

Part D

Local Government

Local Government – Generally

Land Use and Municipal Annexation

In 1997, the General Assembly adopted a Smart Growth and Neighborhood Revitalization legislative package in an effort to reduce the impact of urban sprawl on the environment and encourage growth in existing communities. The initiative, which was designed to protect Maryland’s green spaces and to preserve the State’s rural areas, aimed to manage growth by restricting State funding to designated priority funding areas. The Smart Growth legislation established certain areas as priority funding areas and allowed counties to designate additional areas if they met minimum criteria.

The Eastern Shore of Maryland has experienced several large and controversial annexations since 2004. Some municipalities have grown by 50 percent to over 200 percent in land area through annexation. According to the Maryland Department of Planning, such annexations will lead to significant increases in population, some in areas with a lack of infrastructure and other public services. There has been concern that annexations are sometimes used to avoid county adequate public facility ordinances. In addition, several annexations of note were in rural areas with limited development pressure.

House Bill 1141 (passed), makes several changes in local government planning in Maryland, including comprehensive plans and municipal annexation. The bill requires counties and municipalities to include a water resources element in their comprehensive plans and expands the sensitive areas element in the comprehensive plans by modifying the definition of “sensitive areas” to include wetlands and certain agricultural and forest lands. The Department of the Environment and the Department of Natural Resources are required to review the sensitive areas element, and the Department of the Environment must provide technical assistance in the development of a water resources element on request of a county or municipality. In addition, municipalities that exercise zoning powers must include a municipal growth element in their comprehensive plans. A municipality must consult with the county in which the municipality lies when developing the municipal growth element and may request technical assistance from the Department of Planning in developing the municipal growth element. The county and

municipality may also enter into a Joint Planning Agreement to implement the municipal growth element. The new plan elements required under this bill must be adopted by the counties and municipalities on or before October 1, 2009.

Changes to the municipal annexation process under *House Bill 1141* include:

- modifying a provision governing the development of annexed land during the five-year time period following an annexation by incorporating a density measure and linking it to the zoning ordinance;
- repealing provisions requiring an annexation outline;
- requiring a municipality to provide an annexation plan for each annexation and requiring that the annexation plan be consistent with the adopted municipal growth element; and
- adding a provision that requires areas annexed by a municipality after September 30, 2006, to satisfy specified requirements under the priority funding areas law.

House Bill 1141 also includes municipalities in the provisions regarding priority funding areas and establishes a task force, to be staffed by the Department of Planning, on the future for growth and development in Maryland. The task force must report its findings and recommendations to the General Assembly and the Governor by December 1, 2007.

Adequate Public Facilities

Senate Bill 1024/House Bill 1683 (both failed) would have required a municipality to be governed by the county adequate public facilities ordinance until the municipality adopted an ordinance that made provisions for the impact of any development or growth within the municipality on public schools or libraries and roadways located in the county. The bill would have applied retroactively and would have affected any county adequate public utilities ordinance enacted before October 1, 2006.

Post-employment Benefits Funds

The investment of other post-employment benefits funds has emerged as a factor in the discussion of long-term State financial liabilities. Recent statements issued by the Government Accounting Standards Board require State and local municipalities to include retiree health care obligations on accounting statements. Most employers pay for other post-employment benefits funds on a pay-as-you-go basis, meaning only the actual annual health care costs of retirees are paid each year. However, current employees accumulate future benefits each year, leading to a mounting long-term liability. These liabilities can be addressed by setting aside funds now. This practice is known as pre-funding, and is used to fund pension liabilities. While the Government Accounting Standards Board does not require employers to prefund their liabilities for other post-employment benefits, bond rating agencies may adjust bond ratings to reflect these liabilities.

Senate Bill 860/House Bill 642 (both passed) clarify that trustees or officers of any county or local government post-employment benefits fund may invest the fund assets in the same manner that is authorized for pension funds. These investment standards are established by the State Treasurer. While providing the opportunity for the trustees or officers of a trust to invest in higher yield vehicles, these same instruments may carry a greater investment risk than the limited investment options currently authorized.

