Glass work to the responsible, responsive bidder, Clear Security Systems of West Caldwell, New Jersey who submitted the lowest total sum prices of \$59,790.00 for Option 1 (Delivery/installation of ballistic glass and hardware – Clerk's Office Ballistic Glass) and \$57,900.00 for Option 2, Part A (Delivery/installation of ballistic glass and hardware – Courthouse Hinged Ballistic Glass), contingent upon the company being registered and providing proof of being in "good standing" with the Maryland Department of Assessment and Taxation.

**REPORT-IN-BRIEF:** On November 7, 2019, the County issued an Invitation to Bid (ITB) for the Courthouse and Clerk's Office Ballistic Glass project, and on December 11, 2019, the County accepted bids for the work. The ITB was advertised on the State of Maryland's (eMMA) "eMaryland Marketplace Advantage" website, County's website, and in the local newspaper. Forty persons/companies registered/downloaded the bid document on-line, and three bids were received.

**DISCUSSION:** The scope of the project involves delivery/installation of ballistic glass, doors, and counters in the employee work area and customer service area of the Clerk of the Courts Office, as well as delivery/installation of ballistic glass for the new courtroom renovation project (former Register of Wills Office).

**FISCAL IMPACT:** Funds for Clerk of the Courts Office work are allocated in the FY'20 budget GRT506. The courtroom renovation is a budgeted Capital Improvement Plan (CIP) project (BLD092).

**CONCURRENCES:** N/A

**ALTERNATIVES:** N/A

**ATTACHMENTS:** Bid Tabulation

**AUDIO/VISUAL NEEDS:** N/A

**PUR-1449 Courthouse and Clerk's Office Ballistic Glass**

**Bid Opening: December 11, 2019 (2:00 PM)**

	<b>Atlantida Builders, Inc. Gaithersburg, MD</b>	<b>Clear Security Systems West Caldwell, NJ</b>	<b>Mistral Inc. Bethesda, MD</b>
<b>TOTAL LUMP SUM - OPTION NO. 1 DELIVERY/INSTALLATION OF BALLISTIC GLASS AND HARDWARE - Clerk's Office Ballistic Glass</b>	\$158,000.00	\$59,790.00	N/A
<b>TOTAL LUMP SUM - OPTION NO. 2 PART A DELIVERY/INSTALLATION OF BALLISTIC GLASS AND HARDWARE - Court House Hinged Ballistic Glass</b>	\$81,500.00	\$57,900.00	\$74,378.00
<b>TOTAL LUMP SUM - OPTION NO. 2 PART B DELIVERY/INSTALLATION OF BALLISTIC GLASS AND HARDWARE - Court House Ballistic Sliding Glass</b>	\$40,500.00	N/A	N/A

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Agenda Report Form

Open Session Item

**SUBJECT:** Construction Bid Award – Millwork for the Circuit Courthouse Renovation

**PRESENTATION DATE:** December 17, 2019

**PRESENTATION BY:** Scott Hobbs, P.E., Director, Division of Engineering

**RECOMMENDED MOTION:** Move to award the contract for the millwork for the Circuit Courthouse Renovation to the lowest responsive, responsible bidder, Beachley Millwork Company of Smithsburg, in the amount of \$75,237.00.

**REPORT-IN-BRIEF:** The project was advertised on the County’s website, and on the State of Maryland’s website, “e-Maryland Marketplace Advantage (eMMA).” One (1) bid was received and opened on Wednesday, December 4, 2019, as listed below.

<u>Contractor:</u>	<u>Bid:</u>
Beachley Millwork Company	\$ 75,237.00

The bids were evaluated and the low bid from Beachley Millwork Company is in order. The engineer’s estimate for this work is \$75,000.

**DISCUSSION:** The project involves furnishing and installing millwork (judge’s bench, benches, witness stand, shelving, cabinets, trim) for the newly renovated space (courtroom, office areas, and judge’s chamber) on the first floor of the Circuit Courthouse, formerly the Register of Wills Office. The project is a 75 consecutive calendar day contract with an anticipated Notice to Proceed in January 2020 and a completion date in March 2020.

