



Gregory J. Swain, County Attorney

MEMORANDUM

To: Council Members, Anne Arundel County Council

From: Kelly Phillips Kenney, Supervising County Attorney /s/

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

Date: November 2, 2020

Subject: Bill No. 98-20: Public Works – Utilities – Mayo Water Reclamation Subdistrict

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 Bill No. 98-20. The summary is intended to explain the purposes and legal effects of the bill.

Purpose. The primary purpose of Bill No. 98-20 is to eliminate most references to the Mayo Water Reclamation Subdistrict (the “Subdistrict”) in Article 13 of the County Code, to eliminate separate charges and capital facility connection charges (“CFCC’s”) for the Subdistrict, and to make properties within the Subdistrict subject to the same environmental protection fee and CFCCs as all other properties that are connected to the wastewater system of the County.

Background.

In 1987, Bill 63-87 created the Subdistrict and established separate charges and assessments for water and wastewater for properties within the Subdistrict. At that time, the Mayo Water Reclamation Facility treated wastewater for properties within the Subdistrict. In 2018, the Mayo Water Reclamation Facility was decommissioned as a treatment facility when a sewer force main was constructed to convey wastewater from Mayo to the Annapolis Water Reclamation Facility. There is no longer a need for most of the provisions in the County Code that reference the Subdistrict and there is no longer a need for different connection or utility charges for the properties within the Subdistrict.

Note: This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.

Bill provisions.

Section 13-5-814, which sets forth the CFCC's, service availability charge and other provisions relevant to the Subdistrict, is repealed in its entirety.

Except for the language providing for the existence of the Subdistrict, § 13-5-102 is revised to delete all other existing language. The Subdistrict will continue to exist and be designated in the Master Plan for Water and Sewer, mainly because properties within the Subdistrict have a different definition for equivalent dwelling units than other properties within the County.¹

In §§ 13-5-403 and 13-5-404, references to the repealed § 13-5-814 are removed.

Section 13-5-808 is revised so that the environmental protection fee ("EPF") will apply to properties within the Subdistrict, just as it does to all other properties within the County. The section is also updated to remove the fee in (a)(1) that became obsolete as of July 1, 2020.

Section 13-5-813(b) is revised to remove the exception for the Subdistrict. Properties within the Subdistrict will now be subject to the same connection charges set forth in § 13-5-813 as all other properties within the County.

Section 4 provides that upon the effective date of the Ordinance, properties within the Subdistrict shall no longer be subject to the service availability charge set forth in § 13-5-814(g).

Section 5 provides that upon the effective date of the Ordinance, any unpaid or deferred CFCC's for properties within the Subdistrict shall remain due and payable in accordance with § 13-5-814 in effect prior to the effective date of the Ordinance.

Section 6 provides that the Bill is effective 45 days from the date it becomes law.

The Office of Law is available to answer any additional questions regarding this Bill. Thank you very much.

cc: Honorable Steuart Pittman, County Executive
Matt Power, Chief Administrative Officer
Lori Rhodes, Deputy Chief Administrative Officer for Land Use
Dr. Kai Boggess-de Bruin, PhD, Chief of Staff
Peter Baron, Legislative Liaison
Christopher J. Phipps, Director, DPW
Karen Henry, Assistant Director, DPW
Karin McQuade, Controller
Chris Trumbauer, Acting Budget Officer

¹ "Equivalent dwelling unit" "means a unit of 250 gallons of water, except that for property in the Mayo Water Reclamation Subdistrict, "equivalent dwelling unit" means a unit of 225 gallons of water." § 13-5-401. Because the design criteria was based on this measurement for the properties within Mayo, the reference to the Subdistrict needs to remain in the Code for purposes of the definition.