Workplace Giving Campaigns

State and local governments often offer employees the opportunity to have an amount deducted from their pay for donation to a charity. However, the administration of these workplace giving campaigns only allow the employee to designate certain charities as the recipient of the funds. *House Bill 1507 (failed)* would have allowed the employees of eight counties and Baltimore City to designate any charity that has been approved by the Secretary of State's standard certification process as the recipient of workplace giving funds.

Public Local Laws

Each session, the General Assembly considers a number of bills each affecting only one county. The following discussion is intended to provide a sampling of bills of that nature that passed.

Allegany County

The Board of County Commissioners in Allegany County must appoint a seven-member salary study commission to make salary recommendations for the following positions: Board of County Commissioners, Board of Education members, Board of License Commissioners, Board of Supervisors of Elections, Orphans' Court judges, and the Allegany County Sheriff. *Senate Bill 872/House Bill 528 (both passed)* require the Allegany County Salary Study Commission to meet with each person who holds an office for which it makes a salary recommendation in order to (1) acquaint the commission with each official's duties and responsibilities; (2) obtain any additional information the commission may find helpful; and (3) provide the official with an opportunity to express an opinion about the appropriate compensation for the office. On or before July 1, 2006, the Allegany County Board of County Commissioners must set by local law the salary for each office included in the salary commission's recommendations.

House Bill 426 (passed) authorizes Allegany County or a municipal corporation in the county to grant, by law, a property tax credit against the county or municipal property tax for property that is owned by the Allegany County Agricultural Expo, Inc.

Anne Arundel County

The 2005 edition of the Anne Arundel County Code was adopted by Bill 82-05 of the Anne Arundel County Council and became effective November 9, 2005. *Senate Bill 859/House*

Bill 471 (both passed) legalize the 2005 edition of the Anne Arundel County Code, and any supplements to the 2005 edition, to the extent the code or supplement contains laws enacted by the General Assembly.

House Bill 793 (passed) authorizes the Anne Arundel County Council to enact an ordinance that prohibits a child under the age of 18 years from standing in a roadway, median divider, or intersection in the county to solicit money or donations of any kind from the occupant of a vehicle.

House Bill 105 (passed) increases the salaries of Orphans' Court judges in Anne Arundel County from \$19,000 to \$27,000 for calendar year 2007 and \$29,000 beginning in calendar year 2008. The increase will take effect at the beginning of the next term of office.

Baltimore City

Baltimore City began using highway user revenue in 1987 to cover the costs of discounted Maryland Transit Administration (MTA) fares for school children. The initial provision was for fiscal 1988 only, however, the General Assembly has repeatedly extended the termination date. Currently, the city may use the funds for this purpose through fiscal 2006. **Senate Bill 245/House Bill 177 (both passed)** extend the period through fiscal 2010. As of fiscal 2006, Baltimore City uses approximately \$3.6 million per year in highway user revenues to subsidize the cost of MTA fares for students.

Senate Bill 240/House Bill 182 (both passed) provide a special traffic enforcement officer (STEO) in Baltimore City with the same authority as a city police officer to control and direct pedestrian and vehicular traffic during regular high traffic periods, as necessitated by an emergency situation or incident, or in connection with a special event. The bills also require a STEO to complete an accredited conflict resolution training course.

House Bill 1470 (passed) expands the authority of the Baltimore City Civilian Review Board to include the processing, investigation, review, and evaluation of allegations of "false arrest" and "false imprisonment" against law enforcement officers in Baltimore City. Each member of the board is required to receive training on the issues of abusive language, false arrest, false imprisonment, harassment, and excessive force.

Baltimore County

The Baltimore County Administration currently performs all negotiations with recognized labor groups within the county. According to Baltimore County, the deputies in the sheriff's office are currently organized as the Fraternal Order of Police Lodge 25. This bargaining unit includes schedule I uniformed employees of the sheriff's office from the rank of deputy sheriff up to and including the rank of lieutenant. No agreement was reached between the union and the county administration last year.