**FISCAL IMPACT:** This is a budgeted Capital Improvement Plan (CIP) project (BLD092).

**CONCURRENCES:** N/A

**ALTERNATIVES:** N/A

**ATTACHMENTS:** Bid Tabulation

**AUDIO/VISUAL TO BE USED:** N/A

**WASHINGTON COUNTY DIVISION OF ENGINEERING  
 BID TABULATION**

**MILLWORK FOR THE CIRCUIT COURTHOUSE RENOVATION**



**Bid Opening: 12/4/2019 AT 4:00 PM**

<b>Beachley Millwork Company, LLC</b> Smithsburg, MD
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DESCRIPTION	ITEM NO.	QTY.	UNIT	UNIT PRICE	ITEM TOTAL
Millwork for Renovation	1	1	L.S.	75,237.00	75,237.00
<b>Total</b>					<b>\$ 75,237.00</b>



Agenda Report Form

Open Session Item

**SUBJECT:** Construction Bid Award – HVAC Work for the Circuit Courthouse Renovation

**PRESENTATION DATE:** December 17, 2019

**PRESENTATION BY:** Scott Hobbs, P.E., Director, Division of Engineering

**RECOMMENDED MOTION:** Move to award the contract for the heating, ventilation, and air conditioning (HVAC) work for the Circuit Courthouse Renovation to the lowest responsive, responsible bidder, M.S. Johnston Company of Hagerstown, in the amount of \$79,000.00.

**REPORT-IN-BRIEF:** The project was advertised in the Herald Mail, on the County’s website, and on the State of Maryland’s website, “e-Maryland Marketplace Advantage (eMMA).” Two (2) bids were received and opened on Wednesday, December 4, 2019, as listed below.

<u>Contractor:</u>	<u>Bid:</u>
M.S. Johnston Company	\$ 79,000.00
Mick’s Plumbing, Heating & Air Conditioning	\$ 111,698.00

The bids were evaluated and the low bid from M.S. Johnston Company is in order. The engineer’s estimate for this work is \$90,000.

**DISCUSSION:** The existing HVAC system is insufficient in providing the heating/cooling needs for the newly-renovated space (courtroom, office areas, and judge’s chambers) on the first floor of the Circuit Courthouse, formerly the Register of Wills Office. The project will consist of installing new heating/cooling units with new duct work and controls that allow for adjustment within each of the new areas. The project is a 90 consecutive calendar day contract with an anticipated Notice to Proceed in January 2020 and a completion date in April 2020.

**FISCAL IMPACT:** This is a budgeted Capital Improvement Plan (CIP) project (BLD092).

**CONCURRENCES:** N/A

**ALTERNATIVES:** N/A

**ATTACHMENTS:** Bid Tabulation

**AUDIO/VISUAL TO BE USED:** N/A



**WASHINGTON COUNTY DIVISION OF ENGINEERING  
 BID TABULATION**

**HVAC WORK FOR THE CIRCUIT COURTHOUSE RENOVATION**



**Bid Opening: 12/4/2019 AT 2:00 PM**

				<i>M.S. Johnston Company</i> Hagerstown, MD		<i>Mick's Plumbing, Heating &amp; Air Conditioning</i> Thurmont, MD	
DESCRIPTION	ITEM NO.	QTY.	UNIT	UNIT PRICE	ITEM TOTAL	UNIT PRICE	ITEM TOTAL
HVAC System for Renovation	1	1	L.S.	79,000.00	79,000.00	111,698.00	111,698.00
<b>Total</b>					<b>\$ 79,000.00</b>		<b>\$ 111,698.00</b>



Agenda Report Form

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Open Session Item

**SUBJECT:** Budget Adjustment – Tree Forestation

**PRESENTATION DATE:** December 17, 2019

**PRESENTATION BY:** Scott Hobbs, P.E., Director, Division of Engineering

**RECOMMENDED MOTION:** Move to approve a budget transfer in the amount of \$68,439 from the Tree Forestation account (LDI043) to the Stormwater Retrofits account (DNG039).

**REPORT-IN-BRIEF:** This budget adjustment will consolidate funding.

**DISCUSSION:** Both the Tree Forestation and Stormwater Retrofits projects provide funding for efforts to meet the requirements of the National Pollutant Discharge Elimination System (NPDES) permit. This transfer would consolidate the funds into a single project for better tracking and efficiencies.

