

COUNTY COUNCIL

OF

DORCHESTER COUNTY, MARYLAND

BILL NO. 2024 - 7

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO MD. CODE ANN., LOCAL GOV'T § 20-805 TO ENACT A NEW CHAPTER 122 (PUBLIC FACILITIES AND SERVICES) OF THE DORCHESTER COUNTY CODE FOR THE PURPOSES OF ESTABLISHING THE DORCHESTER COUNTY DEPARTMENT OF WATER AND WASTEWATER SERVICES AND THE ORGANIZATION AND FUNCTIONS THEREOF; ABOLISHING THE DORCHESTER COUNTY SANITARY DISTRICT, INC. AND THE DORCHESTER COUNTY SANITARY COMMISSION; ESTABLISHING THE POWERS AND DUTIES OF THE COUNTY COUNCIL WITH RESPECT TO WATER AND WASTEWATER SERVICES; AND PROVIDING FOR THE ESTABLISHMENT OF A WATER AND WASTEWATER ADVISORY BOARD; PROVIDING THAT THE TITLE OF THIS BILL SHALL BE DEEMED A FAIR SUMMARY, AND GENERALLY RELATING TO WATER AND WASTEWATER SERVICES IN DORCHESTER COUNTY, MARYLAND.

WHEREAS, pursuant to Md. Code Ann., Local Gov't § 10-206(a)(2), the County Council of Dorchester County, Maryland (the "County Council") is authorized and empowered to pass any ordinance, resolution, or bylaw not inconsistent with State law that may aid in maintaining the peace, good government, health, and welfare of Dorchester County, Maryland (the "County"); and

WHEREAS, pursuant to Md. Code Ann., Local Gov't § 10-317(a)(2), the County Council is authorized and empowered to enact local laws to protect and promote public safety, health, morals, comfort, and welfare relating to the disposal of wastes, after reasonable notice and a public hearing; and

WHEREAS, pursuant to the foregoing statutory authority, on October 3, 2023, the County Council adopted Resolution No. 656 to make official its intent to establish a County department or agency of public sewer and water facilities and services, to assume the responsibilities of the Dorchester County Sanitary District, Inc., and to retain the then-current Sanitary District Commissioners in an advisory capacity until sufficient County policies and procedures were in place; and

WHEREAS, the County Council is desirous of establishing the County Department of Water and Wastewater Services, which shall be responsible for public water and sewer facilities and services in the County, abolishing the Dorchester County Sanitary District, Inc. and the Dorchester County Sanitary Commission, establishing the powers of the County Council with

respect to water and sewer services in the County, and establishing a Water and Sewer Advisory Board, pursuant to the provisions of this Bill; and

WHEREAS, the County Council finds that the enactments set forth herein are necessary to promote and protect public health, safety, and welfare.

SECTION ONE: Acting under Md. Code Ann., Local Gov't § 10-206(a)(2) and 10-317(a)(2) and § 301 of the Charter of Dorchester County, Maryland, be it ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that a new Chapter 122, entitled Public Facilities and Services, be and it is hereby enacted to read as follows:

CHAPTER 122 PUBLIC FACILITIES AND SERVICES

§ 122-1. Establishment of Department of Water and Wastewater Services. There is hereby created the Department of Water and Wastewater Services, which shall be assigned such functions as provided for in this chapter. Until such time as additional functions beyond water and wastewater services are assigned to said Department, the Department may be referred to as the "Department of Water and Wastewater Services." As used in this chapter, the term "Department" shall refer to said Department.

§ 122-2. Organization and functions of Department.

