

Thumbs down for Calvert Shores referendum

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A 4-0-1 vote by the Board of County Commissioners on Tuesday squashed efforts to incorporate Chesapeake Ranch Estates and the Lusby Town Center into Calvert Shores.

“None of us took this issue lightly,” said Commissioners’ President Tom Hejl (R), adding “the mapping was disturbing” in what was included and excluded in the municipality’s boundaries.

“I heard benefits for only a few who currently reside in the CRE, and no benefit to those outside of CRE and still within the proposed town limits; nor any benefit for the rest of the county,” said Commissioners’ Vice President Evan Slaughenhaupt (R), referring to comments given at a July 11 hearing.

Commissioner Mike Hart (R) recused himself from Tuesday’s vote due to his owning a business in Lusby Town Center.

Calvert Shores Organizing Committee Chair Kathy Zumbrun said in light of the commissioners’ decision to reject the ballot request, the committee will “work on electing officials in 2018 who believe in democracy and allowing the community to vote on a muni referendum.”

They will decide after the 2018 election if there are enough favorable BOCC members to start another petition.

The decision ended a multi-year effort to create Calvert’s third municipality.

An organizing committee began exploring the idea more than three years ago. Pros were that incorporation would make the area eligible for a share of taxes and state highway user revenues to fund road improvement projects, receive state and federal grants for disaster recovery, implement its own zoning as well as code enforcement and determine how public safety is handled. Adding a municipal tax was one of the biggest drawbacks.

The committee named the town and defined its boundaries before undertaking the Herculean task of collecting signatures from registered voters within the proposed municipal boundaries to garner support for a ballot measure.

There are roughly 6,775 voters affected by a Calvert Shores referendum. By law, 1,500 petition signatures, 25 percent of registered voters, were needed. After a 13-month effort, the committee submitted a petition with 2,300 signatures to the Calvert County Board of Elections. A state-required public hearing was held. In April and May 2016, the committee submitted its charter and required financial impact analysis.

On June 21, 2016, the BOCC rejected the ballot request to incorporate Calvert Shores, citing lack of input from the business community within the proposed boundaries. In turn, the commissioners approved a resolution to conduct a public hearing and reconsider the referendum on establishing the municipality once the organizing committee submitted another petition with the signatures of the owners of at least 25 percent of the assessed valuation of real property of the area proposed to be incorporated. The committee achieved this with more than 28 percent.

By October, county staff green-lighted a public hearing. Eight months later, the commissioners finally set the hearing date. Scores of people attended. Opponents had issues with the boundary that would pull in homeowners outside of CRE. Proponents, including two veterans, just wanted to exercise their right to vote.

“As a veteran myself, my motivation for military service was not to be able to vote, but to uphold the U.S. Constitution, for which I took an oath in 1971, and again in 2010 and 2014,” said Slaughenhaupt during Tuesday’s meeting, but acknowledged that the right to vote is the foundation of any democracy. “Yet most Americans do not realize that we do not have a constitutionally protected right to vote. While there are amendments to the U.S. Constitution that prohibit discrimination based on race (15th), sex (19th) and age (26th), no affirmative right to vote exists.

“When I swore the oath to protect and defend the U.S. Constitution, it meant ensuring the majority who may have the votes do not trample upon the minority who may not have enough votes,” Slaughenhaupt added.

In a staff report dated July 28, county staff recommended denial of the referendum request on the basis of 16 points of rationale, including that residents of CRE will pay \$435 more than they do now; funds that were going directly to roads would be used to fund another layer of government; and a special election would impact taxpayers who cannot vote.

“As county commissioners, we must weigh the costs and benefits for the entire county. Unfortunately, the proposed voting population does not include the entire county who could feel the impact creating this municipality,” said Slaughenhaupt.

Now that the BOCC has denied the request, the organizing committee would have to start the process all over again, if still interested in pursuing incorporation.

“There is no process in the State statute to challenge either the acceptance or rejection of the Petition to create a new municipality,” County Attorney John Norris said in correspondence with The Calvert Recorder. “That does not mean, however, that a person may not file suit to challenge the decision. If suit is filed, my office would review and take all lawful, necessary and appropriate steps to defend the Board’s decision.”

Zumbrun’s strategy includes having a discussion with the state legislature on the need to update the 60-year-old municipal law to allow it to go to referendum without the commissioners’ involvement. In the interim, “the [CRE] Board of Directors will review options to increase county funding back into our community,” said Zumbrun.

“Your decision is not surprising,” said Zumbrun, during the public comment period after the BOCC’s decision. “We’ll see what happens in the future at the next election.”