**FISCAL IMPACT:** Budget transfer of \$68,439 from Tree Forestation (LDI043) to Stormwater Retrofits (DNG039).

**CONCURRENCES:** Chief Financial Officer

**ALTERNATIVES:** Funds remain in separate accounts.

**ATTACHMENTS:** Budget Adjustment Form

**AUDIO/VISUAL TO BE USED:** N/A



# Washington County, Maryland Budget Adjustment Form

Print Form

- Budget Amendment - Increases or decrease the total spending authority of an accounting fund or department
- Budget Transfer - Moves revenues or expenditures from one account to another or between budgets or funds.

Transaction/Post -Finance

Deputy Director - Finance  Digitally signed by Kelcee Mace Date: 2019.09.18 16:29:20 -0400

Preparer, if applicable

Department Head Authorization

Division Director / Elected Official Authorization  Digitally signed by Scott Hobbs Date: 2019.12.05 14:35:07 -05'00'

Budget & Finance Director Approval

County Administrator Approval

County Commissioners Approval

Required approval with date

If applicable with date

Required approval with date

Required approval with date

Required > \$ 25,000 with date

Expenditure / Account Number	Fund Number	Department Number	Project Number	Grant Number	Activity Code	Department and Account Description	Increase (Decrease) + / -
498710	30	11900	LDI043		OTHR	Capital Transfer - General	-68,439
599999	30	11900	LDI043		OTHR	Tree Forestation	-68,439
49710	30	11620	DNG039		OTHR	Capital Transfer - General	68,439
599999	30	11620	DNG039		OTHR	Stormwater Retrofits	68,439

Explain Budget Adjustment

Required Action by County Commissioners  No Approval Required  Approval Required Approval Date if Known



## Agenda Report Form

### Open Session Item

**SUBJECT:** Purchase or Lease of a Tracked Excavator for the Department of Solid Waste

**PRESENTATION DATE:** December 17, 2019

**PRESENTATION BY:** David A. Mason, P. E., Deputy Director, Department of Solid Waste

**RECOMMENDED MOTION:** Motion to approve the acquisition of a Tracked Excavator for the Department of Solid Waste

**REPORT-IN-BRIEF:** The Department has two existing Excavators: #199 Caterpillar 345B purchased 2000, 18,000 hours and #235 LinkBelt 330LX, purchased 2008, 10,500 hours. These types of equipment have a life expectancy of ten to twelve years (10,000 to 15,000 hours). Staff will use the SourceWell National Contracts to procure the acquisition.

**DISCUSSION:** The excavators are used daily to load the daily cover material and help grind brush for mulch. They are typically used six to eight hours a day, six days per week, approximately 2000 hours per year. As of November 14, 2019 the LinkBelt 330LX has had a major engine failure and will require approximately \$50,000 worth of repairs.

**FISCAL IMPACT:** Funding has been allocated in the FY21 budget to lease equipment for the Department. We are requesting approval to have the procurement secured in early 2020, to fund the procurement; the Department of Solid Waste has identified four pieces of equipment for possible trade-in. It is anticipated the funds received on the trade-in will cover the lease payments until July of 2020. The equipment to be traded is as follows:

Equipment	Serial Number	Hours	Trade-In Value (maximum)
• 2001 CATERPILLAR D400	08PS01035	15,000 Hours	\$30,000
• 2002 John Deere 850C	T0850CX908492	12,500 Hours	\$15,000
• 2008 LinkBelt 330LK	LBX330Q3N8HE7408	10,500 Hours	\$11,000*
• 1996 Scrapper "Pan"	4SK00432	2,700 Hours	\$30,000

\* Estimated amount given the engine failure

#199 will be kept to serve as a backup and for use when the new excavator is being serviced.

Purchase of a CAT 336 Excavator: \$394,288.00 (current SourceWell Contract through Caterpillar)

Lease Payments for CAT 336 Excavator: 5 Year Lease, \$1.00 Buyout, 3.85%  
Allowable 3000 hours per year  
Monthly Payment: 7,100; Yearly Payment: 85,200  
Total Payments - \$426,000.00

Lease Payments for CAT 336 Excavator: 5 Year Lease, Balloon Lease, 3.85%  
Allowable 3000 hours per year  
Monthly Payment: 6,150; Yearly Payment: 73,800  
\$64,000 End of Lease Payment  
Total Payments - \$433,000.00

Lease payments may vary with the exact terms of the lease, interest rate at the time of procurement and exact Excavator and options specified or manufacturer.

