

SPECIAL COMMUNITY BENEFIT DISTRICTS

Anne Arundel County

SPECIAL COMMUNITY BENEFIT DISTRICTS

INTRODUCTION

There are three types of special taxing districts in Anne Arundel County: Special Community Benefit Districts (SCBD), Shore Erosion Control Districts (SECD) and Waterway Improvement Districts (WID). Each type of district is established by legislation of the County Council. Once a district is established, any change in boundaries, purpose of the district, or method of taxation in the district must also be legislated.

A community might consider forming a special taxing district to finance a public benefit for the community that it does not have the ability to finance in any other way. Once the taxing district is formed, the community each year determines a tax rate to produce the revenue necessary to fund the benefit for the following fiscal year. The property owners are taxing themselves to fund the particular benefits.

Special Community Benefit Districts have been formed for a variety of purposes, including: maintenance of community property, including community-owned roads; special security or special police protection; improvements to community facilities; and insect and pest control.

Shore Erosion Control Districts and Waterways Improvement Districts are formed under County and State law for more specialized purposes, including the construction, repair and maintenance of facilities for erosion control; building or repairing bulkheads; and dredging of channels. In most cases, improvements constructed through Shore Erosion Control Districts and Waterways Improvement Districts are funded by no-interest State loans to the County on behalf of the districts. However, community associations may also use commercial loans to fund projects, and may use district funds to maintain projects after they are completed.

DEFINITION

A Special Community Benefit District (SCBD) is a geographic designation of a contiguous area of the County (usually a subdivision or community) established by legislation of the County Council to provide public benefits to properties that would not otherwise receive these benefits or have another legally enforceable method of financing the benefits.

ADMINISTRATIVE GUIDELINES

The law concerning Special Community Benefit Districts appears in Article 4, Title 7 of the Anne Arundel County Code. The Code is available on the County's website at www.aacounty.org. The Office of the Budget has developed administrative guidelines to implement the law. The following guidelines include the process for establishing and operating a Special Community Benefit District.

Once the decision to enter into the process has been made by a community association, two steps must be completed to become a SCBD: (1) A petition must be prepared, circulated and validated; and (2) legislation must be adopted by the County Council and signed by the County Executive. The central point of all districts is that they are formed to provide special privileges or benefits to properties not otherwise available to them. These benefits must be public purposes, much like the functions performed by a government.

PROCESS TO FORM A DISTRICT

(1) Petition

The formulation of the petition and completion of the signature process is one of the most difficult and important steps to be accomplished. The community association must work with the Budget Office to prepare the petition for circulation. The petition must identify the properties to be included in the district and must set forth the purpose of the district. The properties must be contiguous, and all properties that benefit from the purposes must be included. This generally means that the district will be a distinct community or subdivision. The designation of properties may be done several ways:

- By a metes and bounds description of the area
- By a reference to a subdivision plat, including book & page number of the plat
- By a listing of the property parcels as shown on the tax map of the State Department of Assessments and Taxation
- By a listing of each property by property tax account number

The petition must also indicate the method of taxation for the district. There are four methods of taxation currently in use:

- (1) Uniform Assessment for each tax account = Equal payment for each tax account
- (2) Uniform Assessment for each platted lot = Equal payment for each lot shown on a plat
- (3) Uniform rate of Assessment = Rate based on taxable assessment of property
- (4) Uniform assessment for each improved lot = Equal payment for each lot that is improved; unimproved lots are not assessed

The name of the community association that will be responsible for administering the expenditure of the special tax assessments must be specified in the petition. In order to be eligible to administer a district, the community association must be incorporated and must be in "good standing" with the Maryland Department of Assessments and Taxation. Additionally, this association must meet the criteria set forth in the Anne Arundel County Code:

§ 4-7-101 (d) Administration by civic or community association. *Except as otherwise provided for a particular district, the administration of the district shall be conducted by a civic or community association that is an incorporated association and that provides for membership for each property owner in the district. If more than one association seeks to administer the same district, the district shall be administered by the civic or community association that presents to the Budget Officer a petition that is signed by a majority of the property owners in the district and that supports administration of the district by that association.*

Before circulating petitions for signatures, the community must consult the County's Office of Budget for approval of the petition format. The Special Taxing District Coordinator will coordinate review of the petition by the County Office of Law and the State Department of Assessments and Taxation. The Special Taxing District Coordinator will notify the community association that the format and content of the petition have been approved. The Special Taxing District Coordinator will provide a list of property owners and mailing labels upon request during the petition process. The community association will then photocopy the final petition and provide each property owner with the opportunity to sign a petition.

