

Office of the County Auditor
Auditor's Analysis

Council Bill No. 9-2021
Introduced: January 4, 2021
Auditor: Michael Martin

Fiscal Impact:

The fiscal impact of this legislation cannot be determined at this time.

According to the Department of Public Works (DPW), there is a proposal to develop 28 duplexes utilizing a multi-used sewerage system (MSS). Should this legislation not pass, these units will not be developed resulting in the following forgone revenues and offsetting expenditures:

- Annual general fund revenues from property and income taxes
- Annual non-general fund revenues from fire taxes and ad valorem charges
- One-time revenues from transfer taxes, recordation fees, school surcharges, and road excise taxes
- Annual pupil costs from increased student enrollment
- Other costs associated with residential development

Any revenues and expenditures associated with the development may also be affected or delayed by the issues noted in Other Comments.

The Department of Public Works has stated it has no basis or historical data to provide cost or revenue estimates for this type of system. Furthermore, it is unable to provide projections of whether the required duties of an MSS can be performed within current capacity levels.

The number of County-approved MSS would dictate whether additional resources would be required. Related sewerage fees would be incurred by the developers and/or users of the systems and not the County, according to DPW.

Purpose:

This legislation would repeal a prohibition against the installation of certain multi-used sewerage systems in the County.

Other Comments:

According to the Office of Law; *“Although the prohibition on multi-used sewerage systems may be removed, as the proposed bill does, it is not clear to us how one of these systems could get approved since the relevant provisions in Title 18 no longer conform to state law.”*

According to the Administration, once installed and operational, the County will not be responsible for the system. However, the Office of Law indicated this interpretation is not consistent with State Law. According to Maryland Code, Environment Article §9-1110(a)(3), a government entity shall be the owner and “controlling authority” of an MSS.

Defined in Section 18.501 of the County Code, an MSS is not a shared septic system. A multi-used sewerage system is defined as a single system serving only one parcel of land whereas as Section 18.201 defines a shared system as one system that serves multiple residential lots.