

May 19, 2016

The regular meeting of the County Commissioners of Allegany County was held in the Commissioners' Meeting Room, Room 100, 701 Kelly Road, Cumberland, at 5:00 p.m. on the above date. The following were present: Commissioner Jacob C. Shade; Commissioner Creade V. Brodie, Jr.; Commissioner William R. Valentine; County Attorney William M. Rudd; and County Administrator David A. Eberly. The following business was transacted:

The Pledge of Allegiance was led by Dan Williams.

President Shade asked that anyone wishing to speak at the meeting sign up to do so on the public sign-up sheet. He added that speakers will go in the order in which they sign up.

MOTION

An additional Item, Item 17, was added to the Consent Agenda by President Shade. County Administrator David Eberly told the Commissioners that he had prepared a Motion to fill a vacancy on the Potomac Highlands Airport Authority Board. He asked the Commissioners if they could add that Motion as Item 17, under the Consent Agenda. President Shade said that no motion was necessary to add this Item.

There were no additional additions or deletions to the agenda.

MOTION

Upon Motion by Commissioner Brodie, seconded by Commissioner Valentine, and Motion carried, the Commissioners approved the minutes of the May 5, 2016, public business meeting.

PRESENTATION

Item 1 – Frostburg Lodge #470 BPOE 40th Derby Day Citation – Dale Iman, Exalted Ruler, Frostburg Lodge #470, BPOE, and Larry Wiseman, Co-Chair, Elks Derby Day Committee. Mr. Dale Iman, Exalted Ruler, Frostburg Lodge # 470, BPOE, told the Commissioners that he was pleased to be there. He then introduced Mr. Larry Wiseman, the Co-Chair, with his wife, Vicky, of the 40 Annual Frostburg Elks Derby Day, and Mr. Chuck Bonn, Trustee of the Frostburg Elks. He also introduced Mr. Brian Westfall, and mentioned that Mr. Westfall leads fundraising for the Elks National Foundation, is very involved with the Elks' Scouting efforts, and is a past Exalted Ruler of the Frostburg Lodge. Mr. Iman also acknowledged Mr. Westfall's position with Allegany County Government as its Human Resources Director. Mr. Iman then provided some history and background behind the Derby Day event.

Commissioner Brodie remarked on how enjoyable and well-attended the Derby Day event is.

Commissioner Shade presented Mr. Iman, Mr. Wiseman and Mr. Westfall with the Commissioners Official Citation in honor of the 40th Anniversary of Derby Day.

Upon Motion by Commissioner Valentine, and seconded by Commissioner Brodie, the Commissioners moved out of order and unanimously approved Item 12, a \$1,000 contribution from the Community Promotions Account to support the Frostburg Elks 40th Derby Day.

Item 2 – Allegany County Recycling Program – 2016 Telephone Book Recycling Campaign Award – Recognize the participating schools, the Allegany County Board of Education, and the Allegany County Solid Waste Management Committee, for their participation and award the top recycler, Beginnings Montessori School, \$275.00 – Siera N. Wigfield, Recycling Coordinator. (See News Release).

Mrs. Siera N. Wigfield, Allegany County Recycling Coordinator, reported that this year was the 24th Annual Telephone Book Recycling Campaign, and 4,766 telephone books were collected. She added that the event is organized by the Allegany County Commissioners, the Allegany County Solid Waste Management Board, and the Board of Education, and that students in both public and private schools are invited to participate during the month of April. Mrs. Wigfield then announced Beginnings Montessori School as this year's top winner of the Recycling Campaign. She also provided the names of this year's sponsors: Advanced Disposal, Mountainview Landfill/Waste Management Company, Queen City Business Systems, and the Western Maryland Health System, and thanked these sponsors for their generous support, remarking that because of it, the County did not have to contribute any funds this year.

Mrs. Wigfield then asked the representatives attending from Beginnings Montessori to introduce themselves. Ms. Tara Kellemeier, Vice President of the Beginnings Montessori, spoke first and

provided some information about the school. She introduced Jessica Hook, Primary Teacher (preschool and kindergarten), and Meaghan Mason, Head of School and Lead Upper Elementary Teacher. Ms. Kellemeier also acknowledged some students accompanying her and the teachers, and commented on their relentless hard work in collecting phone books.