(2) Sample Petitions
A-SCBD

PETITION TO DESIGNATE BAY FRONT A SPECIAL COMMUNITY BENEFIT DISTRICT

I (We), the undersigned, property owner(s) of Bay Front hereby petition the County Council of Anne Arundel County to establish the Bay Front Special Community Benefit District, in accordance with the Anne Arundel County Code, § 4-7-202. The limits of the proposed Bay Front Special Community Benefit District are: those lands shown on the plats of Bay Front, Plat Book 30, folio 26, and Plat Book 30, folio 99, as recorded in the Plat Records of Anne Arundel County, Maryland.

The purposes of the district are:

1. To maintain and improve community property;
2. To provide for insect and pest control; and,
3. To defray the costs associated with the completion of the above, including repayment of any loan, interest thereon, and any necessary insurance costs.

It is requested that the method of taxation be a uniform assessment per tax account*.

The Bay Front Community Association, Inc., a civic or community association that meets the criteria set forth in the Anne Arundel County Code, § 4-7-101(d), shall be responsible for administering the special community benefit district assessments in furtherance of the purposes of the Bay Front Special Community Benefit District.

I (We), the undersigned, affirm under the penalties of perjury that I am (we are) the owner(s) of the property whose address is _____ within the proposed Bay Front Special Community Benefit District.

**PLEASE SIGN YOUR FULL NAME AS IT APPEARS ON YOUR DEED.
IF YOU ARE UNSURE, SPELL OUT YOUR FIRST, MIDDLE AND LAST NAMES.
ALL OWNERS OF RECORD MUST SIGN.**

____ I vote YES
____ I vote NO

Signature and Printed Name Date

____ I vote YES
____ I vote NO

Signature and Printed Name Date

*As alternatives, the method of taxation may be a fixed assessment per platted lot or a fixed rate of assessment per tax account.

B-SECD

PETITION TO DESIGNATE AQUA BEACH A SHORE EROSION CONTROL DISTRICT

We, the undersigned, property owners of Aqua Beach hereby petition the County Council of Anne Arundel County to establish the Aqua Beach Shore Erosion Control District, in accordance with § 4-7-301 of the Anne Arundel County Code and relevant provisions of the Maryland Law, including Maryland Local Government Code Annotated, §§21-301, et seq.

The limits of the proposed Aqua Beach Shore Erosion Control District are shown on a plat dated August 29, 1942 and recorded among the land records of the County in Plat Book 8, p. 47, Plat 391.

The Shore Erosion Control District is being created to pay for all aspects of the design, construction, inspection, maintenance, financing, and implementation of Shore Erosion Control Projects, as defined by Maryland law, in the district to prevent, halt, or retard erosion of shorelines and deposit of eroded sediments into waterways in the district, including the payment of all necessary administrative and incurred costs, fees, repayment of any loan, interest thereon and any necessary insurance cost.

It is requested that the method of taxation be a uniform rate of assessment for each real property tax account.

The Aqua Beach Citizens Association, Inc., a civic association that meets the criteria set forth in the Anne Arundel County Code, § 4-7-101 (d), shall be responsible for administering the shore erosion control district assessments in furtherance of the purposes of Aqua Beach Shore Erosion Control District.

I (We) the undersigned, affirm under the penalties of perjury that I am (we are) the owner(s) of the property whose address is _____
Within the proposed Aqua Beach Shore Erosion Control District.

