



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: June 21, 2022

Subject: Bill No. 64-22 – Public Works – Heritage Harbour Condominium Phases 1 through 10 Water and Wastewater Petition – Assessment Correction

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. 64-22. The summary is intended to explain the purposes and legal effects of the bill.

Background. In 2019, this Council passed Bill No. 23-19, which approved a front foot benefit assessment rate for the County’s takeover of private water and wastewater facilities in the phases of Heritage Harbour described in the Bill. Prior to the introduction of that Bill, as required by the Code, a majority of the owners within the defined property area voted for the County’s takeover and also voted in favor of the assessment rate. At that time, as required by the Code, the rates for water and sewer were determined separately, and Council approval was required of any front foot benefit assessment rate over the “maximum rate” established in the Code. The law was changed by Bill No. 79-20, so that Council approval is no longer required for an assessment rate, and also to allow the costs for a water and wastewater petition project to be combined.

Bill No. 23-19 approved a separate rate for the water and wastewater portions of the Project. Recently, the bids for the Project have been submitted to DPW. Based on those bids, the per unit, per year cost for the water portion of the Project is lower than the specific rate approved by Bill No. 23-19, and the per year cost for the wastewater portion is higher than the specific rate approved by Bill No. 23-19. The total assessment will be lower than the total amount approved in Bill No. 23-19.

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

Purpose. Bill No. __-22 repeals Bill No. 23-19, and with that, the specific assessment rates for the water and wastewater portions of the Project. Otherwise, the assessment billing would be in direct contradiction with the specific rates approved in that Bill.

Bill provisions. In **Section 1**, Bill No. 23-19 is repealed. **Section 2** provides that the properties shall be assessed on a per-unit basis. **Section 3** allows for one single assessment to include the water and wastewater portions, based on the actual cost of the Project, in an amount not to exceed the total rate previously approved by the majority of the property owners.

Section 4 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
Chris Trumbauer, Budget Officer