



Gregory J. Swain, County Attorney

MEMORANDUM

To: Members, Anne Arundel County Council

From: Kinley R. Bray, Senior Assistant County Attorney /s/

Via: Gregory J. Swain, County Attorney /s/

Date: November 4, 2019

Subject: Bill No. 82-19, Mil-Bur Special Community Benefit District

Legislative Summary

This summary was prepared by the Anne Arundel County Office of Law for use by members of the Anne Arundel County Council during consideration of a bill that modifies the purposes of the Mil-Bur Special Community Benefit District.

Purpose. The purpose of this bill is to modify the purposes of the Mil-Bur Special Community Benefit District in Councilmanic District 3 to include operation of community real and personal property and facilities.

Background. A special community benefit district (“SCBD”) is a geographic designation for an area of the County that has requested to be assessed a special tax to accomplish one or more purposes common to and benefiting the owners of the property in that area. Article 4, Title 7, of the County Code sets forth the procedures for forming, administering, and modifying an SCBD. The owners of a majority of the properties included in the district must sign the petition in the affirmative, thus assenting to the modification of the district. If a majority of “yes” votes is received, legislation to modify the purposes of the district is presented to the County Council.¹

The Mil-Bur SCBD was created in early 2019 via the approval by this Council of Bill No. 10-19. At the hearing before the Council, the residents of Mil-Bur and officers of the Mil-Bur Club, Inc., the entity that administers the SCBD in accordance with § 4-7-204(tt)(3), indicated that

¹ The Office of Law notes that although Bill No. 28-19 increased the threshold for creating a *new* special community benefit district from a simple majority to two-thirds, the threshold for modifying the purposes of an SCBD remains a majority.

they intended to pay for operational expenses related to the community pool with SCBD funds. Under the original language used to create the district, such expenses would not have been permitted, since the purposes were merely “acquiring, maintaining, and improving all community real and personal property,” and did not include operations. After several discussions with the Budget Office and the Office of Law on this point, the Mil-Bur Club, Inc. submitted a petition to modify their purposes to clarify that operational expenses for its facilities are permissible SCBD expenses. The Budget Office and the Office of Law approved the proposed petition and it was circulated for signatures of property owners, with a majority voting “yes.” A copy of the petition is attached hereto.

Summary. This bill modifies the purposes of the Mil-Bur Community Benefit District to add operating all community real and personal property and facilities to the list of approved purposes of the SCBD.

Please let me know if there are any questions about this bill.

cc: Honorable Steuart Pittman, County Executive
Jennifer Purcell, Chief of Staff
Benjamin J. Birge, Chief Administrative Officer
Peter Baron, Legislative Liaison
Jim Beauchamp, Budget Officer