Commissioner Shade then called everyone forward for a picture and presentation of the Commissioners Citation. A round of applause followed.

ACTION AGENDA

Item 3 – Resolution 16-11 – Rocky Gap Slots Proceeds Allocation Plan – Board of County Commissioners to approve Resolution 16-11 – Jason M. Bennett, CPA, Director of Finance, reminded the Commissioners that they passed the last update of the Rocky Gap Slots Proceeds Allocation Plan back in December 2015. He reported that since then, the Local Development Council has met and made a few changes to the existing Allocation Plan. Mr. Bennett explained that he was present this evening to request the Commissioners' approval of the updated Allocation Plan.

Before going over details of the updated Plan, Mr. Bennett introduced a few members of the Local Development Council present at the meeting: Sheriff Craig Robertson; Delegate Michael McKay; and Delegate Jason Buckel. He also acknowledged himself as a member of the Council, and County Attorney Bill Rudd for his assistance to the Council. Mr. Bennett then detailed the Council's recommended changes to the Plan:

- Moving the sunset date of the Plan to December 31, 2016, from June 30, 2016
- Allocation of \$15,000 to the Western Maryland Food Bank, after meeting an annual cap of \$1,014,000
- Allocation of all remaining funds after the annual cap of \$1,014,000 to the fire companies

Mr. Bennett explained that he anticipates receiving proceeds in the vicinity of \$1,100,000, which would result in \$360,000 going to Allegany College, \$200,000 to Frostburg State University, \$80,000 to the County's PAYGO Fund for capital projects, \$80,000 for Board of Education capital projects, \$15,000 to the Food Bank, and a total of \$374,000 to the fire companies. Commissioner Shade confirmed with Mr. Bennett that the funds to the fire companies would increase if more proceeds were received. Mr. Bennett pointed out that proceeds of \$1,400,000 are anticipated for FY-2017, and under that scenario almost \$700,000 would go to the fire companies.

The Commissioners all remarked favorably on the Plan. Mr. Bennett told them that the Local Development Council will convene again in the Fall to look at the Plan again.

Upon Motion by Commissioner Valentine, and seconded by Commissioner Brodie, the Commissioners unanimously approved and passed Resolution 16-11 – Rocky Gap Slots Proceeds Allocation Plan.

Item 4 – Resolution 16-14 – 2016 Water Quality Loans (Bedford Road and Barrelville) – Board of County Commissioners to approve Resolution 16-14 – Jason M. Bennett, CPA, Director of Finance, explained that Resolution 16-14 is for authorization to close on two MDE loans for two different water and sewer projects the County has going on. He reported that the loans total \$375,000, and that both projects were originally authorized with Bond Bill 5-15 last year. The first project is Bedford Road, Phase IV, Mill Run Sanitary Improvements, and the \$175,000 loan is part of a package that also includes \$875,000 in grant funds. The second project, Barrelville Water, is for \$200,000, of which \$100,000 will be loan forgiveness. Mr. Bennett outlined the terms of the loans at 20 years and approximately one percent interest, and said that they will close in July 2016, and will be completely paid for by the users of the system. He asked the Commissioners for their approval of Resolution 16-14.

Upon Motion made by Commissioner Brodie, seconded by Commissioner Valentine, and duly carried, the Commissioners unanimously approved and passed Resolution 16-14 – 2016 Water Quality Loans (Bedford Road and Barrelville).

Item 5 – Fiscal Year 2016 Budget Amendments – Board of County Commissioners to approve five budget amendments which total \$6,777,823 for budget increases related to fund balance uses for the Allegany High School construction project as well as other capital projects – Jason M. Bennett, CPA, Director of Finance, presented five FY-16 budgets amendments for the Commissioners review, totaling \$6,777,823. He explained each amendment:

- Use of the County's Fund Balance (for previously approved uses)

- \$250,000 allocated for stormwater issues from a few years ago, in Bowling Green and Cresaptown
- \$1,900,000 for the Emergency Management Communication Upgrade, including 911 consoles and alerting system
- \$4,000,000 funding for Allegany High School

Mr. Bennett pointed out that the \$4,000,000 takes the County's total funding for Allegany High School to \$13,700,000.