House Bill 1724 (passed) authorizes all full-time Baltimore County deputy sheriffs at or below the rank of lieutenant to collectively bargain with the Baltimore County Administration or

its designee for wages and benefits. After the certification of an exclusive representation unit, the parties must meet at reasonable times and engage in collective bargaining in good faith. Every reasonable effort must be made to conclude negotiations in a timely manner to allow for inclusion by the sheriff of matters agreed on in its budget request to the county council. A collective bargaining agreement must contain all matters of agreement reached in the collective bargaining process, and it may contain grievance procedures providing for nonbinding arbitration of grievances. The agreement must be signed by the designated representative of the parties involved. The agreement, however, is not effective until ratified by a majority of votes cast by the deputy sheriffs in the bargaining unit and the Baltimore County Administration. Any additional funding required as a result of a negotiated collective bargaining agreement is subject to approval by the county council. The bill does not authorize the Baltimore County deputy sheriffs to engage in a strike.

Senate Bill 301/House Bill 419 (both passed) increase the salary of the Baltimore County Sheriff from \$70,000 to \$75,000 for calendar 2007. A \$5,000 annual salary increase is provided until the sheriff's salary reaches \$90,000 in calendar 2010.

Calvert County

Senate Bill 903 (passed) increases the salaries of the following public officials in Calvert County: president and members of the Board of County Commissioners, county treasurer, sheriff, and chief judge and judges of the Orphans' Court. The increase will take effect at the beginning of the next term of office.

House Bill 1183 (passed) authorizes Calvert County to grant, by law, a property tax credit against the county property tax imposed on real property owned by an expanding or new business that meets specified criteria. The credit may be granted to an expanding or new business engaged in the generation of electricity against the county tax imposed on personal property and real property owned by the expanding or new business.

Caroline County

Senate Bill 603/House Bill 341 (both passed) increase the salaries of the members of the Caroline County Board of License Commissioners to an amount set by the county commissioners but not less than \$3,000 for the chairman and \$2,500 for the two regular board members. An alternate board member receives \$100 per meeting, not to exceed \$2,000 annually. The increase will take effect at the beginning of the next term of office.

Senate Bill 602/House Bill 345 (both passed) repeal the statutorily specified salary of \$4,500 for the judges of the Orphans' Court for Caroline County and provides instead that the annual salary of the judges is determined by the county commissioners but may not be less than \$5,000. The bills' changes take effect at the beginning of the next term of office.

Carroll County

House Bill 552 (passed) increases the annual salary of the Carroll County Sheriff from \$65,000 to \$71,532 beginning December 5, 2006. The bill provides for yearly salary increases until the annual salary reaches \$75,910 beginning December 8, 2009.

Cecil County

Senate Bill 204/House Bill 215 (both passed) authorize Cecil County or its municipalities to provide a property tax credit for property owned by a fire company or rescue squad that is leased for more than 60 days under contractual agreement for the operation of the fire company's fire hall and would otherwise qualify for an exemption under specified circumstances.

House Bill 502 (passed) authorizes Cecil County or its municipalities to grant a property tax credit for property that is owned by a little league organization or a nonprofit organization that allows a little league organization of Cecil County to use its property for youth amateur athletics and is actually used exclusively for the purpose of a little league organization of Cecil County.

Charles County

Senate Bill 421/House Bill 609 (both passed) increase the annual salaries for the judges of the Orphans' Court for Charles County from \$7,000 to \$10,000. The increase takes effect at the beginning of the next term of office.

For the State's Attorney for Charles County, *Senate Bill 386/House Bill 611 (both passed)* alter the method for determining the salary. Instead of being 90 percent of the salary of a District Court judge, the salary for the State's Attorney for Charles County is to be equal to the salary of a circuit court judge. The increase takes effect at the beginning of the next term of office.

Dorchester County

Senate Bill 768/House Bill 680 (both passed) authorize the County Council for Dorchester County to determine the salaries for the judges of the Orphans' Court for Dorchester County. The bills set a minimum salary at \$4,700 which is an increase over the former salary of \$3,500. The changes in the bill take effect at the beginning of the next term of office.

