



FREDERICK COUNTY COUNCIL

Local Government Fiscal Estimate of Legislation

CONTACT INFORMATION AND GENERAL INSTRUCTIONS

Bill Number/Reference:	Bill No. 15-10
Bill Title:	Amend Chapter 1-18 of the Frederick County Code (Waters, Sewers and Sewage Disposal)
Local Government Agency:	Frederick County Division of Utilities and Solid Waste Management (DUSWM)
Prepared By:	Lori Depies and Kevin Demosky
Title:	Directors, Finance Division and Division of Utilities and Solid Waste Management
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Due Date:	September 15, 2015
Date Submitted:	September 14, 2015

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Date: September 15, 2015	
Please respond to the questions below. If you prefer to provide responses or additional information in a separate file or document, send the file or document in a separate e-mail to rcherney@frederickcountymd.gov with the bill number/reference in the subject line.	
1.	Describe the impact of this proposed legislation on your agency (operations, revenues, expenditures, etc). If there is no impact, <u>please explain why.</u>
<p>As the originator (DUSWM) of the proposed legislation, there is very little impact anticipated with respect to the operations, revenues and expenditures (indirectly there is a minor impact to the Office of the County Attorney for those matters ultimately referred), largely because it is viewed as an enforcement tool similarly available in the following 14 areas of the County Code: Civil Fire Code Infractions - §1-2-69.1(I), Civil Animal Infractions - §1-5-53, Civil Building Infractions - §1-6-20, Civil Electrical Infractions - §1-7-49, Civil Sediment & Erosion Control Infractions - §1-10-48, Civil Smoking Infractions - §1-11-4, Civil Nuisance Infractions - §1-11-5, Civil Refuse Covering Infractions - §1-11-39, Civil Park Infractions - §1-12-49, Civil Plumbing Infractions - §1-14-98, Parking on County Property- §1-15-20, Civil Stormwater Management Infractions - §1-15.2-10.2, Civil Zoning Infractions -§1-19-2.210, Civil Infractions (Forest Resource Ordinance) - §1-21-25(F). As an example, DUSWM's Department of Solid Waste Management ("Department") has Civil Refuse Covering Infractions - §1-11-39 available as an enforcement measure. The Department utilizes a tiered system that typically begins with a verbal warning, followed by a written warning and ending with the issuance of a civil citation. Generally, less than three (3) per year are referred to the Office of the County Attorney for action, e.g., filed with the Circuit Court, with almost all of them "settled" before being heard by the Judge. Existing DUSWM staff would have the capability and capacity for the additional effort.</p>	
2.	Please indicate whether the proposed legislation will affect small businesses in Frederick County, and if it will, please provide any information you may have which could be useful in determining the economic impact on small businesses.
<p>As a practice, this has no effect on small businesses. As an example, illegal and unauthorized "tapping" of County hydrants cannot be viewed as an acceptable business practice where the business can claim use of the hydrant as an "entitlement." If anything, the act could be construed to be more of theft of the commodity (water). Other possible infractions offer discretion by the Director of DUSWM, specifically, "(L) <i>Depending on the circumstances of each case and after consultation with the County Attorney, the Director or authorized agent has the discretionary authority to reduce or suspend all or a portion of the fine.</i>" In certain cases of unawareness of certain violations of ordinances, resolutions, rules and regulations, or the Code or Public Local Laws, this discretion may benefit a small business should a one-time occurrence be deemed worthy of suspension (warning). Otherwise, it is expected that like any law, e.g., a speed limit, use of a seat belt when driving, etc., compliance is the responsibility of the party and if the party is doing what they are supposed to, no fines will be levied; therefore, no economic impact results.</p>	

