

**MINUTES
CHAPTER 113 - TASK FORCE**

**COMMISSIONERS of ST. MARY'S COUNTY &
ST. MARY'S COUNTY METROPOLITAN COMMISSION**

SEPTEMBER 20, 2017

The meeting of the Chapter 113 Task Force Meeting was called to order at 4 p.m. Those in attendance are shown on the attached sign-in sheet.

OPENING

The attendance sheet and Draft September 6, 2017 Meeting Minutes were circulated among the group. The members briefly reviewed the Draft Minutes. No changes were noted.

Mr. Erichsen stated that the text changes discussed at the September 6, 2017 meeting and in the draft meeting minutes had been reflected in the updated Amendment Matrix. For consistency and tracking purposes, text amendments have been highlighted for ease of reference. In **Section 113-9**, Mr. Erichsen pointed out that Sections 3.10 and 4.3 of the Comprehensive Water and Sewerage Plan (CWSP) state that several methods are available to pay for public water and sewer infrastructure. In reality, the number of options are limited. The proposed text amendment recommendations may help create such programs, therefore, additional rationale was annotated to reflect that this recommendation is consistent with the CWSP. It was also noted in the rationale column under **Section 113-16** of the Matrix, that the proposed language is consistent with Section 1.2.5 of the CWSP which discusses shared facilities and controlling authority. In addition, the correct reference to the Environmental Article was cited. Further, referring to **Section 113-29**, it was agreed that "or zoning category "be removed as the Commissioners of St. Mary's County (CSMC) should not be placed in a position that if they were to complete a comprehensive rezoning, that the action would require the assessment of additional System Improvement Charges. Similarly, removing the word *shall* and replacing it with *may* will make this provision less onerous.

Mr. Erichsen then referred the group to a handout in the meeting packages containing the draft amendment language in the proper legislative format. If the amendments are approved locally by both Boards, it will need to be forwarded in a specific format for submission and consideration in Annapolis. The purpose of the handout was to demonstrate that the legal representative(s) on the Task Force were working in parallel with the Task Force amendment process. Between this meeting and the October 4, 2017 meeting, it was agreed that attorneys Beaver and Sparling will review the document for legal form and sufficiency to ensure that there are not any conflicts between Sections as a result of the proposed text amendments. Delegate Clark suggested that he review this language with the others in the Delegation in order to prepare everyone in advance of the joint meeting with the County on December 5, 2017.

Mr. Walters stated his concerns that the draft language in **Section 113-16C(2).Unfit Systems** may be too open ended. The concern is that private systems and poorly maintained systems could be too easily forced upon MetCom for take over. Considerable discussion followed surrounding concerns that the costs for unfit private systems requiring extensive upgrades or maintenance could become a MetCom responsibility. It is understood from Section C(1), that upgrades, rehabilitation and compliance are the responsibility of the private system owner(s). It was agreed that if the proposed language did not do so already, that it be revised to ensure that MetCom is not the responsible party.

The attention of the group then focused on various minor amendments throughout the Code which need to be addressed for consistency with the proposed amendments. For example, the proposed amendments allow the flexibility for capital contribution charges to be assessed in ways other than on a per EDU basis. As such, the Task Force agreed that the text in **Section 113-12.C.3.A** should read *“The Capital Contribution Charge shall be ~~assessed on a per EDU basis~~ a uniform charge assessed equally to properties of similar classification throughout all sanitary districts.”* Likewise, the definition in **Section 113-12A(2)** should read *“... an amount based on capital costs that is imposed and collected on a new EDU connection to a water supply or sewerage system under this chapter.”* If any other such inconsistencies are identified during the attorney review(s), they will be brought back to the next Task Force meeting for discussion.

Mr. Beaver advised that he searched for the word *bond* throughout Chapter 113 to determine if there might be other sections impacted by the proposed change to **Section 113-6** where the term “*bond*” is proposed to be replaced with “*debt*”. Mr. Beaver confirmed that his review and subsequent review indicates that there are instances where the word *bond* is appropriate and should remain written as is. It was also agreed to replace the outdated term “*Clerk*” with “*County Administrator*”.