PLEASE SIGN YOUR FULL NAME AS IT APPEARS ON YOUR DEED. IF YOU ARE UNSURE, SPELL OUT YOUR FIRST, MIDDLE AND LAST NAMES. ALL OWNERS OF RECORD MUST SIGN.

____ I vote YES
____ I vote NO

Signature and Printed Name Date

____ I vote YES
____ I vote NO

Signature and Printed Name Date

(3) Signature Process

Pursuant to the County Code, all persons who sign a petition must own property within the proposed SCBD:

§ 4-7-101 (b) Signatures. *A person is entitled to one signature for each tax account with respect to a lot or parcel of real property within a district for which that person is an owner. The signature of the co-owners is required to constitute the signature of the owner of the property. An authorized officer of a corporation or other business entity may sign on behalf of the entity.*

In order to establish a SCBD, a petition in favor of the SCBD must be signed by the owners of two-thirds of the properties in the proposed district whose property will be affected by the creation of the district. For SECD and WID, the owners of 75% of the property within the proposed district must sign a petition in favor of creation of the district. Every property owner should be given an opportunity to sign a petition, even if they have previously expressed opposition to the formulation of a Special Community Benefit District. Only petitions with current property owners' signatures and all owners of record signing will be counted for approval. The Code allows one vote per tax account. For example, if an individual owns two lots and receives two tax bills, each property tax account would constitute a vote. On the other hand, if an owner of two lots receives only one tax bill, that property tax account would constitute one vote.

§ 4-7-202. (b) Petition. *A district may not be established unless a petition is signed by the owners of at least two-thirds of the properties in the proposed district whose property will be affected by the creation of the district.*

(4) Criteria for Counting Petitions

The County uses the following criteria for counting votes in favor of the formation of the district:

Property Ownership	Signatures Required	Number of Votes
Husband & Wife	2	1
Partnership	2	1
Legal Entity -- Individual Firm, Association, Corporation, Trustee	1 (Legal Representative)	1
Multiple Ownership	All	1

To determine the percentage of votes in favor of the district, the number of certified petitions is divided by the number of property tax accounts to be included in the district. If the district is formed on a "per platted lot" basis, the number of lots represented by certified petitions is divided by the total number of lots in the district.

(5) Validation of Petitions

The signed petitions are collected by the community and forwarded to the Office of the Budget. The Special Taxing District Coordinator reviews each petition and ascertains that the signature names are the same as the property owners of record (as determined from the

Consolidated Property File) and that the property is within the boundaries of the proposed Special Community Benefit District.

Once the petitions have been counted and verified and at least the minimum percentage of signatures has been certified, the Special Taxing District Coordinator will prepare a request for legislation to create the district. If the request is approved by the Administration, it will be forwarded for preparation of legislation.

(6) Legislative Process

Upon completion of the required internal reviews and approvals, the County Executive will send the proposed legislation to the County Council. The County Auditor will review the petitions to ensure valid signatures, minimum percentage of votes, and a determination as to whether the community association meets requirements of law, and will submit their findings, along with the petitions, to the Council for their review and action.

Pursuant to the County Code, the County Council will advertise the proposed legislation in the local newspaper at the expense of the District:

*§ 4-7-101 (c) **Advertising.** The County Council shall give notice by public advertisement of a proposed district at least once a week for four weeks in at least one newspaper of general circulation in the County. Costs of advertising to establish, amend, modify, or dissolve a district shall be borne by the property owners in the district.*

The advertising details the boundaries of the district, the purpose for its formation, and the date of the public hearing. The hearing will be held at a regular meeting of the County Council (scheduled on the first and third Mondays of each month other than August at 7 p.m.) is an opportunity for those who are proponents and opponents of the legislation to share their opinions with the County Council. The SCBD Coordinator will make the community association aware of the legislative schedule. Upon completion of the public hearing, the Council will vote to approve or deny the legislation. If the Council votes to deny, no further action takes place.

The Special Community Benefit District is established when the legislation is passed by the Council and is signed by the County Executive. The bill becomes law forty-five (45) days after the County Executive signs it. The district cannot expend funds until a budget is formally approved by the County Council.

