

## **Part D**

### **Local Government**

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#### **Local Government – Generally**

##### **Local Governments – Financial Reports – Submission Date**

*Senate Bill 498/House Bill 742 (both passed)* allow a county, municipal corporation, or special taxing district in the State with a population exceeding 400,000 persons to submit to the Department of Legislative Services the jurisdiction's annual financial reports by the first day in January following the end of the fiscal year and allow those jurisdictions to submit the jurisdiction's indebtedness reports 180 days following the end of the fiscal year. Baltimore City and Anne Arundel, Baltimore, Montgomery, and Prince George's counties each have a population exceeding 400,000 persons.

##### **Local Land Preservation Programs**

*House Bill 1131 (passed)* authorizes a county or municipal corporation to adopt a local land preservation program that provides funds for the local government to purchase interests in real property. Each program is to be funded by a continuing and dedicated local or private funding source that is not derived from State funds. A program is eligible for State matching funds. The bill establishes several oversight and administrative tasks to be performed by the Department of Natural Resources.

The bill declares, generally, that it is State public policy to preserve the waters and open spaces of the State. The bill also declares that the new funding sources designed to improve water quality and land preservation should be made available.

## Planning Commissions – Plan Elements

*House Bill 946 (failed)* would have modified the required content of local comprehensive plans and would have modified requirements of public officials and planning commissions with respect to providing information regarding local comprehensive plans in those counties and municipalities that exercise their own zoning and planning authority and have water or sewer facilities in their jurisdiction.

## Plans and Programs – Review and Revisions

*Senate Bill 715 (failed)* would have decreased the frequency with which forest conservation and critical area program reviews must be completed by conducting those reviews in coordination with the review of the local comprehensive plan every six years.

## Counties – Generally

### Select Legislation of Interest

#### Shore Erosion Control in Carroll, Dorchester, St. Mary’s, and Somerset Counties

The Department of Natural Resources (DNR) once had a program that funded shore erosion prevention projects. Under the DNR program, regulations were adopted that prevented the loss of benefit assessments due to the sale of property. Counties affected by shore erosion began funding their own shore erosion prevention projects when the DNR program stopped providing funding to local projects.

After local shore erosion prevention works are completed in commission counties, the county commissioners may levy a benefit charge on real property. The commissioners determine the benefits accruing to each lot and levy the benefit charge to the extent the lot is benefitted. *Senate Bill 714 / House Bill 224 (both passed)* require annual benefit assessments levied for shore erosion prevention projects in Carroll, Dorchester, St. Mary’s, and Somerset counties to be paid in annual installments by property owners for 25 years, or any shorter time as directed by the county commissioners. The sale of the benefitted property does not extinguish the lien against the property for the shore erosion prevention works.

#### St. Mary’s County – Right to Farm

*House Bill 143 (Ch. 35)* authorizes the County Commissioners of St. Mary’s County to adopt an ordinance or regulation or take any other action that the county commissioners consider necessary to protect a person’s right to farm or engage in agricultural or forestry operations. Similar legislation has been enacted for other

counties, including Calvert, Caroline, Carroll, Dorchester, Frederick, Garrett, Somerset, and Washington counties.

## **Municipal Governments**

### **Urban Renewal Authority for Slum Clearance**

Eleven municipal corporations sought and received from the General Assembly urban renewal authority for slum clearance under the provisions of Article III, § 61 of the Constitution of Maryland. These bills add an appendix to the charter of each of the eleven municipal corporations addressing that municipality's powers relating to urban renewal projects, creation of an urban renewal agency, approval of an urban renewal plan, disposal and condemnation of property in an urban renewal area, and the issuance of general obligation and revenue bonds. These bills granted urban renewal authority for slum clearance and redevelopment to the Town of Marydel in *Senate Bill 189 (Ch. 10)*, the Town of Henderson in *Senate Bill 190 (Ch. 11)*, the Town of Goldsboro in *Senate Bill 191 (Ch. 12)*, the Town of Greensboro in *Senate Bill 193 (Ch. 13)*, the Town of Charlestown in *Senate Bill 312 (passed)*, the Town of Preston in *Senate Bill 690 (passed)*, the Town of Ridgely in *Senate Bill 691 (passed)*, the Town of Hillsboro in *Senate Bill 692 (passed)*, the Town of Landover Hills in *House Bill 635 (Ch. 74)*, the Town of Cottage City in *House Bill 639 (Ch. 75)*, and the Town of Capitol Heights in *House Bill 648 (passed)*.

With the passage of these bills, 62 out of 156 municipal corporations now have urban renewal powers under the Constitution.

### **Housing Authority of the City of Annapolis**

*House Bill 1238 (passed)* changes the number of commissioners on the Housing Authority of the City of Annapolis from five to seven members. The bill requires one member be a tenant of a housing authority property and one member be a tenant of a housing authority property for seniors and provides for the staggering of terms of the commissioners of the Housing Authority. The bill also authorizes the Authority to remove the executive director by the affirmative vote of five commissioners.

## Bi-County Agencies

### Maryland-National Capital Park and Planning Commission

#### Park Police

**Collective Bargaining:** For several years, the park police employees of the Maryland-National Capital Park and Planning Commission (MNCPPC) have had binding arbitration for their labor contracts with MNCPPC. Under current law, a fact finder may be used in the collective bargaining process between the park police employee organization and the MNCPPC when agreed upon by the MNCPPC and the employee organization, or in the event of an impasse.