- Vacation Buyback (done every year as a way to reduce the County's compensated absences liability), \$123,000 (71 employees participated in the program this year). Funds will be transferred from additional income tax money.
- Use of \$30,000 from sale of antique guns by the Sheriff's Office to help equip Sheriff's Deputies
- State grant funds in the amount of \$110,000 for three EMS Lifepaks which were paid for up-front and then reimbursed to the County
- Workers' Comp, which is over budget approximately \$342,000 as a result of claims mainly from three departments: Sheriff's Department, Detention Center, and Roads. Funds will be transferred from additional income tax money.

Mr. Bennett concluded that the five budget amendments will take the original budget from last year, \$84,500,000, to \$91,000,000, and will leave the County's Fund Balance still in good condition, as previously discussed, at slightly over the goal of having two months' worth of operating. He asked for the Commissioners' approval of the five budget amendments to the FY-16 Budget.

Commissioner Valentine moved that the Commissioners approve five Fiscal Year 2016 Budget Amendments totaling \$6,777,823 for budget increases related to fund balance uses for the Allegany High School construction project as well as other capital projects. Commissioner Brodie seconded the Motion, which carried unanimously.

Item 6 – Department of Economic and Community Development Appalachian Regional Commission (ARC) Federal Fiscal Year 2017 Priorities – Authorize the County Commissioners to approve the transmittal of a recommended priority list of ten projects: nine Area Development and one Access Road, to the Tri-County Council of Western Maryland, for consideration for ARC funding for federal fiscal Year 2017 – David K. Nedved, Economic and Community Development Representative, referenced his presentation to the Commissioners of the ARC Priorities List at the May 5, 2016 meeting. He explained that the County has to submit the Priorities to Tri-County Council by May 20, 2016, and he asked the Commissioners for their authorization to send the List to them. Mr. Nedved further explained that Tri-County Council will then take the List and combine it with other lists they receive from Garrett County and Washington County, and combine them, and approve the overall list at their meeting on June 22, 2016.

Upon Motion by Commissioner Valentine, and seconded by Commissioner Brodie, the Commissioners unanimously approved the transmittal of a recommended priority list of ten projects: nine Area Development and one Access Road, to the Tri-County Council of Western Maryland, for consideration for ARC funding for federal fiscal Year 2017.

Commissioner Brodie asked to comment on this Item before moving on to the next. He said that he hopes when the list moves on, it stays the way it was prioritized. Commissioner Brodie mentioned an item that was removed from last year's list after making it through the County and Tri-County Council, which really hurt the municipality involved. Commissioner Brodie stated that this is really disturbing, especially after the item went through the process.

Item 7 – Resolution 16-7 – Maryland Department of Housing and Community Development Community Development Block Grant (CDBG) Application for Sunnyside and Prince Albert Water Project – Board of Commissioners to authorize the signing and submission of the CDBG application for the Sunnyside and Prince Albert Water Project in the amount of \$450,000.00 and authorize the Department of Public Works to advertise the project for bid – David K. Nedved, Economic and Community Development Representative, made reference to the Public Hearing regarding CDBG Application for Sunnyside and Prince Albert (part of Barrelville) Water Projects. Mr. Nedved explained that before he can submit the application, due by June 3, 2016, a Resolution needs to be passed and included with the application. He asked the Commissioners to authorize and pass this Resolution.

Upon Motion made by Commissioner Brodie, seconded by Commissioner Valentine, and Motion unanimously carried, the Commissioners authorized the signing and submission of the CDBG application for the Sunnyside and Prince Albert Water Project in the amount of \$450,000.00 and authorized the Department of Public Works to advertise the project for bid.

Item 8 – Resolution 16-12 – Fiscal Year 2017 Cumberland Area Unified Planning Work Program – Board of County Commissioners, acting as the Metropolitan Planning Organization, to approve Resolution 16-12 – Siera N. Wigfield, Planner, explained that the Cumberland Area Unified Planning Work Program outlines transportation planning activities to be managed by the Cumberland Area Metropolitan Planning Organization. She further explained that it includes the core planning elements, such as Transportation Improvement Plan, which is amended on occasion, and administration of the program. Mrs. Wigfield requested that the Commissioners, acting as the Cumberland Metropolitan Planning Organization, adopt Resolution 16-12, which she will then send on to the Federal Highway Administration and Federal Transit Administration for their approval.

Mrs. Wigfield also mentioned that the public comment period opens today and will continue for 30 days.