Monthly Lease Payment – \$7,100 (maximum)  
FY20 Lease Payments - \$42,600 (6 months)  
FY21 Lease Payments - \$85,200 (12 months)

**CONCURRENCES:** Director, Environmental Management, Chief Financial Officer

**ALTERNATIVES:** N/A

**ATTACHMENTS:** N/A

**AUDIO/VISUAL NEEDS:** N/A



Open Session Item

**SUBJECT:** Washington County Mobile Home Park Tax

**PRESENTATION DATE:** December 17, 2019

**PRESENTATION BY:** B. Andrew Bright, Assistant County Attorney; Sara Greaves, Chief Financial Officer; Todd Hershey, County Treasurer

**RECOMMENDEDATION:** For informational purposes

**REPORT-IN-BRIEF:** The Commissioners requested potential draft revisions of the Mobile Home Park Tax for consideration and discussion.

**DISCUSSION:** The current tax on mobile home park rental income was enacted in 1963 and imposes a 15% tax on gross monthly charges received by operators of a trailer park or trailer court. Recent discussion involved reducing the rate of the tax and revising the language of the resolution, which has become outdated.

Attached are two draft ordinances:

Option 1 reduces the rate of the tax to 7.5%,

Option 2 imposes the tax at a flat charge of \$35 per space.

**FISCAL IMPACT:** The current tax results in annual revenue of \$550,000- \$600,000.

Option 1 would reduce the annual revenue to \$225,000 - \$300,000.

Option 2 would reduce the annual revenue to \$393,000.

**CONCURRENCES:** N/A

**ALTERNATIVES:** Adjust the percentage or flat amount tax to such numbers as the Commissioners decide.

**ATTACHMENTS:** Enabling Act-- Md. Code, Local Gov't Art., §20-501

Option 1 Ordinance 7.5%

Option 2 Ordinance \$35 per space

**AUDIO/VISUAL NEEDS:** None

West's Annotated Code of Maryland  
Local Government (Refs & Annos)  
Division IV. Local Finance [Titles 16-23] (Refs & Annos)  
Title 20. Taxes and Development Impact Fees (Refs & Annos)  
Subtitle 5. Mobile Home and Trailer Park Taxes (Refs & Annos)

MD Code, Local Government, § 20-501  
Formerly cited as MD CODE, Art. 24, § 9-401

§ 20-501. In general

Effective: October 1, 2013  
Currentness

### **Definitions**

(a)(1) In this section the following words have the meanings indicated.

(2) “Camping shelter” means a tent or other collapsible structure that provides temporary living quarters for recreational, camping, or travel use.

(3) “Mobile home park” means a mobile home court or park or a trailer park.

(4) “Recreational vehicle” means a trailer or other vehicle that provides temporary living quarters for recreational, camping, or travel use.

### **Mobile home park tax authorized**

(b)(1) By resolution or ordinance, a county or municipality may impose a tax on the amount paid for:

(i) the rental, leasing, or use of any space, facility, or accommodation in a mobile home park; or

(ii) services provided by a mobile home park.

(2) The tax authorized under this subsection does not apply to a recreational vehicle or camping shelter if:

(i) the recreational vehicle or camping shelter is intended and used only for temporary occupancy of 30 days or less; or

(ii) the county or municipality imposes the tax authorized under subsection (c) of this section.

#### **Separate tax for recreational vehicles or camping shelters authorized**

(c)(1) Except as provided in paragraph (3) of this subsection, by resolution or ordinance, a county or municipality may impose a tax on the amount paid for:

(i) the rental, leasing, or use of any space, facility, or accommodation in a mobile home park for a recreational vehicle or camping shelter, regardless of the period of occupancy; or

(ii) services provided by a mobile home park in connection with the rental, leasing, or use of any space, facility, or accommodation for a recreational vehicle or camping shelter.

(2) Except as provided in paragraph (3) of this subsection, the rate of the tax authorized under this subsection may not exceed 3% of the amount subject to the tax.

(3) In Washington County:

(i) the rate of the tax authorized under this subsection is 6%;



(ii) the tax authorized under this subsection applies only to a recreational vehicle or camping shelter intended and used only for temporary occupancy of 30 days or less; and

(iii) the revenue from the tax authorized under this subsection shall be distributed in the same manner as the hotel rental tax under § 20-421 of this title.

