

SB 18 Sponsor Testimony fav.pdf

Uploaded by: Adelaide Eckardt

Position: FAV

ADDIE C. ECKARDT
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Budget and Taxation Committee

Health and Human Services
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Fair Practices and
State Personnel Oversight

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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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Testimony for Senate Bill 18
Local Government Tort Claims Act - Cambridge Waterfront Development, Inc.
Judicial Proceedings Committee
January 26, 2022

Chairman Smith and Members of the Committee:

Thank you for the opportunity to present **Senate Bill 18 - Local Government Tort Claims Act - Cambridge Waterfront Development, Inc.**

This Bill passed unanimously in this Committee last session.

Cambridge Waterfront Development, Inc. (CWDI) was established in 2018 by the Cambridge City Council and the Dorchester County Council. Since 2018, CWDI has fostered community partnerships and relationships, while planning for mixed-use redevelopment along the Cambridge Waterfront.

Senate Bill 18 alters the Local Government Tort Claims Act to include CWDI under "Local Government". This bill will provide protections through the act, similar to ones afforded to other economic development entities across the State.

As Dorchester County and Cambridge continue to grow and redevelop, CWDI will continue to be an important partner. Thank you for your consideration and I respectfully ask for a favorable report of Senate Bill 18.

Best regards,

A handwritten signature in black ink that reads "Addie C. Eckardt".

Senator Addie C. Eckardt

CWDI Testimony Support re SB18 (2022 Session).pdf

Uploaded by: Chip MacLeod

Position: FAV

CAMBRIDGE WATERFRONT DEVELOPMENT, INC.

POST OFFICE BOX 1144
CAMBRIDGE, MARYLAND 21613

Senate Judicial Proceedings Committee

Testimony in Support - Senate Bill 18

Local Government Tort Claims Act – Cambridge Waterfront Development, Inc.

Wednesday, January 26, 2022
Virtual Bill Hearing

Cambridge Waterfront Development, Inc. (CWDI) supports passage of Senate Bill 18, which will include CWDI under the Local Government Tort Claims Act (LGTCA) for purposes of reducing its costs of insurance and limiting future liability exposure – given the public purpose mission of the corporate entity to relieve certain burdens of local government.

CWDI is a 501(c)(3) tax exempt economic development corporation established by the City of Cambridge (City) and Dorchester County (County) in furtherance of an intergovernmental Memorandum of Understanding (April 2018) to cooperatively plan, promote and oversee the redevelopment of the Cambridge waterfront. The County and City have shared equally in CWDI operational costs.

As both the City and County are Members of the Local Government Insurance Trust (LGIT), there is interest in exploring comprehensive liability and property coverage for CWDI as a Sponsored Public Entity pursuant to the LGIT Trust Agreement, particularly as CWDI is taking ownership and control of various properties within the Waterfront Planning Envelope this month and thereby assuming more risks associated with an economic development corporation. Eligibility for Sponsored Entity Coverage via LGIT is conditioned upon the Sponsored Entity (CWDI) being included as a “local government” under the LGTCA.

We thank Senator Eckardt for sponsoring this timely legislation on behalf of the City, County and CWDI, and respectfully request the Committee’s favorable consideration.

Contact: Jeff Powell, Vice-President
Matt Leonard, Executive Director
Charles D. MacLeod, General Counsel

SB 18 Testimony - Dorchester County Council.pdf

Uploaded by: Taylor Blades

Position: FAV

COUNTY COUNCIL OF DORCHESTER COUNTY

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RICKY C. TRAVERS**



**DONNA F. LANE
ACTING COUNTY MANAGER
E. THOMAS MERRYWEATHER
COUNTY ATTORNEY**

January 14, 2022

The Honorable William C. Smith, Jr., Senator
Judicial Proceedings Committee
2 East
Miller Senate Office Building
Annapolis, Maryland 21401

RE: Letter of Support – Senate Bill 18, “Local Government Tort Claims Act - Cambridge Waterfront Development, Inc.”

Dear Chairman Smith and Committee Members:

On behalf of the Dorchester County Council, I respectfully offer its support for Senate Bill 18 entitled “Local Government Tort Claims Act - Cambridge Waterfront Development, Inc.”.

As a Member of the Local Government Insurance Trust (the “Trust”), and pursuant to Section 9.06(b) of the Trust Agreement, we agreed to sponsor Cambridge Waterfront Development, Inc. (“CWDI”) for purposes of property, primary liability and excess liability insurance coverage. Senate Bill 955 alters the definition of “local government” under the Local Government Torts Claim Act to include CWDI a nonprofit corporation serving as an economic development authority of Dorchester County and the City of Cambridge pursuant to a memorandum of understanding between these parties. We ask that you look favorably upon this bill.

Thank you for your time and consideration of this letter of support. Please contact the Council’s Office at (410) 228-1700 if you have any questions.

Sincerely,

DORCHESTER COUNTY COUNCIL

Jay L. Newcomb
President

jln/dl

cc: The Honorable Adelaide Eckardt, Senator
The Honorable Christopher T. Adams, Delegate
The Honorable Sheree Sample-Hughes, Delegate
The Honorable Johnny Mautz, Delegate
Cambridge Waterfront Development, Inc.

MAJ - SB 18 - OPP - LGTCA Expansion.pdf

Uploaded by: Josh Howe

Position: UNF



Maryland Association for Justice, Inc.

2022 Position Paper

SB 18

Cambridge Waterfront Development, Inc. - Local Government Tort Claims Act UNFAVORABLE

SB 18 amends § 5-301(d) of the Local Government Tort Claims Act (LGTC) to add, Cambridge Waterfront Development, Inc, as a “local government,” entitled to damage caps under the Act (currently \$400,000 as opposed to the \$850,000 cap on normal personal injury claims).

The MAJ opposes limiting the liability of this private company by adding the entity to the LGTCA for the following reasons:

- Damage caps deny justice to those most seriously damaged or injured, by cutting off their right to a recover all their losses from a wrongdoer.
- Who are the likely victims of these capped damages? Residents and businesses located in Dorchester County, who have been injured or damaged by wrongdoing by a private corporation.
- A private corporation, incorporated to generate private sector business and employment opportunities is not doing the business of a local government, so it should not be entitled to local government immunity.
- If the cost of liability insurance is truly an issue for the Corporation, the local governments should offer premium support, rather than cutting off the compensation needed by those seriously injured or damaged by corporate wrongdoing.
- Damage caps encourage “ghoulish math,” a decision not to spend money on costly precautions, because the worst thing that can happen is a capped verdict.
- Like all private companies, Cambridge Waterfront Development, Inc., can limit its liability by exercising due care.
- LGTCA is not just about “caps” but a shortened statute of limitations. The planned development encompasses bars, dining, docks, boat ramp, canoe & kayak rentals, parking lot, mixed use housing & playgrounds. How would an individual be aware that these are governmental activities and entitled to a shortened statute of limitations?

MAJ urges an UNFAVORABLE report on SB 18.