



Senate Bill 1097

Local Government Tort Claims Act – Regional Development Councils

MACo Position: **SUPPORT**

Date: April 5, 2016

To: Judiciary Committee

From: Michael Sanderson

The Maryland Association of Counties (MACo) **SUPPORTS** SB 1097. The bill would acknowledge the important local role of regional development councils and treat them the same as similar groups by including them under the Local Government Tort Claims Act (LGTCA).

SB 1097 would add “regional development councils” to the list of entities that are covered by the LGTCA. A regional development council is defined as a regional or municipal council established under Title 13 of the Economic Development Article and includes the: (1) Baltimore Metropolitan Council; (2) Mid-Shore Regional Council; (3) Upper-Shore Regional Council; (4) Tri-County Council for the Lower Eastern Shore; (5) Tri-County Council for Southern Maryland; and (6) Tri-County Council for Western Maryland.

In each case, these councils perform public functions to serve regional areas that extend beyond political boundaries. The councils play an important role in regional land use planning, economic development, and transportation projects. Local governments are their primary members.

Because they are essentially extensions of local governments, it makes sense to include regional development councils under the LGTCA. The Act is designed to provide a balance of indemnity for covered employees, plus certainty for the covered public entities and their assumed liabilities.

Additionally, there is precedent to incorporate such groups into the LGTCA. The Baltimore Metropolitan Council is already under the LGTCA, as are related groups such as the Maryland-National Capital Park and Planning Commission, the Howard County Economic Development Authority, Carroll County’s local public transportation and industrial development authorities (both nonprofit corporations), and Garrett County Municipalities, Inc.

SB 1097 would acknowledge the role regional development councils play as extensions of local governments and follow existing statutory precedent in providing them coverage under the LGTCA. Accordingly, MACo urges the Committee to adopt a **FAVORABLE** report on SB 1097.