### **Collection**

(d) A county or municipality may require the operator or owner of a mobile home park to collect a tax authorized under this section and remit the tax collected to the county or municipality or to the agency that the county or municipality designates.

### **Records**

(e) A county or municipality may provide for:

(1) the maintenance of public records relating to a tax authorized under this section and its collection; and

(2) the inspection or publication of the records.

### **Penalties**

(f) A county or municipality may provide for penalties for failure to comply with the requirements relating to a tax authorized under this section.

### **Effect of section**

(g) This section does not affect any requirement concerning permits to locate a trailer, house trailer, trailer coach, or mobile home.

### **Credits**

Added by Acts 2013, c. 119, § 2, eff. Oct. 1, 2013.

MD Code, Local Government, § 20-501, MD LOCAL GOVT § 20-501  
Current through all legislation from the 2019 Regular Session of the General Assembly.

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OPTION 1 – 7.5% Rate

**MOBILE HOME PARK TAX ORDINANCE  
FOR WASHINGTON COUNTY, MARYLAND**

Adopted \_\_\_\_\_, 20\_\_\_\_  
Effective \_\_\_\_\_, 20\_\_\_\_

DRAFT

**1. Establishment of tax.**

1.01 In accordance with Maryland Code, Local Government Article, §20-501, as amended from time to time, there is a Mobile Home Park Tax imposed in Washington County.

**2. Definitions.**

2.01 The words and phrases used in this Ordinance shall have their usual meaning, unless otherwise defined in this section.

2.02 *Mobile Home Park* means real property used as a mobile home court or park or a trailer park.

2.03 *Mobile Home* means a structure:

(i) Transportable in one or more sections;

(ii) 8 or more body feet in width and 30 or more body feet in length;

(iii) Built on a permanent chassis; and

(iv) Designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities.

2.04 *Gross Monthly Charges* means the gross charges received by a Mobile Home Park Operator for rental, leasing, or use of any space, facility, or accommodation in a Mobile Home Park, or for services provided by a Mobile Home Park; *Gross Monthly Charges* specifically includes any and all sums paid to the Mobile Home Park Operator by any tenant as a condition of occupying a space, facility, accommodation, or service, regardless of how itemized, characterized, or titled.

2.05 *Mobile Home Park Operator* means a person, partnership, corporation or other entity who or which owns, and as principal or through an agent, operates a Mobile Home Park in Washington County Maryland.

**3. Calculation and Payment of Tax.**

3.01 *Tax imposed.* Every person, corporation, or other entity operating and conducting a Mobile Home Park in Washington County shall pay a monthly tax

computed at **Seven and one half percent (7.5%)** of the Gross Monthly Charges collected by the Mobile Home Park Operator.

3.02 *Report of Gross Monthly Charges.* On or before the fifteenth (15<sup>th</sup>) day of each month after the effective date of this ordinance, every Mobile Home Park Operator shall file with the Treasurer of Washington County a report showing, for the preceding month:

- (a) the number of Mobile Home spaces rented;
- (b) the rent and other Gross Charges received for each space or received for services provided by the Mobile Home Park;
- (c) the total Gross Monthly Charges received; and
- (d) the tax due, as calculated pursuant to Section 3.01 of this Ordinance.

3.03 *Remittance of Tax.* At the same time the report required by Section 3.02 of this Ordinance is due, every Mobile Home Park Operator shall remit to the Treasurer of Washington County the amount of tax due pursuant to Section 3.01 of this Ordinance.

3.04 *Separate charge of Tenant prohibited.* The tax imposed by this Ordinance is upon the rental income received by the Mobile Home Park Operator, and is the sole responsibility of the Mobile Home Park Operator. It shall be unlawful for the Mobile Home Park Operator to separately charge said tax to any individual tenant.

#### **4. Investigation and Audit of Tax**

4.01 *Investigation and Audit.* In the event that any Mobile Park Operator fails to collect and remit the tax imposed by this Ordinance, or fails to file a report as required by Section 3.02, or if the Treasurer has reasonable cause to believe an erroneous statement has been filed, the Treasurer or his designee may proceed to determine the amount due to the County, and in connection therewith, shall make such investigations and take such testimony and other evidence as may be necessary; provided, however, that notice and opportunity to be heard be given by the Treasurer to any person, partnership, corporation, or other entity that may become liable for an amount determined by the Treasurer.