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FISCAL IMPACT SUMMARY – SHOW (DECREASE) IN PARENTHESES						
<u>REVENUES</u>						
3.	Analysis of estimated increase (or decrease) in government revenues. Please estimate below any anticipated increase (or decrease) in revenues resulting from this legislation. Please be aware of any delayed effective dates in the bill or other factors that may cause revenue increases/decreases to begin in later years.					
	<u>Source</u>	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>
	Fines	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000
	TOTAL \$	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000
	Please explain how the above estimated increase(s) or decrease(s) were arrived at, including any calculations and/or assumptions made. Please also explain any variation if the revenue increase(s)/decrease(s) are not constant.					
<p>Assumes that five (5) <i>unsatisfied</i> citations at \$400 each and five (5) citations at \$200 each are levied and collected per fiscal year. It is important to note, DUSWM does not consider this “revenue” for budgeting purposes and is negligible relative to its operating budget. Additionally, it is impossible to estimate the number of infractions that could be issued in any given fiscal year. Similarly, the Council could chose to change the proposed fine of \$200 for each civil infraction (<i>unsatisfied</i> fines are \$400) to be higher or lower.</p>						

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<u>EXPENDITURES</u>						
4.	Analysis of estimated increase (or decrease) in government expenditures . Please estimate below any anticipated increase (or decrease) in expenditures resulting from this legislation. Please be aware of any delayed effective dates in the bill or other factors that may cause expenditure increases/decreases to begin in later years.					
<u>A. Salaries & Wages</u>		<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>
FTE Employees - <u> 0 </u> # of positions		- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
Fringe Benefits ¹		- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
TOTAL (Salaries, wages & benefits)		\$	\$	\$	\$	\$
<p>Please provide an explanation of the need for the number and type of any personnel listed above, including (1) what specific provision(s) of the bill necessitate additional staff; (2) what the duties of each type employee will be; and (3) why existing personnel cannot absorb the additional work. Please also certify the wage/salary rate and % fringe rate (if differing rates apply) for each personnel classification.</p>						
<u>B. Other Operating Expenses</u>		<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>
Technical/Special Fees, Grants/Subsidies Communications-Phone, Postage Travel, Food, Auto, Fuel & Utilities Contractual Services Supplies Equipment-Replacement Equipment-Additional Land & Structures, Fixed Charges Other (Please Specify on Extra Page(s))		- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
TOTAL (Expenditures)		\$	\$	\$	\$	\$
<p>On the next page, please provide brief descriptions/breakdowns of the above "Other Operating Expenses."</p>						
<p>Please explain below any additional calculations or assumptions made in estimating the "Other Operating Expenses" that will help us to understand the amounts and timing of the expenses.</p>						

¹ DUSWM considers the proposed legislation to be cost-neutral. To put the effort associated with the Civil Refuse Covering Infractions - §1-11-39 into perspective, it is estimated that no more than 5 hours per year is attributed to the estimated three (3) cases per year by the County Attorney's Office and the Department of Solid Waste Management expends no more than 3 hours per year on said cases.

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4. (cont'd)

C. Operating Expense Descriptions/Breakdowns

Please provide below a short description of the specific purpose of each expense listed under 4B. If any amount(s) listed under 4B represent(s) a total of multiple expenses, provide a breakdown of the fiscal 2016 amount with a short description of each expense (for example, if \$2,500 is listed for Communications – Phone, Postage, a statement such as “\$1,500 for cellphone charges for two new inspectors and \$1,000 for postage for mailings to permittees to notify them of changes to inspection requirements.”)

Fiscal 2016 Expenditures

Technical/Special Fees, Grants & Subsidies description/breakdown	\$
Communications – Phone, Postage description/breakdown	\$
Travel, Food, Auto Operations, Fuel & Utilities description/breakdown	\$
Contractual Services description/breakdown	\$
Supplies description/breakdown	\$
Equipment-Replacement description/breakdown	\$
Equipment-Additional description/breakdown	\$
Land & Structures, Fixed Charges description/breakdown	\$
Other (Please Specify) description/breakdown	\$

Please submit BY E-MAIL to: Ragen Cherney, Legislative Director/Chief of Staff
Frederick County Council • E-Mail: RCherney@FrederickCountyMD.gov