Subject to some limitations, a sanitary commission and the member counties of a district may issue bonds to pay the cost of a project. To pay the principal and interest on bonds issued, a sanitary commission is authorized to set reasonable benefit assessments and reasonable connection charges. *Senate Bill 1039 (passed)* authorizes the Dorchester County Sanitary Commission to set reasonable benefit assessments to pay the cost of capital improvements and

repairs to a water or sewerage system. The Allegany County Sanitary Commission has similar authority.

Frederick County

For the State’s Attorney for Frederick County, *House Bill 153 (passed)* increases the salary to 100 percent instead of 90 percent of the salary of a District Court judge. The increase takes effect at the beginning of the next term of office.

House Bill 567 (Ch. 94) repeals the specific requirements for which funds generated by the special taxing district for fire and rescue services in Frederick County may be used. Under current law, the commissioners may only use the funds generated by the fire and rescue services special taxing district for (1) compensating fire and rescue personnel; (2) training personnel involved in fire and rescue services, including volunteers; (3) purchasing fire and rescue equipment or real property to be used for fire and rescue services; (4) constructing fire and rescue services buildings; and (5) making capital improvements to fire and rescue service facilities. Under the Act, the Frederick County Commissioners may use the funds generated by the special taxing district for any fire and rescue services within the special taxing district.

House Bill 1409 (passed) requires that a candidate for Frederick County Commissioner must be a resident and registered voter of the county for at least six months immediately prior to the date of the election. The bill also provides that a county commissioner no longer residing in Frederick County may not continue as a county commissioner.

Garrett County

In 2001, \$750,000 in State Program Open Space (POS) capital improvement funds was appropriated for the design and construction of the Garrett County Amphitheater. Under current law, State POS capital improvement funds may only be used for improvements on State-owned land for the use of the Department of Natural Resources. The affected land is owned by Adventure Sports Center International, Inc., a nonprofit organization. Accordingly, the funding previously appropriated for the amphitheater has not been able to be used.

House Bill 1613 (passed) provides that, subject to specified conditions, the State’s share of POS funds authorized in 2001 for the design and construction of the Garrett County Amphitheater may be expended for improvements of land that is not owned by the State if the improvements are made available to the public for the purposes of open space and recreational use. The bill authorizes the Department of Natural Resources to inspect the land and the improvements for compliance.

The amphitheater will be part of the Adventure Sports Center Complex located adjacent to Deep Creek Lake in Garrett County. When completed, the center will consist of a central village complex and over 500 acres of trails and recreational venues.

Harford County

In nine counties, a physician, pharmacist, dentist, or nurse who treats an individual for an injury that was caused by or shows evidence of being caused by an automobile accident or lethal weapon, or the individual in charge of a hospital that treats the injured individual, must notify the county sheriff, the county police, or the Department of State Police of the injury as soon as practicable. This reporting requirement applies to Allegany, Anne Arundel, Charles, Kent, Montgomery, Prince George's, Somerset, Talbot, and Wicomico counties.

Senate Bill 137 (passed) makes these provisions of law apply in Harford County. Under this legislation, a health provider who must file an injury report must include in the report (1) the injured individual's name and address, if known; (2) a description of the injury; and (3) any other facts concerning the matter that might help detect crime. An individual who fails to make this required report is guilty of a misdemeanor and is subject to a maximum \$25 fine upon conviction.

Howard County

The annexation of land into a village or town center of Columbia may be accomplished in one of two ways: (1) the annexation is approved in writing by the Federal Housing Administration (FHA); or (2) by approval of two-thirds of the members of the association entitled to vote. FHA has stopped participating in the annexation process. The Columbia Association is, thus, unable to annex land into a village or town center by this method. Two areas of particular concern are a couple of residential properties near the Columbia Mall. While the owners of these properties pay a charge imposed on real property by the Columbia Association, since these properties are not part of a village or town center, these individuals are unable to either elect representatives or be elected to village boards, the Columbia Council, or the Columbia Board of Directors.