If a proposed SCBD is going through the process of being established during the budget cycle, the community association may submit a proposed budget that is contingent upon County Council approval of the legislation to establish the SCBD. Generally, the legislation must be introduced and a public hearing scheduled prior to January 31 of the calendar year if taxes are to be collected July 1 of that year.

MODIFICATIONS TO THE DISTRICT

The County Code provides that “the County Council, by ordinance, may amend, modify, or dissolve an existing special community benefit district”. The process to modify a Special Community Benefit District is the same as the above Process to Form a District, including the petitioning, signature and legislative processes. Any modifications to the District must be complete by the January prior to the next budget preparation.

BUDGET PROCESS

(1) Appropriation

Appropriation is money set aside by the County Council for expenditure. Districts may not spend more than they have been appropriated by the Council.

(2) Preparation

Each year the Special Community Benefit Districts are given an opportunity to prepare a budget for the next fiscal year. The budget preparation cycle begins in October and ends January 31 of the next calendar year. The County Code requires that all budget requests be submitted to the County on or before January 31 preceding the beginning of the next fiscal year on July 1. During the October through January period, the Board of Directors of the association responsible for expending the SCBD assessments must prepare a budget outlining the proposed expenditure items and the proposed tax rate. The budget must be presented to the property owners for their comments no later than December 31. It is the duty of the Board to prepare, adopt, and submit a final budget to the County. Each budget must include an administrative fee of 5% of the tax revenues, with a minimum of \$500, and a maximum of \$2,000.

Anne Arundel County Code, §4-7-103 states:

*(a) **Preparation and submission by Association.** Unless otherwise provided by law, budget requests for a special community benefit district, shore erosion district, or a waterway improvement district shall be prepared by the board of directors of the civic or community association administering the expenditure of the funds and be submitted to the property owners for their comments not later than December 31 of each year or any other date approved by the Office of the Budget, but in no event later than January 14. Final budget requests shall be submitted to the Office of the Budget on or before January 31 of each year and conform to the requirements of the Office of the Budget.*

*(b) **Contents of Association's budget.** Each budget request shall provide a detailed listing of the purposes to which the funds are to be applied; for the County's collection of the applicable administrative charge; for the appropriation of the unencumbered or unexpended surplus of the district's taxing district accounts; and the rate of the district tax.*

*(c) **County budget.** If the County has authorized the incurrence of indebtedness for the purpose of implementation of a particular project, the Office of the Budget shall include in the annual budget proposed for the district the tax levy required to pay off the indebtedness incurred and shall ensure timely repayments.*

(3) Approval

Upon receipt by the County, the budget will be checked for mathematical accuracy and for consistency with the legislated purposes of the district. Any discrepancies will be brought to the attention of the community association's budget contact person and will be corrected before the budget is finally accepted by the Office of the Budget. The County Executive will include approved SCBD budgets in the proposed County budget presented to the County Council annually on the first working day of May. The County Council will hold two public hearings on the Operating Budget, at which time these budgets are subject to discussion and comment by

the public. The County Council will enact all special tax rates in June, to take effect July 1, as it does the County property tax rate and certain other tax and fee rates.

(4) Exemptions

Special Community Benefit, Shore Erosion Control District, and Waterway Improvement taxes do not apply to property that is exempt from taxation under Title 7, Subtitle 2 of the Tax-Property Article of the State Code. These properties will not be included in the number of lots/accounts or tax assessment provided by the Special Taxing District Coordinator through the budget request form. The number of lots/accounts or taxable assessment is based on the current fiscal year billing and could be subject to Maryland State Department of Assessment and Taxation updates. Please also note that Special Taxing District assessments do not include certain tax credits, such as the Homestead Tax Credit.