At the end of the paragraphs in **Sections 113-7. A & C** there are cross references to outdated Sections 161 and 176. However, there are clarifying footnotes to the correct Sections 113-6 and 113-21, respectively. The concurrence of the group was that this type of text amendment is not necessary at this time. Extended conversation followed concerning the value and intent behind proposing text amendments that do not add value to the Chapter. The Task Force group recognizes that additional minor text amendments (housekeeping) could be tracked and proposed as future amendments.

However, the Task Force did agreed to correct minor amendments that were substantive such as **Section 113-6** which should properly reference the Code of St. Mary’s County, Maryland. Similarly, the Commissioners of St. Mary’s County should be corrected. Likewise, the title to **Section 113-20** is suggested to read “*Capital Improvement Plan*”; rather than the current “*Additional requirements of Commission.*”

Mr. Mummaugh asked if the Task Force should address the need for a different way to calculate the System Improvement Charges (SIC). It was agreed from prior Task Force discussions that this change would be difficult to garner support for at this time, especially in an upcoming election year. The Task Force agrees that the proposed amendments regarding the calculation and assessment of Capital Improvement Charges (CIC) and the ability to develop financing programs may provide some of the additional flexibility needed by the MetCom. The group recognized that it would be difficult to convince various stakeholders that SIC be shared among all customers, from both a fairness and equity standpoint. Although from a business standpoint, spreading costs out over a larger customer base would help stabilize rates, the general consensus is that there exists a strong opposition that existing customers should not be held responsible for the costs of service area expansions. It was agreed that this topic and mandatory connections would be best suited for future discussions, perhaps even for consideration during a future legislative cycle.

It was pointed out from a legal advertisement in the *Enterprise*, that that all legislative proposals must be submitted to the Commissioners of St. Mary's County by October 11, 2017. It is the goal of the Task Force to finalize the Amendment Matrix and forward its recommendations to the respective boards, with the Health Department's support letter, as a part of the next October 4, 2017 meeting. It is hoped that the boards will support the Task Force recommendations and that they are included in the Delegation materials for the December 5, 2017 meeting. Once these recommendations have been forwarded to the Delegation by the respective boards, the Task Force can for all practical purposes be disbanded. Mr. Erichsen advised that the Task Force members should plan on attending both the November 7 and December 5 meetings to provide their collective support and comment.

The group then briefly discussed the value of extending the term of this Task Force for the purposes of the next legislative session. It was generally agreed that task forces are created with a very specific purpose and a finite duration. It was suggested that a similar group would be best suited for any future legislative proposals and that the majority of individuals currently serving would most likely be considered to participate again.

The meeting was adjourned at approximately 5:50 p.m.



Kelly C. Jarboe,
Recording Secretary

Metropolitan Commission

John J. Carey, Chair
 Bryan Barthelme, Vice-Chair
 Alice Gaskin, Member
 Mike Mummaugh, Member
 Robert Russell, Member
 George Thompson, Member
 Steve Willing, Member



Commissioners of St. Mary's County

James R. Guy, President
 Michael L. Hewitt, Commissioner
 Tom Jarboe, Commissioner
 Todd B. Morgan, Commissioner
 John E. O'Connor, Commissioner

**September 20, 2017
 Attendance Sheet - Chapter 113 Task Force**

<i>Name of Entity</i>	<i>Representative</i>	<i>Designee(s)</i>	<i>Check Here</i>
Citizen(s)	Community members	Joseph (Russ) Russell	<i>JR</i>
Citizen(s)	Community members	John Walters	<i>John</i>
MetCom Board	Board Member	Michael Mummaugh	<i>MM</i>
MetCom Board	Board Member	John Carey	<i>JC</i>
CSMC	Commissioner	Tom Jarboe	
CSMC	Commissioner	James R. (Randy) Guy	
Health Department	Dr. Brewster, Health Officer	Daryl Calvano	
SMC Delegation	Chairman Deb Rey Representative	Delegate Jerry Clark	<i>J.C.</i>
MetCom Staff	Executive Director	George Erichsen	<i>GE</i>
MetCom Staff	CFO	Becky Shick	<i>BS</i>
MetCom Staff	MetCom Attorney	Christopher Beaver	<i>CB</i>
County Staff	CFO	Jeannett Cudmore	
County Staff	County Attorney	George Sparling	<i>GS</i>
County Staff	LUGM Director	Bill Hunt	