Senate Bill 1089 (Ch. 32)/House Bill 1725 (passed) establish the process for the annexation of parcels of land subject to the deed, agreement, and declaration establishing any of the villages or town center in Columbia. A parcel of land can be annexed into the village or town center in which it is located, if (1) the owner or developer of the land applies to the village or town center community association for annexation; and (2) the Columbia Association, or its successor, and the village or town center community association approve the annexation. The annexed land is subject to the recorded covenants and restrictions of the village or town center in which it is located, but annexation may not affect previous approvals or conditions regarding constructed improvements on the property.

House Bill 291 (passed) increases the maximum additional marriage license fee that the Howard County Council may set from \$25 to \$50. The proceeds from this additional fee benefit battered spouse shelters and domestic violence programs.

Kent County

Senate Bill 473/House Bill 370 (both passed) increase the salary of the State’s Attorney for Kent County from 70 to 80 percent of the salary of a District Court judge. The increase takes effect at the beginning of the next term.

Montgomery County

Housing Opportunities Commission

The Montgomery County Housing Opportunities Commission (MCHOC) serves as the public housing agency for Montgomery County and manages more than 1,500 units of public housing, as well as administers the federal Housing Choice Voucher program. MCHOC also develops affordable housing; offers rental units to moderate-income earners; and enters into joint ventures, partnership, and development agreements within Montgomery County to help develop and finance affordable housing.

House Bill 657 (passed) authorizes MCHOC to enter into development agreements outside of Montgomery County in order to provide low-income housing for individuals and families who meet specified income guidelines. The bill also authorizes MCHOC to enter into contracts to furnish services, consultation, and assistance to other persons and housing authorities either in or out of State to assist in providing low-income housing.

House Bill 1021 (passed) clarifies election procedures and the certification process for an exclusive representative for the employees of MCHOC. The bill specifies that only one election for an exclusive representative of a bargaining unit in MCHOC may be held if two petitions are submitted at the same time. The bill stipulates that when these two petitions are submitted simultaneously, the ballot for electing an exclusive representative must contain the name of the current certified employee organization, the name of the petitioning employee organization, and a provision for “no representation.” If, through the election, the petitioning organization is certified as the exclusive representative, that organization must be treated as a successor to any collective bargaining agreement in which the previous organization was a party.

Sheriff's Office

House Bill 791 (passed) extends to nonprobationary deputy sheriff sergeants in Montgomery County the right to organize and collectively bargain for compensation, pensions for active employees, fringe benefits, hours, and the terms and conditions of employment, and it expands the applicability of collective bargaining agreements in the Montgomery County Sheriff’s Office.

Highway Solicitations

House Bill 793 (passed) prohibits a child under the age of 18 years from standing in a roadway, median, divider, or intersection in the county to solicit money or donations of any kind

from the occupant of a vehicle. This prohibition is to be enforced by issuance of a warning that informs the violator of the prohibition.

Prince George's County

House Bill 1026 (passed) provides an exemption from the Prince George's County transfer tax for the transfer of property to a Prince George's County police officer or a municipal police officer who operates in the county as long as it is the officer's principal residence and it is a first-time home purchase. The transfer tax rate on subsequent purchases is capped at 1 percent. The officer must be employed by the county police department for a minimum of three years following the purchase and would be required to repay the transfer tax if the residency and employment requirements are not met.

A number of bills address the salaries of local officials in Prince George's County. Among them, *House Bill 915 (passed)* increases the annual compensation for each judge of the Orphans' Court of Prince George's County by \$5,500, beginning with the next term of office. Specifically, the annual salary for the chief judge increases from \$37,000 to \$42,500 and for each associate judge from \$36,500 to \$42,000. *House Bill 1028 (passed)* increases the annual salary of the Prince George's County Sheriff from \$101,000 to \$118,000 in calendar 2007 and by 4 percent annually until the sheriff's salary reaches \$132,734 in calendar 2010. *House Bill 1028* also increases the sheriff's annual expense allowance from \$2,500 to \$5,000 and increases the annual expense allowance for each of the four full-time assistant sheriffs from \$1,500 to \$2,500. These increases take effect at the beginning of the next term of office.