(5) Sample Budget Request Form

FY 2022
Special Community Benefit District
Budget Request

A. District Name: _____

B. Community Assoc. Name: _____

C. Mailing Address: _____

D. President of Community Assoc.: _____
 Telephone #: _____
 Email Address: _____
 Budget Contact Person (Treasurer): _____
 Telephone #: _____
 Email Address: _____

BUDGET REQUESTED FOR FISCAL YEAR JULY 1, 2021 THROUGH JUNE 30, 2022

FY2022 BUDGET			Amount \$
E.	Special Purpose & Item	Commercial Loan <i>(If Applicable)</i>	
		_____	_____
		_____	_____
		_____	_____
		_____	_____
	F.	Budget Subtotal	_____
	G.	Administrative Fee <i>(See Instructions)</i>	_____
	H.	BUDGET TOTAL <i>(Total Items F + G)</i>	_____

REVENUES

I.	Estimated Funds Available FY22		
J.	Community Held Funds as of 06/30/2020	_____	_____
K.	Other Revenue	_____	_____
	L.	Est Funds Available Subtotal	_____
	M.	Tax Revenues Needed for FY22	_____
	N.	REVENUE TOTAL <i>(Total Items L + M)</i>	_____

TAX RATE CALCULATION

	O.	Tax Revenues Needed for FY22 <i>(Item M)</i>	
	P.	# of Lots/Accounts	OR _____
		Tax Assessment	/100 _____
	Q.	REQUESTED TAX RATE <i>(= Item O / Item P)</i>	_____

CERTIFICATION OF ASSOCIATION REPRESENTATIVES

I hereby certify that the budget request above has been approved pursuant to the bylaws of this association; that the budget has been presented to the property owners for their comments; and that the funds requested are for the purposes authorized in the laws governing our special taxing district.

NAME _____	NAME _____
TITLE _____	TITLE _____
DATE _____	DATE _____
SIGNATURE _____	SIGNATURE _____

Supporting Documentation of Officers/Representatives attached (please check).

(6) Sample Instructions for Budget Request

BUDGET PREPARATION: SPECIAL COMMUNITY BENEFIT DISTRICTS

The request form has alphabetic notations along the left column that correspond to the following descriptions to assist you in the completion of the form:

- A. District Name: Name of the district as it was originally established and as it appears in the County Code.
- B. Community Association Name: Name of the community association that administers the expenditure of special tax funds.
- C. Mailing Address: Address to be used for all future mailings. If the community association has a post office box, please use that address. You may want to provide an alternate address as well.
- D. Contact Person, Telephone Number(s) and Email Address(s): Name, phone number(s) and email address(s) of the person knowledgeable and responsible for completing this form and the one to whom budget correspondence will be addressed. Please inform the budget office of any changes in officers throughout the fiscal year.
- E. Purposes: Please streamline your budget submission to include only the broad purposes for which your SCBD was established. Funds Held for a Future Use and Bank Loans must be itemized separately from your stated purpose(s). Funds Held for Future Use: Any monies that the Community would like to “escrow” for future projects. This amount can be used in future fiscal years or for unexpected expenditures. Bank Loan: If you have an approved bank loan, the payment must be indicated on a separate line.
- F. Subtotal: Sum of the Budget Line Items (E).
- G. Administrative Fee: Administrative fee paid to the County. The amount is 5% of the Tax Revenues Needed for FY22 (M), not less than \$100 or more than \$2,000.

To determine the Tax Revenue Needed for FY22 (M), use the below worksheet.

_____	Budget Subtotal (F)
-- _____	Subtract Estimated Funds Aval Subtotal (L)
= _____	Equals Difference
_____ / 0.95	Divide by .95
= _____	Equals Tax Revenue Needed for FY22(M)
_____ X 0.05	Multiple by 5%
= _____	Equals Administrative Fee (G)**

**If your Administrative Fee is lower than \$100, then change the (G) value to \$100, if it is larger than 2,000, then change the (G) value to \$2,000.

