

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

March 25, 2013

The Honorable President and Members
of the Baltimore City Council
Attn: Karen Randle, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

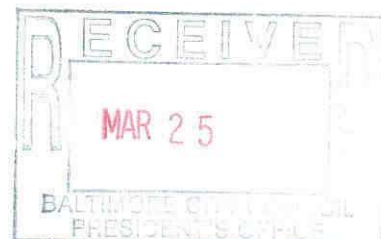
Re: City Council Bill 12-0155 – Stormwater Remediation Fees

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 12-0155 for form and legal sufficiency. The bill imposes a stormwater remediation fee to fund the costs of the City's stormwater management system. The bill provides for the setting of rates and calculation of the fee; provides for the establishment of a system of credits; provides for the collection and enforcement of the fee; specifies the uses to which the proceeds of the fee may be expended and the accounting and expenditure system for the stormwater utility; defines certain terms; prohibits certain conduct; and imposes certain penalties. The bill provides for a special effective date, which is July 1, 2013.

State law, specifically Section 4-202.1 of the Environmental Article, provides for local stormwater remediation fees, along with a local stormwater restoration fund. According to the State law, the stormwater remediation fee must be based on the share of the stormwater management services related to a given property and can be set as a flat rate, a graduated rate that accounts for the amount of impervious surface on a property, or based on any other method of calculation. The State law establishes that certain properties are exempt from the fee, but allows for specified fee reductions and the granting of local exemptions, including a financial hardship exemption. Furthermore, the State law allows for local policies and procedures to determine guidelines and procedures relating to the imposed fees. The State law requires the money deposited in the local stormwater restoration fund be spent only for certain specified purposes. Furthermore, the State prohibits money in the fund from reverting or being transferred to the general fund.

Council Bill 12-0155 satisfies the State law requirements. As there are no legal impediments to the adoption of this bill, the Law Department approves it for form and legal sufficiency as drafted.



Sincerely yours,


Victor K. Tervala

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor
Hilary Ruley, Assistant Solicitor
Ashlea Brown, Assistant Solicitor