Queen Anne's County

Senate Bill 481/House Bill 338 (both passed) submit to referendum the question of whether the Queen Anne's County Board of Education should remain an appointed board or change to an elected board. The referendum must be on the ballot in Queen Anne's County for the 2006 general election. If county residents vote for an elected board, new board members will be selected at the 2008 general election. *Senate Bill 481/House Bill 338* provide that if county voters opt for an elected board, the Queen Anne's County Board of Education will consist of five voting members, with one member elected from each of the four county commissioner districts and one member elected from the county at-large. Elected members will serve staggered four-year terms, with three of the initial elected members serving six-year terms.

St. Mary's County

St. Mary's County advises that it has limited authority to create special assessment districts for specified uses, such as street lighting and erosion control; the county's fiscal 2006 approved budget includes 17 such assessment districts affecting 915 properties. *House Bill 358 (passed)* authorizes St. Mary's County to create special taxing districts for developing and financing infrastructure improvements. The county may impose *ad valorem* or special taxes and issue bonds or other obligations to finance the improvement projects.

House Bill 373 (passed) repeals the termination date of provisions that authorize the St. Mary's County Commissioners to waive and defer the county's building impact fee for newly constructed living units designated as affordable housing. **House Bill 373** increases the number of housing units eligible to receive the waiver or deferral, removes the \$350,000 limit on the annual revenue loss resulting from the waivers and deferrals, and extends eligibility to individuals with family income less than 60 percent of the county median.

House Bill 429 (passed) increases from \$3 million to \$5 million the maximum amount of general obligation bonds that St. Mary's County may issue for the St. Mary's County Capital Revolving Financial Fund for Fire Fighting Equipment and Facilities.

Somerset County

House Bill 115 (passed) requires deputy sheriffs in Somerset County to successfully complete the Maryland Police Training Commission's prescribed course for police officers within one year of appointment. Upon completion of the probationary period, a deputy sheriff whose position is funded by the county commissioners becomes a merit system employee of the sheriff's office and may not be dismissed without cause. A deputy whose position is funded through a grant or other revenue source, however, may be dismissed without cause after the funding source is depleted. The bill specifies that deputies serve under the direction of the Somerset County Sheriff.

A number of bills address the salaries of local officials in Somerset County. Among them, **House Bill 92 (passed)** increases the annual salary of the Somerset County Sheriff from \$48,100 to \$60,000. **House Bill 100 (passed)** increases the annual salary of the Somerset County State's Attorney from \$91,100 to \$98,000. Finally, **House Bill 101 (passed)** increases the annual salary of the judges of the Orphans' Court of Somerset County. The salary of an associate judge increases from \$1,700 to \$3,400, and the salary of the chief judge increases from \$1,900 to \$3,800. These increases take effect at the beginning of the next term of office.

Talbot County

Senate Bill 609/House Bill 351 (both passed) provide for the continuation of the current 4 percent hotel rental tax rate in Talbot County by repealing a provision reducing the maximum rate to 3 percent on or after January 1, 2007.

Washington County

House Bill 731 (passed) alters the definition of new permanent full-time position for purposes of the Businesses That Create New Jobs Tax Credit, so as to include, for Washington County, a contract position of definite duration lasting at least 12 months with an unlimited renewal option.

House Bill 732 (Ch. 99) authorizes the Washington County Board of County Commissioners to hire more than one attorney at salaries provided for in the county budget.

House Bill 733 (Ch. 100) authorizes Washington County to honor certificates of guarantee issued by a nonprofit association of contractors, or its wholly owned subsidiary, in order to satisfy certain county bond requirements. Other counties authorized to honor certificates of guarantee include Calvert, Charles, Montgomery, Prince George's, and St. Mary's.

State law authorizes a local health officer to investigate any suspected nuisance. If the health officer finds that a nuisance exists, the officer must serve a written notice to the person who is causing the nuisance. This notice orders the person to abate the nuisance within the time specified in the notice. **House Bill 1655 (passed)** authorizes the health officer for Washington County, or the officer's designee, to deliver a citation to a person believed to be committing a violation of nuisance control provisions of State law or regulation.