- H. BUDGET TOTAL: Sum of the Budget Sub-total (F) and the Administrative Fee (G).
- I. Estimated Funds Available FY22: This amount is provided by the Special Taxing District Coordinator. It is an estimate of the cash available to the SCBD on 6/30/21 after FY2021 tax collections. The County must appropriate this amount before the district may spend it. This number may be re-evaluated in April before the budget is finalized. If you know that the number provided should be modified, please contact the Special Taxing District Coordinator.
- J. Fund Balance as of 6/30/20: **This is the fund balance that you reported on your financial statements for the period ending June 30, 2020 less any funds committed to the current fiscal year (line item "J" on the FY21 Budget Request).**

The Budget Office will verify the dollar amount reported on your budget request form with the information reported on the financial statements you submitted to the Auditor's Office. Any discrepancies will be brought to your attention. If you are carrying the funds for future use, please indicate in a separate line item (E) as "Funds for Future Use"

- K. Investment Income/Other Revenue: You must provide an estimate of interest or investment income to be earned on your SCBD cash balances. You no longer need to include other sources of revenue such as rental income or advertising revenue. If you choose to do so, then those revenues will be subject to appropriation and all other restrictions that are placed on the use of SCBD property taxes.
- L. Estimated Funds Available Subtotal: Sum of the Estimated Funds (I), Community Held Funds (J) and Other Revenue (K).
- M. Tax Revenues Needed for FY22: Number obtained by multiplying the Requested Tax Rate (Q) by the appropriate Assessable Base or Number of Lots/Accounts (P).

To determine the Tax Revenue Needed for FY22 (M), which is the amount of new money required to fund the submitted budget, subtract the Estimated Funds Available Subtotal (L) from the Budget Total (H).

- N. REVENUE TOTAL: Sum of Estimated Funds Available Subtotal (L) and Tax Revenues Needed for FY22(M).
- O. Tax Revenues Needed for FY22: Copy value from Item M.
- P. Number of Tax Accounts/Lots: For districts that tax on a per tax account or per lot basis, this number is supplied by the Special Taxing District Coordinator.

Or

Taxable Assessment: For districts that budget based on assessment, this number is provided by the Special Taxing District Coordinator. For calculation purposes, the assessable base is divided by 100.

Q. Requested Tax Rate: Tax rate needed to support the budget. To determine the tax rate, divide the Tax Revenues Needed for FY22 (O or M) by the number of Tax Accounts or Lots, or the Taxable Assessment (total assessment divided by \$100) (P).

EXAMPLE:

Taxable Assessment \$2,500,000 per \$100 of Assessment \$25,000
Tax Revenue Amount Required \$12,500
 $\$12,500/\$25,000 = \$.50$
Tax Rate = \$.50

or

Number of Tax Accounts 500
Tax Revenue Amount Required \$12,500
 $\$12,500/500 = \25.00
Tax Rate = \$25.00 per tax account

Certification of Association Representatives: Certification completed by two representatives of the community association (typically the President & Treasurer). Please provide documentation of the current officers/representatives (ie; newsletter, meeting minutes).

EXPENDITURES

Expenditures of special community benefit district assessments must be consistent with line items approved in the annual budget adopted by the County Council. The fiscal year begins July 1.

(1) Disbursements

The County's disbursement schedule for SCBD assessments to the association does not generally occur until 30 days following the closing of the tax payment period. SCBD Taxes are not overdue until after September 30, second semi-annual amounts are due December 31. All disbursement checks are forwarded to the association treasurer or other designated officer. Typically, the Office of Finance disburses in November, February, and June. Disbursements may be held by the Office of Finance if the community association has not filed required financial statements, is not in good standing with the State Department of Assessments, or does not have a sufficient bond or other security for its financial officers. The amount disbursed will be the lesser of the amount collected on behalf of the SCBD, the current year approved appropriation and the amount of bond insurance less the fiscal year end funds on hand at the SCBD.

(2) Appropriation

The District may only expend the amount that has been appropriated during the Budget Process. Appropriations lapse at that end of the fiscal year. Thus, if a community association has SCBD funds on hand at the end of the fiscal year (June 30), those funds may be expended during the next fiscal year only if they are included in the SCBD budget for the next fiscal year and are then appropriated in the next fiscal year. Additional appropriations during a fiscal year are only available in emergency situations with the approval of the County Council.

