



Gregory J. Swain, County Attorney

MEMORANDUM

To: Council Members, Anne Arundel County Council

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

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

Date: January 6, 2020

Subject: Bill No. 3-20 – Public Works – Coriander Place – Gingerville – Water Project – Excess Front Foot Benefit Assessment

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. 2-20. The summary is intended to explain the purposes and legal effects of the bill.

Purpose and Background. The primary purpose of Bill No. 2-20 is to approve an excess front foot benefit assessment rate for the Coriander Place – Gingerville Water Project, No. W805901 (the “Project”).

The Project was initiated by petition of a majority of the owners of real property in a defined area to establish public water facilities under § 13-5-303 of the County Code. As a petition project is considered by the Department of Public Works (“DPW”), the Director must determine if the project is “self-sustaining”. (§ 13-5-303(l) and (m)). A project is “self-sustaining” if the Director determines that the County will recover the cost of the project from the estimated annual revenues of the project within 30 years after its completion. If the Director determines that the rate per front foot to recover the cost of the project over 30 years will exceed the maximum rate set forth in § 13-5-602(a), the project may not be considered self-sustaining. (§ 13-5-303(p)).

The maximum rate for a water project (as adjusted, per § 13-5-602(a)) is currently \$8.48 per front foot. The rate required per front foot to recover the cost of the Coriander Place – Gingerville Water Project over 30 years has been calculated by DPW to be \$13.54 per front foot. Therefore, the Project is not self-sustaining.

Section 13-5-303(q) of the Code provides that if a petition project is not self-sustaining, a majority of the property owners in the project service area may petition the County Council indicating a desire and ability to pay the rate of front foot benefit assessment estimated to be sufficient to make the project self-sustaining. The County Council, after consideration of the petition, may adopt the estimated rate by ordinance. Additionally, § 13-5-602(b) of the Code provides that County Council approval is required for a front foot benefit assessment beyond the maximum basic rate.

A majority of the property owners within the Project's defined area submitted petitions indicating a desire and ability to pay the front foot benefit assessment rate of \$13.54.

Section 1 of the Ordinance provides for the approval of the front foot benefit assessment for the Project in an amount not to exceed \$13.54 for each front foot.

Section 2 provides that the Ordinance shall take effect 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
Jennifer Purcell, Chief of Staff
Benjamin J. Birge, Chief Administrative Officer
Peter Baron, Legislative Liaison
Christopher Phipps, Director, Department of Public Works
Karen Henry, Assistant Director, Department of Public Works
Ron Brigerman, Manager, Utility Service and Assessments, Department of Public Works
Jim Beachamp, Budget Officer