

Article - Local Government

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§11-401.

(a) In this section, “department” means a department of public facilities and services.

(b) The powers granted under this section may be exercised notwithstanding any other law in effect when the county commissioners exercise a power granted under this section.

(c) The county commissioners, by public local law, may:

- (1) establish a department of public facilities and services; and
- (2) provide for the organization and functions of the department.

(d) The county commissioners may assign to a department:

(1) responsibility for construction, maintenance, repair, service, and management of:

(i) public works, public buildings, publicly owned water and sewerage facilities and projects, and capital projects;

(ii) water supply facilities and projects;

(iii) wastewater collection, treatment, and disposal facilities and projects;

(iv) solid waste collection, recycling, and disposal facilities and projects;

(v) storm drainage, erosion, and sediment control facilities and projects;

(vi) lighting for roads, highways, alleys, and other public places; or

(vii) mosquito control facilities and programs; and

(2) any other function or duty that is not inconsistent with this section.

(e) (1) Subject to paragraphs (3) and (4) of this subsection, if the county commissioners assign to a department the responsibility for water and sewerage functions, the county commissioners shall abolish by public local law:

(i) any water or sewer authority established for the county under Title 9, Subtitle 9 of the Environment Article; and

(ii) any sanitary district or commission established for the county under Title 9, Subtitle 6 of the Environment Article.

(2) Before abolishing a water or sewer authority or sanitary district or commission, the county commissioners may request that the entity provide to the county appropriate information to assist the county commissioners in complying with paragraph (3) of this subsection.

(3) The public local law shall provide:

(i) for the retiring, refunding, refinancing, transfer, or assumption of any applicable outstanding bonds of the abolished entity;

(ii) for the assumption of all existing assets and liabilities of the abolished entity by the county, subject to an audit of the assets and liabilities by a certified public accountant;

(iii) for the transfer of all real and personal property of the abolished entity to the county;

(iv) for the transfer of responsibility and administration of any legally enforceable agreement between the abolished entity and another party to the county;

(v) for the continued effect of orders, rules, and regulations of the abolished entity, until revoked or modified by the county commissioners;

(vi) that any revenues of an abolished entity remain dedicated for the purpose collected and are not transferred into the county's general fund; and

(vii) that all matters pending before the abolished entity may continue and shall be completed by the department.

(4) Any employee of a water or sewer authority or of a sanitary district or commission employed on the date that the authority, district, or commission is abolished who transfers to the department or to a municipality or local community under § 11-402 of this subtitle shall transfer without any loss of salary, retirement benefits, insurance benefits, leave time, seniority level, or other employee benefits.

(f) (1) If the county commissioners abolish a water or sewer authority or sanitary district or commission, the county commissioners shall exercise the powers of a water or sewer authority or sanitary district or commission.

(2) The county commissioners may:

(i) adopt regulations for water and sewerage management;

(ii) acquire, construct, operate, or maintain water and sewerage systems as the county commissioners consider to be in the public interest and

necessary to protect the general health and welfare; and

(iii) set rates, fees, and assessments for water and sewerage services and benefits.

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