(3) Bank Loans

Pursuant to the County Charter, any contract, lease or other agreement requiring payment of funds from the appropriations of a later fiscal year must be approved by ordinance. If a community association wishes to obtain a private loan for SCBD purposes, the association must have the approval of the County Council. Once a district has received a commitment letter from the bank of their choice, the commitment letter must be forwarded to the Budget Office for review. The Special Taxing District Coordinator will review the terms and conditions of the bank loan and prepare legislation for the approval of the loan. Please see the bank loan checklist below:

Bank Loans Checklist

Items to Be Submitted	<input checked="" type="checkbox"/>	Comments
Loan is within the Purposes of the SCBD https://www.aacounty.org/our-county/county-code/index.html		
Board of Director's minutes showing the approval of the loan amount and loan terms by the community association		
Description of Project (Scoping document/proposal)		
Current Association Bylaws		
Commitment Letter between the bank and community association		

Upon the required internal reviews and approvals, the County Executive will send the proposed legislation to the County Council for their action. The County Auditor's Office will review the loan documents and submit their findings to the County Council. The County Council will advertise the legislation in the local newspaper as required by law. The cost of advertising is billed directly to the community association. The advertisement contains the term and amount of the loan and the date of public hearing. The hearing is an opportunity to speak for or against the proposed bank loan. The Special Taxing District Coordinator will testify on behalf of the Administration. The community is required to have a spokesperson present to answer any specific questions the Council may have regarding the loan. The Council will vote on the legislation at the conclusion of the public hearing. The loan approval process takes approximately 10-15 weeks.

The bank loan is permitted when the legislation is passed by the Council and is signed by the County Executive. The bill becomes law forty-five (45) days after the County Executive signs it. However, most banks settle on the loan once the County Council has approved the legislation.

If the legislation is passed, the community association and the County enter into an Agreement authorizing the County to disburse SCBD funds directly to the Bank in an amount sufficient to pay the approved loan. The Community Association is responsible for coordinating the bank loan payments with the County Office of Finance. To insure that your funds are available for the first bank loan payment, you must contact Finance with the projected 1st loan payment date and amount. The Office of Finance will not make any payments to the bank until instructed so by the District/Bank via a written invoice or statement.

(4) Requests for Payment

In the event that it is necessary for the County to make a payment directly to a vendor on behalf of a district, the district must provide a memo directing payment and an invoice from the company to be paid. The memo should be signed by the community association President and Treasurer advising that the work was done satisfactorily, who is to be paid, and the payment amount. The vendor must be registered with the County to receive payment. Please contact the Special Taxing coordinator to have a vendor registered.

In addition to the requirements above, any requests for reimbursement must be accompanied by proof of payment. In the event that the President or Treasurer is to be reimbursed, another board member must sign the memo to direct reimbursement.

Please allow time for processing, it may take up to 30 days after receipt of the request and all required documentation for the vendor payment to be processed.

BONDING

Anne Arundel County Code, § 4-7-101 states:

*(f) **Bond.** The Treasurer or other fiscal officer of each community association administering a special community benefit district, a shore erosion control district, or a waterway improvement district shall file with the Controller a bond in an amount not less than the total amount of the funds budgeted to be disbursed to the community association plus the balance held by the community association. The bond shall be in a form approved by the Controller conditioned on the faithful performance of duties by the Treasurer or other fiscal officer.*

The association must submit a bond to the County's Office of Finance before any funds can be disbursed to the association. The bond may be for one or more years and may apply to the position of treasurer rather than a named individual. The disbursement of SCBD funds may not exceed the annual budget appropriation and/or the limits established in the bond. Funds collected in excess of the appropriation will be held for appropriation the next fiscal year.

AUDIT REQUIREMENTS

Local Government Article § 16-308 of the Annotated Code of Maryland stipulates requirements for audits of all special taxing districts in the State, and the methods by which the audits must be completed.

In summary of the Code, for any tax district with annual expenditures greater than \$250,000, an audit is required every year. For SCBD's with expenditures of less than \$250,000, an annual financial report is required every year, and an audit is required once every four years.