Wicomico County

Senate Bill 620 (passed) provides that the Wicomico County Board of License Commissioners is a State agency that administers the alcoholic beverages laws and may grant, refuse, revoke, or suspend licenses for the sale of alcoholic beverages.

Senate Bill 608/House Bill 467 (both passed) increase the annual salary of the judges of the Orphans' Court of Wicomico County from \$3,200 to \$6,400. The increase takes effect at the beginning of the next term of office.

Worcester County

House Bill 400 (passed) specifies the membership of the Worcester County Democratic Party Central Committee. The Worcester County Democratic Party Central Committee consists of 11 members. Seven members must reside in and be elected by the eligible voters of each of the seven county commissioner districts. Four members must reside in the county and be elected at large by the eligible voters of the entire county. Members are elected to staggered four-year terms. The bill takes effect June 1, 2006.

Special Taxing Districts

Special taxing districts include entities created by the General Assembly and those created by a county and municipality, when authorized by the General Assembly. Some special taxing districts resemble municipalities and provide a range of public services; while others exist for a limited purpose, such as the financing of public drainage within a limited area or the creation and maintenance of street lighting in a particular neighborhood.

Special Taxing Districts in St. Mary's County

House Bill 358 (passed) authorizes St. Mary's County to create special taxing districts for developing and financing infrastructure improvements. The county may impose *ad valorem* or special taxes and issue bonds or other obligations to finance the projects. Eight other counties, Anne Arundel, Calvert, Charles, Garrett, Howard, Prince George's, Washington, and Wicomico,

have the same authority to create special taxing districts for infrastructure improvements including storm drainage systems, sewers, water systems, roads, bridges, culverts, tunnels, streets, sidewalks, lighting, parking, parks and recreation facilities, libraries, schools, transit facilities, and solid waste facilities.

Community Development Authorities and Special Taxing Districts in Frederick County

In Frederick County, the county commissioners are authorized to create community development authorities for which they may levy *ad valorem* or special taxes or fees and issue bonds and other obligations. Previously this authority was restricted to specified areas within the county. With the passage of *House Bill 477 (passed)*, the Frederick County Commissioners are now authorized to create community development authorities throughout the county for the purpose of providing financing, refinancing, or reimbursement for the cost of design, construction, establishment, extension, alteration, or acquisition of infrastructure improvements.

In addition to *House Bill 477*, there were two other acts affecting special taxing districts or community development authorities in Frederick County. Under *House Bill 559 (Ch. 93)* a seller of real property in Frederick County that is subject to a tax or fee of a special taxing district or community development authority is required to provide information about the special taxing district or community development authority and related taxes and fees to the purchaser within 20 days after entering into the sales contract. A more detailed discussion of this Act can be found under Part F – Real Property of this *90 Day Report*. *House Bill 567 (Ch. 94)* repeals the specific requirements for which funds generated by the special taxing district for fire and rescue services in Frederick County may be used. A more detailed discussion can be found under the subpart “Public Local Laws” under this Part D – Local Government of this *90 Day Report*.

Bi-county Agencies

Maryland-National Capital Park and Planning Commission

Authority of Park Police Investigating Cases of Identity Fraud

In 2005, Maryland ranked eleventh in the nation for incidences of identity theft according to the Federal Trade Commission. The highest number of complaints came from the State’s major urban areas: Baltimore City, Silver Spring, Hyattsville, Rockville, and Gaithersburg. Chapter 579 of 2005 provided that a person who knows or reasonably suspects that he or she is a victim of identity fraud may contact a local law enforcement agency with jurisdiction over any part of the county where the victim lives or the crime occurred. A local law enforcement agency must then promptly prepare and file a report regarding the alleged identity fraud and provide a copy of the report to the victim.

