

**HOWARD COUNTY BOARD OF COMMISSIONERS - SPECIAL CALLED MEETING –**  
**NOVEMBER 18, 2004**

The Howard County Board of Commissioners met in Special Session on Thursday, November 18, 2004, at 3:30 p.m. in Hearing Room No. 338 of the Howard County Administration Center. Those in attendance included President John B. Harbaugh, Vice President Paul J. Raver, and Member Bradley J. Bagwell. Also present were County Attorney Lawrence Murrell, and Auditor Martha Lake.

The meeting was called to order by Sheriff Marshall Talbert and conducted by President John B. Harbaugh.

County Attorney Larry Murrell explained that the Special Meeting was called in order to make an appointment to a Public Defender Board/Selection Committee to select the new Chief Public Defender and to address any other pending essential matters.

**IN THE MATTER OF SELECTION OF A NEW CHIEF PUBLIC DEFENDER:**

*(See page 6, November 15<sup>th</sup>, 2004 minutes, “In the Matter of County Attorney Issues”, Item 2, for related discussion)*

There will be a vacancy in the Public Defender’s Office when Chief Public Defender William Menges leaves to serve his newly elected term as Judge of Howard Superior Court I on January 1, 2005. The County Judges have met and discussed the procedure to appoint a new Chief Public Defender. The Judges, by consensus, wish to follow the guidelines of the state statute that allows the Commissioners to adopt an ordinance to establish a three member County Public Defender Board however there is not enough time to get the ordinance in place for the Judges to appoint a Public Defender by January 1, 2005. The Judges would like to, for now, go ahead and follow the statutory procedure and the County work on getting an ordinance together soon. The statute reads that in the role of the County Executive, the Commissioners will appoint one member and the Judges will appoint the other two members. The Judges have requested that all three appointees be attorneys. The statute requires that members appointed by the judges may not be from the same political party. The Judges have selected Attorney Fred Osborn and Attorney Randy Hainlen, being of opposite political parties, for their appointees.

Attorney Murrell perused through the roster of attorneys in Howard County and came up with a recommendation of Attorney William Beck. Attorney Beck has practiced law in Howard County for a number of years, is very involved in Bar Association matters and the court system. In addition, he works with both civil and criminal law, and has a reputation for having sound judgment in matters.

Mr. Bagwell made a motion to appoint Attorney William Beck to the Public Defender Board/Selection Committee. Mr. Raver seconded the motion, and it carried.

Attorney Murrell advised he would work on drafting an ordinance for the Commissioners to consider in the near future.

**IN THE MATTER OF CONTRACT AGREEMENTS TO BUY OUT FLOOD DAMAGED HOMES:**

*(See page 2, November 15<sup>th</sup>, 2004 minutes, “In the Matter of Plan Commission Issues and Properties for Approval”, Item 3, for related discussion)*

During discussion at the previous meeting, the Commissioners requested Plan Commission Director Glen Boise to contact S.E.M.A. to confirm that the County can get all of the funding available in a timely manner to purchase two homes in the flood area as part of the Flood Mitigation Program. S.E.M.A. responded by email that they are going to advance the money to pay for both projects.

Auditor Martha Lake reported that the total cost to purchase the two homes is \$239,000.00 and S.E.M.A. is going to pay approximately \$187,000.00. Because this figure does not exactly coordinate with the 25% local match that the County is responsible to pay, Auditor Lake advised she would contact Mr. Boise to find out why.

Attorney Murrell advised the terms of the Purchase Agreements state that the purchase would be the agreed price for the real estate less any unused disaster assistance that cannot be documented by the Seller with receipts. The agreements also contain a provision that the closing will not occur until the funding is available to purchase the homes. The two contracts accommodate the following properties:

<u>Address</u>	<u>Property Owners</u>	<u>Purchase Price</u>
500 Ridge Road	John F. K. Fike	\$ 114,000.00
3258 W. 250 S.	Michael J. & Rhonda K. Randall	<u>\$ 125,000.00</u>
Total		\$ 239,000.00

Mr. Bagwell made a motion to approve the Agreement to the Purchase Real Estate of John F. K. Fike at 500 Ridge Road; and approve the Agreement to Purchase the Real Estate of Michael J. & Rhonda K. Randall at 3258 W. 250 S. and authorize the President to sign Exhibit A attached to both agreements on behalf of the Board. Mr. Raver seconded the motion, and it carried. All three Board Members signed the Agreement to Purchase Real Estate.

*On behalf of the Judges, Attorney Murrell expressed appreciation to the Commissioners for calling a special meeting to accommodate their request.*

There being no further business, Mr. Bagwell made a motion to adjourn. Mr. Raver seconded the motion, which carried. The meeting closed at 3:45 p.m.

**THE HOWARD COUNTY BOARD OF COMMISSIONERS**

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JOHN B. HARBAUGH, PRESIDENT

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PAUL J. RAVEN, VICE PRESIDENT

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BRADLEY J. BAGWELL, MEMBER

ATTEST:

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MARTHA J. LAKE, AUDITOR  
Commissioner Minutes, November 18<sup>th</sup>, 2004