

COUNTY COUNCIL OF
DORCHESTER COUNTY, MARYLAND

RESOLUTION NO. 656

A RESOLUTION OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND TO MAKE OFFICIAL THE INTENT OF THE COUNTY GOVERNMENT TO ESTABLISH A DEPARTMENT (OR AGENCY) OF PUBLIC SEWER AND WATER FACILITIES AND SERVICES; TO ASSUME THE RESPONSIBILITIES OF THE DORCHESTER COUNTY SANITARY DISTRICT, INC. PURSUANT TO SECTIONS 11-401 and 11-402 OF THE LOCAL GOVERNMENT ARTICLE, MARYLAND ANNOTATED CODE, AND TO RETAIN THE CURRENT SANITARY DISTRICT COMMISSIONERS IN AN ADVISORY CAPACITY UNTIL SUFFICIENT COUNTY POLICIES AND PROCEDURES ARE IN PLACE TO AFFECT A SMOOTH TRANSITION.

RECITALS

WHEREAS, pursuant to the Resolution to Incorporate (“Incorporation”) unanimously adopted on January 31, 1961, by the then County Commissioners of Dorchester County, Maryland (the “County”), the Dorchester County Sanitary District, Inc. (the “District”) was established under the authority of Section 646 of Article 43 of the Md. Code Ann.; and

WHEREAS, pursuant to Incorporation, the District is governed by the Dorchester County Sanitary District Commission (the “Commission”) as an instrumentality of the County with the function to provide for public health and welfare with the power to acquire, construct, reconstruct, expand, repair, improve, maintain, and operate water and sewerage supply systems for certain real property within the County; and

WHEREAS, compliance with Maryland Department of the Environment (the “MDE”) regulations and requirements for the management of water and sewerage operations in the current regulatory and financial environment has been challenging for the District; and

WHEREAS, ongoing concerns with the operation of public sewerage collection and treatment services as provided by the District have led to meaningful discussions between the Commission, County and MDE regarding the transfer of the District’s assets and operations to the County to improve overall services for the betterment of the general health and welfare of the County, its citizens and the general public; and

WHEREAS, specific environmental and safety concerns about inadequate Bermed Infiltration Ponds (BIPs) serving certain sub-districts throughout the County create an urgency to determine a workable solution to repair and update existing infrastructure and provide adequate service, management and maintenance to existing shared-facilities and users; and

WHEREAS, the parties have determined the health and welfare of the County, its citizens and the public are best served by establishing a County department (agency) to manage public water and sewerage systems, pursuant to Local Government Article §§ 11-401 and 11-402; and

WHEREAS, the County desires to acquire all real property and tangible assets owned and used by the District in all water and sewerage operations, the District desires to transfer all real property and

tangible assets owned and used in all water and sewerage operations to the County, and MDE has advised the parties it is receptive to the intended transfer of District real property, tangible assets and authority to the County; and

WHEREAS, the transition intended by this Resolution may result in local and/or State legislation formalizing the policies and procedures established from the due diligence set forth herein, the assumption of liabilities and transfer of assets.

NOW, THEREFORE, with the recitals set forth above, incorporated herein and made a substantive part hereof, the County Council hereby resolves as follows:


1. The County shall authorize the County Manager, County Attorney and appropriate designees to collaborate with the Commission, MDE and users, and proceed with due diligence to establish the process and procedure to transfer control over District and Commission assets and obligations and for the County to assume responsibility for the operations thereof, and to proceed with implementation; and
2. Pursuant to §§ 11-401 and 11-402 of the Local Government Article of the Md. Code Ann. and § 404 of the Dorchester County Charter, management shall draft the necessary legislation and regulations to establish the County government department (agency) responsible for public water and sewer facilities and services and to transfer all real property, tangible assets and operational control of the District and Commission to the County.
3. The transition of public water and sewer facilities and responsibilities from the District to the County intended herein shall be completed as soon as practicable, and ideally by December 31, 2023.

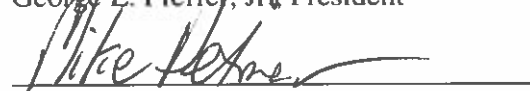
PASSED AND ADOPTED THIS 3rd DAY OF October, 2023

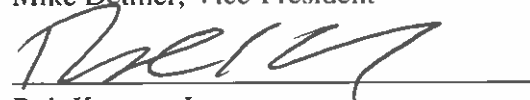
THE COUNTY COUNCIL OF
DORCHESTER COUNTY, MARYLAND

ATTEST:

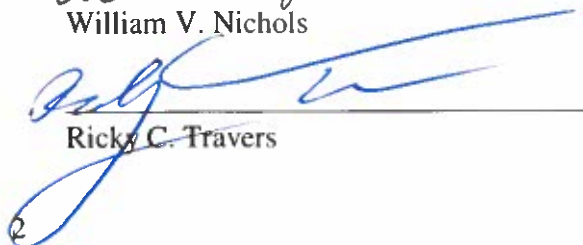

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