Motion was made by Commissioner Brodie, seconded by Commissioner Valentine, and carried unanimously to approve and pass Resolution 16-12 – Fiscal Year 2017 Cumberland Area Unified Planning Work Program.

Item 9 – Resolution 16-13 – 2016 Allegany County Water and Sewer Plan Adoption – Board of County Commissioners to approve Resolution 16-13 – Siera N. Wigfield, Planner, reported that public hearing was held on the Allegany County Water and Sewer Plan, which is a comprehensive update of the Plan for 2016. Public hearing was on March 24, 2016, and the final step is for the Commissioners to pass Resolution 16-13, to be then sent on to MDE. Mrs. Wigfield pointed out that this Plan helps the County continue getting funding for water and sewer projects. She asked the County Commissioners to pass Resolution 16-13 and adopt this Plan.

Upon Motion by Commissioner Brodie, and seconded by Commissioner Valentine, the Commissioners approved and passed Resolution 16-13 – 2016 Allegany County Water and Sewer Plan Adoption.

PUBLIC HEARING

Item 10 – Preliminary Budget Third Public Hearing – Jason M. Bennett, CPA, Director of Finance, recalled that a balanced preliminary budget was presented back on April 28, 2016, after which the first public hearing was held, followed by a second public hearing on May 5. He announced that this evening was the third public hearing on the preliminary budget, and another chance for the Commissioners or anyone from the public to comment on this budget. Mr. Bennett added that adoption of the balanced budget of \$86,200,000 is planned for June 2, 2016.

The hearing was opened to public comment.

Mr. Kenneth Wilmont asked where he could obtain a copy of the preliminary budget. Mr. Bennett told him that the preliminary budget is currently available on the County's website, and that the adopted budget should be available on the website a few days after June 2, 2016. He told Mr. Wilmont that a limited number of hard copies are also available, and that he could get one for Mr. Wilmont.

There were no additional comments, and the hearing was closed.

CONSENT AGENDA

As recommended by the County Administrator

Upon Motion by Commissioner Brodie, seconded by Commissioner Valentine, and Motion carried, the Items 11, 13, 14, 15, 16 and 17 of the Consent Agenda as recommended by the County Administrator are adopted. (Item 12 of the Consent Agenda was adopted earlier in this meeting.)

Item 11 – Appointments – Region 1 EMS Advisory Council – Board of County Commissioners re-appointed Elizabeth Wooster, Jill Spiker, Kenneth May, Donna Struntz, Donnie Dunn, Richard DeVore, John Herath, Kathy Condor, Todd Dyche and Donald Malaney and to appoint Alison Robinson to the Region 1 EMS Advisory Council for three year terms to expire January 15, 2019.

Item 12 – Frostburg Elks Lodge #470 40th Derby Day – Board of County Commissioners contributed \$1,000.00 from the Community Promotions Account for the Frostburg Elks Lodge #470 40th Derby Day scheduled for Saturday, July 2, 2016.

Item 13 – Annual Tri-State Wing-Off Festival – Board of County Commissioners contributed \$1,000.00 from the Community Promotions Account for the Annual Tri-State Wing-Off Festival, hosted by the Western Maryland Jaycees for Saturday, June 18, 2016 at Downtown Cumberland’s Canal Place festival grounds.

Item 14 – Resolution 16-10 – Rules and Regulations Governing Employees of Allegany County, Maryland, Amendment – Board of County Commissioners adopted Resolution 16-10 to amend the smoking policy to prohibit the use of e-cigarettes and similar devices throughout the workplace, including county vehicles.

Item 15 – Hoffman Ballfield – Board of County Commissioners authorized deeding the Hoffman Ballfield to the City of Frostburg. The ballfield has been annexed into the Frostburg City Limits.

Item 16 – Bid Award for Emulsified Asphalt – Board of County Commissioners awarded the purchase of emulsified asphalt for use by the County Roads Division from July 1, 2016 through June 30, 2017 to Hammaker East, Ltd., Chambersburg, PA, in the amount of \$1.794 per gallon (July 1, 2016 to October 31, 2016) and \$1.794 per gallon (April 1, 2017 to June 30, 2017).