4.02 *Register of Tenants.* Every Mobile Home Park Operator shall keep and maintain on the premises of the Mobile Home Park a register showing the name, address, Vehicle Identification Number, date of commencement of occupancy, and date of termination of occupancy, and the amount of Gross Monthly Charges received, as to each

Mobile Home space. Said register shall be kept up to date and shall be available at all reasonable times to inspection by the County Commissioners, the Treasurer, or their authorized representatives. Said register shall be retained by the Mobile Home Park Operator for at least five (5) years.

**5. Penalties and Enforcement.**

5.01 *Penalty for Late Payment.* Failure to pay to the Treasurer the taxes imposed by this Ordinance when due shall be subject to a penalty of one percent (1%) per month.

5.02 *Misdemeanor.* Any Mobile Home Park Operator liable for the taxes imposed by this Ordinance who or which:

- (a) willfully fails to pay the taxes imposed by this Ordinance;
- (b) willfully fails to file any report required by this Ordinance;
- (c) willfully makes any false statement or misleading omission in any report filed pursuant to this Ordinance; or
- (d) willfully fails to maintain a register as required by this Ordinance

is guilty of a misdemeanor and upon conviction thereof, shall be fined not more than \$100.00 or imprisoned for not more than thirty (30) days or both for each offense; such fine or imprisonment in the discretion of the Court.

5.03 *Action to enforce.* In the event the Mobile Home Park Tax is not paid as required, the Office of the County Attorney or its designee may institute an action to recover said tax. The Mobile Home Park Operator which fails so to pay shall be responsible for the costs of such suit, including reasonable attorney's fees.

5.04 *Lien and enforcement same as County real property taxes.* If not paid as required by this Ordinance, the Mobile Home Park Tax shall automatically constitute a lien against the Mobile Home Park, and shall be levied, collected, and enforced in the same manner as are County real property taxes, and shall have the same priority and bear the same interest and penalties as County real property taxes for lien purposes.

**6. Effective Date, Severability and Repeal of Prior Resolution.**

6.01 *Effective Date.* This Ordinance shall take effect on \_\_\_\_\_,

20\_\_\_\_\_.

6.02 *Repeal of prior Resolution.* The Resolution of the Board of County Commissioners dated July 2, 1963, entitled “A Resolution Levying A Tax On Automobile Trailer Camps: Fixing The Amount And Providing For The Collection Thereof: And Prescribing Penalties For Violation Of The Resolution,” is hereby repealed, as of the effective date of this Ordinance. Taxes which were due and remain unpaid pursuant to said resolution at the time of repeal shall remain due and owing, and the Treasurer shall use any available means to collect the same.

6.03 *Severability.* If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Ordinance which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

OPTION 2 – Flat Monthly Rate

**MOBILE HOME PARK TAX ORDINANCE  
FOR WASHINGTON COUNTY, MARYLAND**

Adopted \_\_\_\_\_, 20\_\_  
Effective \_\_\_\_\_, 20\_\_



**1. Establishment of tax.**

1.01 In accordance with Maryland Code, Local Government Article, §20-501, as amended from time to time, there is a Mobile Home Park Tax imposed in Washington County.

**2. Definitions.**

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2.05 *Mobile Home Park Operator* means a person, partnership, corporation or other entity who or which owns, and as principal or through an agent, operates a Mobile Home Park in Washington County Maryland.

2.06 *Mobile Home Space* means a lot or area of real property in a Mobile Home Park on which an individual Mobile Home is situated.

### **3. Calculation and Payment of Tax.**

3.01 *Tax imposed.* Every person, corporation, or other entity operating and conducting a Mobile Home Park in Washington County shall pay a monthly tax upon the Gross Monthly Charges collected by the Mobile Home Park Operator, computed at a rate of Thirty Five Dollars (\$35.00) per month for each Mobile Home Space which is leased by a Mobile Home Park Operator.

3.02 *Report of Gross Monthly Charges.* On or before the fifteenth (15<sup>th</sup>) day of each month after the effective date of this ordinance, every Mobile Home Park Operator shall file with the Treasurer of Washington County a report showing, for the preceding month:

- (a) the number of Mobile Home spaces rented;
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