

Bill No. 23-11
Concerning: Development Districts,
Special Taxing Districts – Duplication
of Funding
Revised: 11-29-12 Draft No. 4
Introduced: June 21, 2011
Enacted: December 4, 2012
Executive: Returned unsigned
Effective: March 19, 2013
Sunset Date: None
Ch. 26, Laws of Mont. Co. 2012

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Elrich, Council President Ervin, and Councilmembers Berliner and Navarro

AN ACT to:

- (1) prohibit any development district from financing any infrastructure improvement financed or credited by any other government agency;
- (2) prohibit the White Flint Special Taxing District from imposing a tax to pay for any infrastructure improvement financed or credited by any other government agency;
- (3) prohibit the County from allowing a credit toward the payment of any development impact tax or any other tax, fee, or charge, for that part of any infrastructure improvement financed by a development district or the White Flint Special Taxing District; and
- [[3]] (4) generally amend County law regarding the financing of infrastructure improvements.

By amending

Montgomery County Code
Chapter 14, Development Districts
[[Section]] Sections 14-9 and 14-10

Chapter 68C, White Flint Special Taxing District
[[Section]] Sections 68C-3 and 68C-4

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

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

Sec. 1. Sections 14-9, 14-10, 68C-3, and 68C-4 are amended as follows:

14-9. Second Council Resolution.

* * *

(h) An infrastructure improvement financed by a development district may include any infrastructure required by the Planning Board as a condition of project, preliminary, or site plan approval. [[A]] Except as expressly approved by a Council resolution, a development district must not finance that part of the cost of any infrastructure improvement that has:

- (1) [[has]] been [[or is likely to be financed]] paid for by any other government agency, or;
- (2) [[for which any government agency may issue any]] received a credit toward the payment of the development impact tax or any other tax, fee, or charge.

* * *

14-10. Special Taxes and Assessments.

* * *

(g) The County must not allow a credit toward the payment of any development impact tax levied under Chapter 52, or any other tax, fee, or charge, for that part of any infrastructure improvement financed by a development district.

68C-3. Levy of Tax; Limits.

* * *

(f) The County must not allow a credit toward the payment of any development impact tax levied under Chapter 52, or any other tax, fee, or charge, for that part of any infrastructure improvement financed by the White Flint Special Taxing District.

68C-4. Transportation Infrastructure Improvement Resolution.

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~~[(f)]~~ (g) ~~[[A]]~~ Except as expressly approved by a Council resolution, a tax imposed under Section 68C-3 must not pay for that part of the cost of any infrastructure improvement that has:

(1) ~~[[has]]~~ been ~~[[or is likely to be financed]]~~ paid for by any other government agency, or;

(2) ~~[[for which any government agency may issue any]]~~ received a credit toward the payment of the development impact tax or any other tax, fee, or charge.

Sec. 2. Statement of Intent. The Council intends that, if any further special taxing district is created by law:

(a) except as expressly approved by a Council resolution, a tax imposed under the authorizing law must not pay for that part of the cost of any infrastructure improvement that has:

(1) been paid for by any other government agency, or;

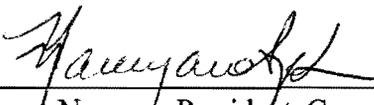
(2) received a credit toward the payment of the development impact tax or any other tax, fee, or charge; and

(b) the County must not allow a credit toward the payment of any development impact tax levied under Chapter 52, or any other tax, fee, or charge, for that part of any infrastructure improvement financed by the special taxing district.

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Nancy Navarro, President, County Council

12/6/12

Date

52 *Approved:*

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Returned Unsigned

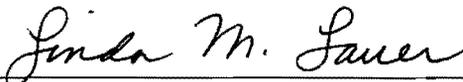
Isiah Leggett, County Executive

Date

55 *This is a correct copy of Council action.*

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Linda M. Lauer, Clerk of the Council

12/17/12

Date