

## Impact fee study flawed, auditor reports

**Councilman accuses  
Leopold of manipulating  
data for political gain**

By ERIN COX, Staff Writer

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The study that generated the highest impact fee proposal in county history used flawed data and dramatically overstated the cost of growth in the county, County Auditor Teresa Sutherland said last night.

"I don't think it's accurate or consistent," Ms. Sutherland said of the data an independent consultant used to calculate a 300 percent jump in the fees developers pay to build roads, schools and fund public safety.

She said the estimate for road costs was 38 percent too low and for schools was 35 percent too high. By Ms. Sutherland's accounting, that would reduce proposed impact fees for a 4-bedroom house from \$26,407 to \$10,150.

Her findings prompted a county councilman to lob accusations of malfeasance at the county executive during last night's public hearing, widening a political rift among county leaders as the debate continues over how to make new development pay for itself.

Councilman Ed Middlebrooks accused County Executive John R. Leopold's administration of deliberately giving inaccurate data to the consultant and manipulating the study to inflate the impact fees. Mr. Middlebrooks, a Republican like Mr. Leopold, said this was a political maneuver so that Mr. Leopold could appear hard on developers after Mr. Leopold collected more than 70 percent of his \$500,000 in

campaign contributions from the development community.

"Now we find him bringing a bill down that's not thought through, that's rushed through, for a political purpose of trying to look like he's distancing himself from you," Mr. Middlebrooks said to an audience of about 60 members of the development and building industry.

"I do find it offensive that we've been put in this position with sloppy study, incorrect numbers and you all are going to come in here tonight and tell us to fix it," said Mr. Middlebrooks, R-Severn. "All of us have fundraisers. We're all used to contributions. But when you start collecting \$4,000 from everybody in one lump sum, when you're (Mr. Leopold) taking a half million dollars, all of sudden you know, hey, I've got a political problem. I look like I'm in the developers' pocket. We all know, you all know, that in Anne Arundel County to win elections you can't look like you're in the developers' pockets."

Councilman Jamie Benoit, D-Crownsville, accused Mr. Leopold's administration of pressuring the president of a county employee union to attend the hearing and testify in favor of the bill. The union leader, Mike Akers, told the council the administration asked him if he planned to attend, but did request or demand his attendance.

Mr. Leopold took offense at the accusations that either his administration gave faulty data or pumped up impact fee proposal for political purposes.

"To suggest that the administration provided the consultant with flawed data is irresponsible and insulting to the consultant," Mr. Leopold said this morning. "This consultant is a national expert who has provided advice to Anne Arundel County over the course of two decades."

The study was completed by James C. Nicholas, a University of Florida professor emeritus who is widely considered an expert on impact fees. Mr. Nicholas completed studies for the county when Anne Arundel first implemented impact fees in 1987 and when the county updated them in 2000.

The County Council has scrutinized Dr. Nicholas's work since it was presented late last year. Various errors in data or assumptions used to create his report has lead to nine drafts of the study. The council plans to hire another consultant to offer a second opinion.

Mr. Leopold said that his desire to increase artificially low impact fees - Anne Arundel's are among the lowest in the state - is driven by the desire prevent taxpayers from subsidizing the cost of growth, not to appear hard on developers.

"My independence from developers and builders has been known for two decades," Mr. Leopold said. "That's one of the main reasons why my election was opposed by many in the developer and building community. No one should ... be surprised that I would continue to stand up to the developer and builder interests."

He cited legislation he introduced earlier this year to charge developers thousands for creating impervious surfaces that lead to stormwater pollution, a civil lawsuit filed against a prominent south county developer for environmental infractions among the evidence that he's always been hard on developers.

"I have said that developers and builders should have a voice at the table, but should never be allowed to drive public policy," Mr. Leopold said.

Bob Burdon, president and CEO of the Annapolis and Anne Arundel County Chamber of Commerce, decried the study as "at best case careless, at worst case manipulated ... to me, it's unbelievable."

Also at the hearing, developers, builders, mortgage brokers and realtors balked at the impact higher fees, saying they would support a fair proposal, but the current bill would damage their ability to do business and ultimately hurt consumers.

Often, the impact fees are added onto the cost of new homes and commercial buildings, raising prices for county residents.

The next public hearing on impact fees will be at 7 p.m. Feb. 19 in the Arundel Center.

- No Jumps-

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