It is the responsibility of the Anne Arundel County Auditor's staff to ensure compliance with the State code. A copy of their guidelines follows:

- A. Local Government Article § 16-308 of the Annotated Code of Maryland describes financial reporting and audit requirements for special taxing districts within Maryland. These requirements are summarized below:
1. All special taxing districts having moneys disbursed or expended by a person or body independent of the County government must file a financial report each year, no later than 90 days following the close of their fiscal year. This report must contain the following:
 - Balance Sheet
 - Statement of Revenues, Expenditures, and Changes in Fund Balance
 - Footnotes
 2. Special taxing districts having annual expenditures greater than \$250,000 are required to have this financial report audited each year.
 3. Special taxing districts having annual expenditures less than or equal to \$250,000 are required to have an audit every four years, unless the County determines on a case-by-case basis that more frequent audits are required. (Note: This does not exempt the district from the filing requirements outlined in No. 1 above.)
 4. If a special taxing district does not submit a financial report and audit report as specified above, the County may withhold the distribution of the taxes imposed on behalf of the district.

Since audit reports are significantly more involved than unaudited financial statements, we recommend that each association responsible for the expenditure of SCBD assessments consult with a Certified Public Accountant or other qualified advisor well in advance of the close of the fiscal year. Please call the County Auditor's Office at 410-222-1138 with any questions concerning these reporting and auditing requirements.

SUMMARY OF ESTABLISHING A SCBD IN ANNE ARUNDEL COUNTY

If a community decides to proceed with the formation of a special taxing district, there are certain basic steps in the procedure.

- ✓ The community determines the specific purposes for which the district will be formed. Taxes may be collected only for purposes stated in the original petition and in the legislation creating the district.
- ✓ The association drafts a petition that defines: the properties that will be included in the district; the purposes for which the district is being formed; the method by which the taxes will be levied; and, the community association that will administer the expenditure of the SCBD assessments.
- ✓ The association sends the petition to the Special Taxing District Coordinator, who coordinates review of the petition for content and legal sufficiency.
- ✓ The County provides a listing of property owners along with the approved petition. The community association photocopies the final petition and offers each property owner in the proposed district the opportunity to sign a petition.
- ✓ When at least the required minimum percentage of property owners has signed petitions, the association submits the petitions to the Special Taxing District Coordinator and requests that legislation be prepared to create the district. For Special Community Benefit Districts, at least Two-Thirds of the properties. For Shore Erosion Control Districts and Waterways Improvement Districts, the minimum percentage is 75%.
- ✓ After the County administration reviews the petitions and approves the submission of legislation, the legislation is prepared. It is introduced at a County Council meeting and a public hearing is scheduled. The Council advertises the public hearing for four consecutive weeks in a newspaper of general circulation. The community pays for the advertisements. The County Auditor's Office will review the petitions and provide findings and petitions to the County Council for their review.
- ✓ The public hearing is held and proponents and opponents of the proposed district are offered the opportunity to share their views with the County Council. The County Council then votes on the legislation.
- ✓ If the legislation is approved, the district is officially established. The responsible association can then prepare a budget to be included in the County's next budget cycle. Taxes will be due and payable on July 1 of the fiscal year.
- ✓ SCBD assessments collected will be available for use by the association in November.

For **Shore Erosion Control Districts** and **Waterways Improvement Districts** there may be additional procedures associated with obtaining a no-interest State loan from the Department of Natural Resources.

CONTACT INFORMATION

Throughout the administration of a Special Community Benefit District, community associations will work with various County Departments. Below is a list of contacts within the County to assist you.

Inquiry	Contact	Phone Number	Email
General Community Assistance	Community and Constituent Services	410-222-1785	CECS@aacounty.org
Budget & Expenditures Formation/dissolution/modification Bank Loans	Budget Office	410-222-1222	Budget-scbd@aacounty.org
Distribution of Funds Bond Requirements Payments Fund balances	Office of Finance	410-222-2366	Scbd_finance@aacounty.org
Audit Requirements Financial Statement submission	Auditor's Office	410-222-1138	Oca-scbd@aacounty.org