Item 17 – Appointment – Potomac Highlands Airport Authority Board – Board of County Commissioners appointed James R. Pyles, of LaVale, Maryland, to fill the unexpired term of Dave Knepper on the Potomac Highlands Airport Authority Board.

County Administrator David Eberly acknowledged Mr. Matt Miller, present at the meeting this evening from the Tri-State Wing-Off Festival group, the Jaycees, and asked him to come forward to comment on the event.

Mr. Matt Miller reported that the Annual Tri-State Wing-Off Festival is growing at an incredible rate, faster than expected, and that overhead costs of the event are also increasing. He explained that is why he requested funding from the County Commissioners. Mr. Miller further reported that at this time, approximately 1,200 tickets have been sold for this year, a month in advance of the event, and that the ticket-buyers are from eleven states, not including D.C., and come from as far away as Texas. Mr. Miller thanked the Commissioners for their support, and invited everyone to attend the Wing-Off and support it. He remarked that this event will benefit nine different charities in addition to the Jaycees, and that 100 percent of the profits are donated back into the community. Mr. Miller provided a few additional details about this year’s event and said that he would be happy to answer any questions.

Commissioner Shade mentioned that Mr. Miller attended the Manufacturers Round Table at AES Warrior Run last week and was very involved with that. He commented that it was great to have many industry partners in the County together to discuss their challenges. Mr. Miller agreed and told Commissioner Shade that the next Round Table, to which the Commissioners will be invited, is slated for June 22, 2016.

County Attorney William Rudd reported on the Ten Commandments Monument lawsuit filed by Mr. Jeff Davis against Allegany County. He explained that he and Assistant County Attorney Barry Levine vetted various organizations around the country willing to provide a defense to Allegany County at no cost. Attorney Rudd mentioned that some of the organizations are from as far away as Arizona and Texas. Another is from Virginia, and one from D.C. Attorney reported that the choices have been narrowed down to one entity that he and Attorney Levine feel very confident can do an excellent job for the County, at no cost (pro-bono), including no charge for expenses or anything else. The organization chosen is from Arizona, but will retain a law firm in D.C. well known in the area of the First Amendment, to represent them. They are prepared to file a timely answer for Allegany County. Attorneys Rudd and Levine have reviewed the retainer agreement and are comfortable that they have the County’s best interests at stake. He pointed out that one stipulation of their representation is that they control the message, that is, any press release or statement will be issued by them.

Attorney Rudd asked the Commissioners for their authority to have a retainer agreement approved by the Board of County Commissioners and signed by Commission President Shade. He added that he was sure that once that is done, an official joint press release would be put out by the organization identifying themselves and explaining what is going on, and the status of the case.

Upon Motion by Commissioner Valentine, seconded by Commissioner Brodie and duly carried, the Commissioners unanimously agreed to review and approve, and authorize the President to sign, a retainer agreement with the organization recommended by the County Attorney and Assistant County Attorney to represent the County in the lawsuit filed against Allegany County by Jeff Davis, regarding the Ten Commandments Monument.

Commissioners' statements, comments, recognition

Commissioner Valentine introduced Delegate Jason Buckel, present in the audience at the meeting. He reported that Delegate Buckel was able to get a Bill through the legislature this year, that is offering extra tax incentives for cybersecurity businesses and businesses in the biotech field to locate in four certain counties, one of them Allegany County. He spoke of the team effort by all of the Commissioners to prepare a letter to send out to numerous such businesses informing them of what Allegany County has to offer to such companies who wish to locate here, and what the letter told them. (A copy of the portion of the letter read is attached to these minutes.)

Commissioner Brodie remarked that he wished the federal government would have hired a cybersecurity firm a few months ago when he filed his income tax return, and found out that his Social Security number was hijacked through a cyber/internet thief. He also said that he was thankful to see Delegates Buckel and McKay in attendance tonight.

Commissioner Brodie then mentioned the efforts of Mr. Mark Widmyer, Western Maryland Representative to the Governor's Office, regarding the County's floodplains issue. He also discussed the meeting scheduled for tomorrow regarding those issues, at which Delegate Buckel offered to help. Commissioner Brodie said that the new FEMA maps are holding up two projects in the County, and limited time would be given to the FEMA representatives at the meeting to straighten things out before the County intervenes.