- A. **Organization of Department.** The Department shall be managed and supervised by the Water and Wastewater Services Director, or their designee, who shall be the Department head and who shall be appointed by the County Council as provided for in the County Personnel Rules and Regulations. The Department shall be assigned such employees and such equipment and facilities as determined by the County Council to be necessary and appropriate to carry out the functions of the Department.
- B. **Functions of Department.** The Department shall be responsible for the construction, maintenance, repair, service, and management of such water supply facilities and projects and such wastewater collection, treatment, and disposal facilities projects which are owned by the County or for which the County is responsible. The County Council may also assign such other functions to the Department as it shall, from time to time, determine.
- C. **Services to be provided by service area.** Water and wastewater services shall be provided and managed on the basis of separate service areas or shared facility areas which shall be established as provided by law or by resolution of the County Council. The revenues and expenditures for each such area shall be accounted for in a separate enterprise fund in accordance with the financial management rules of the County, and charges and fees shall be levied against the benefited properties in each area sufficient to pay the operating expenses and debt service associated with each separate area; provided, however, that the County Council may, in its discretion, make grants or loans from the general fund of the County to any such enterprise fund as it may determine to be necessary and appropriate.

§ 122-3. Abolishment of Sanitary District and Commission.

- A. Abolishment. Pursuant to Md. Code Ann., Local Gov't § 10-206(a)(2) and 10-317(a)(2), the Dorchester County Sanitary District and Dorchester County Sanitary Commission are hereby abolished.
- B. Continuation of existing service areas. All legally established water or sewer service areas created by the Sanitary Commission as of the date of abolishment shall continue in existence as separate service areas for water and sewer service, and the revenues, expenses, assets, liabilities, and debt of each service area shall be accounted for in separate enterprise funds for each of said service areas.
- C. Assumption of debt. As of the effective date of the abolishment of the Sanitary District, all outstanding bonds of the district are hereby assumed by the County Council, and the full faith and credit of the County is hereby pledged to meet the debt service requirements on all such bonds. For the purpose of paying the principal and interest on all such debt, the County Council shall continue to assess and collect front footage benefit assessments and connection charges against all real property in each of the respective service areas existing at the time of the abolishment as necessary to retire the bonds which were issued for the benefit of such service area. The County Council may provide, by resolution, for any such additional provisions as may be necessary to affect the assumption of said debt and the payment of the principal and interest on said debt. The County Council may also provide for the refunding or refinancing of any such outstanding bonds in such manner as it shall determine.
- D. Assumption of assets. All assets of the Sanitary District and the Sanitary Commission shall be transferred to the County Council, and all liabilities of the Sanitary District and the Sanitary Commission are hereby assumed by the County Council. Until the effective date of the abolishment, the Sanitary Commissioners shall serve as trustees of the assets of the Sanitary District and shall, upon the effective date of the abolishment, execute all necessary documents to transfer the assets of the district to the County Council.
- E. Transfer of property. All real and personal property of the Sanitary District shall be transferred to the County Council. Until the effective date of the abolishment, the Sanitary Commissioners shall serve as trustees of the property of the Sanitary District and shall, upon the effective date of the abolishment, execute all necessary documents to transfer the property of the district to the County Council.
- F. Responsibilities for agreements. Any legal and legally enforceable agreement entered into by the Sanitary District or Sanitary Commission in effect as of the effective date of the abolishment shall be assigned to the County Council, and the County Council shall be responsible for enforcing and carrying out the provisions of said agreement.
- G. Continuance of rules and regulations. Upon the effective date of the abolishment, all orders, rules and regulations of the Sanitary District and the Sanitary Commission shall continue in effect and shall be enforceable by the County Council until revoked or modified by resolution of the County Council.

- H. Revenues. Any revenues of the Sanitary District which were collected and dedicated for a specific purpose shall continue to remain dedicated for said purpose and shall not be transferred to the general fund of the County. Such revenues shall be credited to a separate enterprise fund as directed by the County Council.
- I. Pending matters. The County Council may continue all matters which were pending before the Sanitary District and the Sanitary Commission as of the effective date of the abolishment, and if continued, the County Council shall direct the completion of such matters by the Department.
- J. Employees. All employees of the Sanitary District employed on the effective date of the abolishment shall become employees of the County Council. The salary level, retirement benefit, insurance benefit, seniority level, and other vested employee benefits of each of such employees shall not be reduced upon the transfer to County employment, but each such employee shall be subject in all other aspects to the personnel rules and regulations of the County. Any employee described in this subsection may continue to participate as a member of the State Employees' Pension System only if the employee is employed in an eligible position with a participating employer as defined under Md. Code Ann., State Personnel and Pensions § 20-101. For the purpose of this subsection, the Sanitary Commissioners are not considered employees of the Sanitary District.