During the 2001 legislative session, legislation was enacted to grant more extensive collective bargaining rights to other MNCPPC employee organizations. **House Bill 769 (passed)** grants park police employers a similar expansion of their collective bargaining provisions. The bill establishes procedures requiring the appointment of a mediator-arbitrator and binding arbitration when there is an impasse in collective bargaining. The MNCPPC and the employee organization must share equally in paying the costs of the mediator-arbitrator's services. The economic provisions of the final agreement are subject to funding by the Montgomery and Prince George's county councils. The bill also provides for the appointment of a Labor Relations Administrator, sets a time frame for the negotiations, and clarifies the rights and responsibilities of the MNCPPC.

**Mutual Aid Agreements:** Police agencies in Maryland are authorized to enter into mutual aid agreements in nonemergency situations. **House Bill 774 (passed)** allows the MNCPPC to expand its police force, in either Prince George's County or Montgomery County or both, beyond that which is needed to protect MNCPPC property and activities, if included in an express provision of a mutual aid agreement approved by the appropriate county.

#### Hunting on Commission Land

In Maryland, a person must have a proper permit or license issued by the Department of Natural Resources in order to hunt. State wildlife regulations and laws apply throughout Maryland; however, locally owned properties within the State may restrict public access by their own authority. **House Bill 764 (Ch. 86)** establishes hunting on MNCPPC property without prior written permission as a misdemeanor, punishable by a fine not exceeding \$1,500 for a first violation, and by imprisonment not exceeding one year, or a fine not exceeding \$4,000, or both, for subsequent violations. The Act also establishes procedures for citation and prosecution of the misdemeanor,

similar to those used by the Department of Natural Resources for illegal hunting on State lands. The Act also sets penalties for the misdemeanor.

### **Commission Board Members**

The MNCPPC is governed by ten commissioners, five each appointed from Montgomery County and Prince George's County. Each county is represented by one full-time commissioner who serves as the chair of the county's planning board and four part-time commissioners who serve on the county's planning board. *House Bill 763 (passed)* removes the salaries of the part-time members from statute and instead authorizes the Montgomery and Prince George's county councils to establish the salaries of part-time planning board members of the MNCPPC by resolution or ordinance separate from a budget action and after notice and public hearing.

### **Washington Suburban Sanitary Commission**

#### **Commission Police Force**

The Washington Suburban Sanitary Commission (WSSC) has "special police officers" authorized under Article 41 of the Code assigned to its Security and Safety Services Group. These officers have full police powers on WSSC property and while in fresh pursuit of criminal suspects. However, special police do not constitute a separate "police force" under Maryland law and, therefore, are not allowed access to records and information on criminal history records check of individuals or motor vehicles. *House Bill 773 (passed)* formally establishes the WSSC police force as a discretely authorized force, capable of sharing and receiving federal and State criminal information. A WSSC police officer may exercise law enforcement powers on property owned, leased, operated by, or under the control of the WSSC and on non-WSSC property if the officer is: (1) engaged in fresh pursuit of a suspect; (2) requested or authorized to do so in a political subdivision; (3) needed for a traffic assignment involving WSSC property; or (4) ordered to do so by the Governor. The WSSC is required, in consultation with the Department of State Police and the Maryland Police Training Commission, to adopt regulations and standards to carry out the bill's provisions. The bill also includes the WSSC police force under the Law Enforcement Officers Bill of Rights.

#### **Pretreatment Program – Infractions**

State law does not mirror WSSC regulations regarding pretreatment requirements for industrial users. The WSSC is required to issue a written complaint if it has reasonable grounds to believe that the person to whom the complaint is directed has violated any provision of the WSSC pretreatment program. The definition of a WSSC infraction does not include violations of the pretreatment program. *House Bill 767 (Ch. 87)* authorizes the WSSC to adopt regulations governing the WSSC pretreatment

program. The bill also: (1) makes violations of pretreatment standards a WSSC infraction under the exclusive jurisdiction of the District Court; (2) authorizes the WSSC to issue a written complaint; and (3) changes the definition of a WSSC infraction to include regulations governing the pretreatment program.

### **Minority Business Enterprise Program**

Current law authorizes the WSSC to operate, until July 1, 2002, a Minority Business Enterprise (MBE) program to encourage the participation of MBEs as contractors and subcontractors on construction projects. *House Bill 768 (passed)* extends the authority of the WSSC to operate its MBE program to June 30, 2005. The bill also extends the requirement for WSSC to submit an annual report on the implementation and administration of the program and any recommendations concerning the program to the Montgomery County and Prince George's County delegations to the General Assembly by September 15 of each year.

## **Prince George's County**

### **Development Rights and Responsibilities Agreements**

Under current law, the Prince George's County Council must impose adequate public facilities standards and requirements for public schools. Article 66B of the Code generally authorizes counties and municipalities to enter into development rights and responsibilities agreements with a developer to set conditions under which a development may proceed for a specified time. *House Bill 776 (passed)* authorizes the Prince George's County Executive, subject to the approval by the District Council, to enter into development rights and responsibilities agreements with developers regarding real property located in Prince George's County. The agreements are available only for the purpose of advancing school capacity in the county.

### **Delegation of Zoning Citation Authority**

Before exercising its authority to enforce zoning laws, current law requires a municipal corporation to enter into a written agreement with the Prince George's County Executive concerning the method by which the county will be advised of citations issued by a municipal inspector, the responsibility of the municipal corporation or the county to prosecute violations cited by the municipal corporation, the resolution of disagreements between the municipal corporation and the county about the interpretation of the zoning laws, and any other matters that the County Executive deems necessary for the proper exercise of this authority. *House Bill 1096 (passed)* transfers the approving authority for these delegation agreements to the District Council for Prince George's County from the County Executive.