

AGENDA ITEM #2B
May 19, 2010

Action

MEMORANDUM

May 17, 2010

TO: County Council

FROM:  Keith Levchenko, Senior Legislative Analyst

SUBJECT: **Action:** FY11 Water Quality Protection Charge Rate Resolution

Attached is a memorandum and draft resolution (©1-2) from the County Executive regarding the Water Quality Protection Charge rate for FY10. The County Council created the charge as part of Bill 28-00 in 2001. The Council is required under County Code Section 19-35(c) to set the rate for this charge each fiscal year by resolution. The resolution must be adopted no later than the date the Council approves the annual operating budget.

The assumptions in the draft resolution are consistent with the County Executive's Recommended FY11 Operating Budget transmitted to the Council on March 15, 2010. The budget assumes to increase the rate per equivalent residential unit (ERU) from \$45.50 to \$49.00.

A public hearing was held on April 13, 2010. The Transportation, Infrastructure, Energy and Environment (T&E) Committee discussed the Water Quality Protection Fund and the proposed rate for FY11 during its review of the Department of Environmental Protection (DEP) budget on April 28, 2010. On May 10, 2010, the Council tentatively approved the DEP budget (subject to final reconciliation on May 20, 2010).

On May 5, as part of the Council's consent calendar actions on a number of departmental budgets, the Council concurred with the T&E Committee recommendations, including the Water Quality Protection Fund expenditures for FY11 and the and the charge for FY11. **Council Staff recommends approval of the attached resolution which is consistent with Council action to date.**

Attachment

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Resolution No.: _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Council President at the request of the County Executive

SUBJECT: Water Quality Protection Charge for FY11

Background

1. Under County Code Section 19-35(c), each fiscal year, the County Council must, by resolution, set the rate or rates for the Water Quality Protection Charge.
2. The base rate for the Water Quality Protection Charge is the annually designated dollar amount set by the County Council to be assessed for each equivalent residential unit of property that is subject to the Charge.
3. Under Executive Regulation 6-02, an equivalent residential unit (ERU) is defined for these purposes, as the statistical median of the total horizontal impervious area of developed single-family detached residences in the County that serves as the base unit of assessment for the Water Quality Protection Charge. The designated ERU for Montgomery County equals 2,406 square feet of impervious surface.
4. Under County Code Section 19-35, properties in the City of Takoma Park and the City of Rockville are not subject to the Water Quality Protection Charge.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

The base rate for the Water Quality Protection Charge for Fiscal Year 2011 is \$49.00 per equivalent residential unit (ERU).

This resolution takes effect on July 1, 2010.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council