§ 122-4. Powers of County Council.

- A. Exercise powers of Sanitary District. Upon the abolishment of the Sanitary District and Sanitary Commission, the County Council shall exercise all the powers of a water or sewer authority or Sanitary District or Commission.
- B. Power to regulate, acquire, operate, and set fees. The County Council may:
 - (1) Adopt, by resolution, regulations for water and sewerage management.
 - (2) Acquire, construct, operate, and maintain water and sewerage systems as the County Council considers to be in the public interest and necessary to protect the general health and welfare.
 - (3) Set, by resolution, rates, fees, and assessments for water and sewerage services and benefits.

§ 122-5. Water and Wastewater Advisory Board.

There is hereby created a Water and Wastewater Advisory Board.

- A. Appointment; term; compensation. There shall be five members of said Advisory Board who shall be appointed by the County Council for two-year terms; provided, however, that the initial terms may be extended for an additional two years in order to create staggered terms.

Said Board members shall receive no compensation but may receive an expense allowance, as may be authorized in the budget by the County Council, for attendance at meetings.

B. Duties. The Advisory Board shall have the following responsibilities and duties:

- (1) Advise the County Council on the water and wastewater needs of the County.
- (2) Review amendments to the County Water and Sewerage Plan.
- (3) Make recommendations to the County Council on policies and procedures for the provision of water and sewer services in the County.
- (4) Review proposals for the creation of service areas and shared facilities and provide comments and recommendations to the County Council.
- (5) Review charges and fees for water and wastewater services and make recommendations to the County Council for changes in fees.
- (6) Review the proposed annual budget of the Department, as prepared by the Water and Wastewater Services Director, or designee, and provide comments and recommendations on said budget.
- (7) Such other additional duties as may be assigned, from time to time, by the County Council.

C. Removal of members. The County Council may remove any member of the Water and Wastewater Advisory Board from office for misconduct, incompetency, neglect of duty, or other sufficient cause upon written charges and after a hearing after at least fifteen days' notice.

[D. Advisory Board Sunset. The Advisory Board shall be disbanded, and its functions and responsibilities vested in the County Council as of June 30, 2028, unless this section is amended by the County Council.]

SECTION TWO: And be it further enacted and ordained that if any section, subsection, sentence, clause, phrase, or portion of this Bill is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Bill, it being the intent of the County Council that this Bill shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION THREE: And be it further enacted and ordained that all bills, ordinances, or parts thereof inconsistent with the provisions of this Bill are hereby repealed to the extent of such inconsistency.

SECTION FOUR: And be it further enacted and ordained that General Code Publishers is directed to codify the above amendments to the Dorchester County Code accordingly.

SECTION FIVE: And be it further enacted and ordained pursuant to § 308 of the Charter of Dorchester County, Maryland that promptly after enactment of this Act, the County Manager shall cause a fair summary of this Act to be published at least once in a newspaper of general circulation in Dorchester County, Maryland.

SECTION SIX: And be it further enacted and ordained that this Bill shall be known as Bill No. 2024-7 of Dorchester County, Maryland and shall take effect sixty (60) days after its final passage.

PASSED this _____ day of _____, 2024.

ATTEST:

COUNTY COUNCIL OF DORCHESTER
COUNTY, MARYLAND

BY: _____
Woodrow "Jerry" Jones, III
County Manager

BY: _____
George L. Pfeffer, Jr.
President

Pfeffer –

Detmer –

Kramer –

Nichols –

Travers –