Commissioner Valentine called forward Sheriff Robertson. As he was making his way to the front of the room, Commissioner Brodie explained that the newly appointed member of the PHAA Board, James Pyles, is recently retired as a major from the Maryland State Police. Commissioner Brodie commented that with Mr. Pyles' knowledge of the aviation background of Trooper Five and what it means to the County, everyone is pleased to have him.

Mr. Mark Widmyer presented Sheriff Craig Robertson with a Governor's Citation for the Allegany County Sheriff's Office in special recognition of the 225th Anniversary of the Allegany County Sheriff's Department, in celebration of this historic milestone and in honor of the long and distinguished service and integrity of the Sheriff's Office and its service to the citizens of Allegany County. There was a round of applause.

Commissioner Shade commented on the recent information circulating in the public about "how much we (County Commissioners) cut the Board of Ed's budget this year." He clarified that the answer is "none", and explained that the funding to the Board of Education was actually increased over \$300,000 this year, and \$400,000 last year. Commissioner Shade remarked that this seems like a very fair deal, as the number of students is going down, and that the County does not get a fair shake in the media regarding the issue. He reported that he traveled to Annapolis last week, where the State Board of Public Works actually approved an extra \$3,500,000 for the Allegany County High School Project. Commissioner Shade credited the Western Maryland Delegation for getting those extra funds and thanked them for all their hard work. He also mentioned the additional \$4,000,000 the County is contributing toward the Allegany High School project, and remarked that he would appreciate a little thanks for recognizing the budget realities that occur on all levels of local government.

Commissioner Shade then announced that on June 8, 2016, the Commissioners will be meeting with all of the municipalities to address blight.

Constituents – In order of sign-up sheet

Mr. Edward W. Taylor, Jr., 400 Allegany Street, Cumberland, said that he was present as President of the Cumberland Historic Cemetery Organization. He thanked the Commissioners for their support of keeping the Ten Commandments monument where it is, in front of the Allegany County Circuit Courthouse on Washington Street. He discussed some background of the issue and his organization's involvement in the effort to keep the monument in place.

Mr. Taylor then asked the Commissioners if they would like to donate the small portion of land on which the monument sits to the CHCO, which is incorporated as a private historical corporation. He explained that the CHCO would have its attorney draw up a contract with the County promising that they would never remove the monument from the site. He asked the Commissioners to consider this suggestion.

Reminders/Upcoming Meetings

Next Public Business Meeting – Thursday, June 2, 2016, 5:00 p.m.

Announcement – Allegany County Government Schedule (See News Release)

Announcement – Allegany County Fiscal Year 2017 Budget Schedule (See News Release)

ADJOURNMENT:

There being no further business to come to the attention of the Board, the meeting was adjourned at 5:50 p.m.

Jacob C. Shade, President

True Copy
Attest:

Cynthia A. Young
Recording Secretary

May 24, 2016

Dear :

We want to take this opportunity to briefly share some economic and business development items of interest that we are undertaking in Allegany County. Whether in traditional manufacturing or specific sectors like cybersecurity, Allegany County offers companies a broad array of resources to develop and grow. There is a wide variety of options in terms of available land, buildings, and a competitive and ready workforce that can offer your company endless opportunities to prosper.

Workforce training and readiness puts us at the forefront as we are home to both Allegany College of Maryland (ACM) and Frostburg State University (FSU). ACM has recently initiated a Cybersecurity program to train potential workers in this growing and important industry. The Opportunity Scholarship, funded by the County Commissioners, allows County residents to acquire either a two year, or four year degree from these campuses, at little or no cost. FSU offers a four year regionally accredited university that can provide a company freshly educated employees with four year degrees in many technology fields.

In addition, HB 1168 was recently passed in the Maryland General Assembly. This legislation offers up to \$500,000 in tax credits to cybersecurity companies that choose to locate in four select Maryland Counties, including Allegany County. Other financial incentives also exist in Allegany County.

Given Allegany County's position geographically to many of the mid-Atlantic's major cities, we feel we are an opportune place for a cybersecurity company to locate and prosper long-term. We encourage you to visit or call upon the professional staff of Allegany County Economic and Community Development (www.alleganyworks.org) to learn more about the exciting possibilities available to you and your company.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
OF ALLEGANY COUNTY, MARYLAND

Jacob C. Shade, President

Creade V. Brodie, Jr., Commissioner

William R. Valentine, Commissioner