House Bill 781 (*passed*) provides the park police of the Maryland-National Capital Park and Planning Commission (MNCPPC) with statewide jurisdiction when investigating the fraudulent use of personal identifying information under the State's existing criminal prohibitions against identity fraud. The bill also specifies that if investigative or enforcement action is taken by any authorized police officer under this authority on property owned, leased, or operated by, or under the control of MNCPPC, notification of the investigation or enforcement action must be made to MNCPPC chief of police for the county in which the property is located.

Similar statewide investigative authority is currently held by the State Police, the Maryland Transportation Authority Police, the Maryland Port Administration Police, and law enforcement officers of a municipal corporation or a county.

Collective Bargaining – Election Procedures

House Bill 1091 (*passed*) streamlines the election process for an exclusive representative of a bargaining unit in MNCPPC by requiring the labor relations administrator to hold only one election for an exclusive representative if the following petitions are submitted at the same time: (1) a petition filed by an employee or employee organization showing that at least 30 percent of eligible employees in the unit no longer support the current exclusive representative; and (2) a petition showing that at least 30 percent of eligible employees in the unit support representation by an exclusive representative. The MNCPPC labor relations administrator is currently required to hold two separate elections for an exclusive representative of a bargaining unit when each of these petitions are submitted, even if they are submitted simultaneously.

Montgomery County Municipal Corporations – Building Requirements

In Montgomery County, a municipal corporation may by ordinance or regulation impose an additional or stricter building requirement than is otherwise required by any State, regional, or county unit that exercises zoning or planning authority. Any building requirement must be imposed for the protection of the public health, safety, and welfare, or for the preservation, improvement, or protection of lands, and improvements in the municipal corporation. A building requirement may only regulate construction, repair, erection, or remodeling of single-family residential houses, buildings, or other structures as it relates to (1) fences, walls, hedges, and similar barriers; (2) signs; (3) residential parking; (4) residential storage; and (5) the location of structures, including setback requirements.

House Bill 1232 (*passed*) expands the authority of municipal corporations in Montgomery County by authorizing these municipal corporations to impose additional or stricter building requirements for the preservation, improvement, or protection of water. The bill also authorizes the municipal corporations to regulate the construction, repair, erection, or remodeling of single-family residential houses, buildings, or other structures, relating to the dimensions and lot coverage of the structures.

Washington Suburban Sanitary Commission

Board of Ethics

In June 2003, the Washington Suburban Sanitary Commission (WSSC) adopted a Code of Ethics which established an independent Board of Ethics to assist the agency in maintaining desired ethical standards. *House Bill 1076 (passed)* authorizes the WSSC Board of Ethics to administer oaths and provides for judicial review for respondents who are aggrieved by a final order of the board. If a timely appeal is filed or until the time for seeking judicial review has expired, unless the respondent and the board agree otherwise, an order of the board is stayed. The bill authorizes WSSC to seek judicial enforcement of an order of the board and to ensure compliance with its regulations regarding conflicts of interest, financial disclosure, lobbying, and ethics in public contracting.

The bill prohibits WSSC contractors and subcontractors from violating any provision of WSSC ethics laws or the Maryland Public Ethics Law. The bill also prohibits commissioners, employees, contractors, and subcontractors from violating any provision of the ethics regulations of WSSC regarding conflicts of interest, financial disclosure, lobbying, and ethics in public contracting. And finally, the bill empowers courts to force compliance with an order of the board or WSSC ethics regulations and impose a fine of up to \$5,000 for violating WSSC ethics laws or WSSC regulations regarding conflicts of interest, financial disclosure, lobbying, or ethics in public contracting.

Minority Business Enterprise Program

The WSSC is required to operate a minority business enterprise (MBE) program to facilitate the participation of certified MBEs in administering construction projects and, under certain circumstances, goods and services contracts. WSSC is also required to establish rules that recognize MBEs certified by the State and to submit annual reports regarding the implementation and administration of its MBE programs. Both MBE programs are scheduled to terminate on July 1, 2006.

House Bill 1240 (failed) would have extended the termination date for MBE programs operated by WSSC for four years, from July 1, 2006, to July 1, 2010. Along with implementing several other provisions affecting WSSC MBE programs, *House Bill 1087 (failed)* would have also extended the termination date to July 1, 2010.

