

10
^
A RESOLUTION PERTAINING THE INCORPORATION
OF THE CALVERT SHORES MUNICIPALITY

WHEREAS, Title 4, Subtitle 2 of the *Local Government Article* of the Maryland Annotated Code, as amended, sets for the procedures for incorporating a new municipality within Maryland;

WHEREAS, the Organizing Committee of Calvert Shores submitted a Petition to form the Calvert Shores Municipality to the Calvert County Board of Elections on November 9, 2015 selecting the alternative method of Petition whereby more than 25% of the registered voters in the proposed municipal boundary support the matter going to referendum;

WHEREAS, the Calvert County Board of Elections advised by "Petition processing Statistics Report" dated January 4, 2016, that 1,731 signatures were accepted, that being, according to the Calvert County Board of Elections, more than 25% of the registered voters within the proposed municipal boundary;

WHEREAS, the staff of the Board of County Commissioners of Calvert County did meet on several occasions with the Organizing Committee of Calvert Shores to answer questions and provide them information regarding governmental processes;

WHEREAS, the Organizing Committee of Calvert Shores submitted to the Board of County Commissioners the "Issues Related to the Proposed Incorporation of the City of Calvert Shores" on March 15, 2016;

WHEREAS, the Organizing Committee of Calvert Shores submitted to the Board of County Commissioners the "Proposed Charter and Financial-Impact Analysis for the City of Calvert Shores" on April 26, 2016;

WHEREAS, the Board of County Commissioners of Calvert County, Maryland finds that:

1. Despite the errors in the financial impact analysis submitted by the Calvert Shores Organizing Committee¹, it is clear that the Organizers intend an initial property tax rate of \$.386/\$100 assessed value and offset only \$.105/\$100 of assessed value of services currently provided by the County within the boundary of the proposed municipality;
2. Therefore, the creation of the Calvert Shores municipality will cost residents more in taxes, approximately \$.281/\$100 assessed value **MORE** in property taxes than other County residents not living in a municipality;

¹ The "Proposed Charter and Financial-Impact Analysis for the City of Calvert Shores" states that the municipality tax rate proposed is 5 cents, but shows the tax differential as revenue to the municipality. The tax differential is not revenue to the municipality, but is a reduction in the County tax rate for municipal residents. It is therefore presumed that the Organizing Committee was confused, but intended the municipality tax rate to be \$.386

3. The debt issuance limit of 20 percent of revenue proposed for the new municipality, being more than twice the debt limit established in Calvert County, is excessive, dangerous and will likely lead to an over-extension of credit;
4. It is evident that a primary purpose of the creation of the municipality is to spread the burden of improving private roads to properties not served by the private roads, including residences and businesses outside Chesapeake Ranch Estates;
5. The Board of Directors of the Property Owners Association of Chesapeake Ranch Estates has utilized the Special Tax District methods of raising revenue for private roads from those served by private roads, which is a more appropriate means of paying for the upgrade and maintenance of private roads;
6. It does not appear that the budget includes sufficient funds to cover start-up costs, including the cost of Information Technology hardware, software, etc.;
7. It is not well defined how the water & sewer infrastructure will operate within the municipal boundaries, where both the County Water and Sewer Division and the Lusby Water Company have existing operating areas;
8. There exists a threat of annexation of adjoining properties, including annexation of the Drum Point Community, that is not adequately addressed within the proposed Charter; and
9. The Lusby business community has not been given adequate information regarding the potential impact that an incorporated area would have and, if the fiscal impact through higher taxes are significant enough, this could cause a negative impact on Lusby businesses, making Lusby an undesirable location to operate and/or locate a business.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Calvert County, Maryland, that, for the foregoing reasons and pursuant to Section 4-2017(b)(1)(i) of the *Local Government Article* of the Maryland Annotated Code, this Resolution shall serve as the writing setting forth the reasons for rejection of the Petition;

BE IT FURTHER RESOLVED by the Board of County Commissioners of Calvert County, Maryland that, upon the request of the Calvert Shores Organizing Committee for reconsideration received on or before close of business on September 19, 2016, with the signatures of owners of at least 25% of the assessed valuation of the real property of the area proposed to be incorporated, the Board of County Commissioners will conduct a public hearing following publication of notice of the hearing and a summary of the matter being considered in one (1) newspaper of general circulation in the County once each week for 2 successive weeks.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Calvert County, Maryland that, in the event any portion of this Resolution is found to be unconstitutional, illegal, null or void, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Resolution shall be enforceable and valid.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are adopted as if fully rewritten herein.

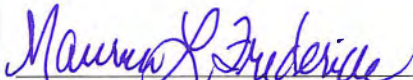
BE IT FURTHER RESOLVED by the Board of County Commissioners of Calvert County, Maryland that this Resolution shall be effective upon recordation without publication of a fair summary.


DONE, this 21st day of June 2016 by the Board of County Commissioners of Calvert County, Maryland.

Aye: 5
Nay: 0
Absent/Abstain: 0


ATTEST:

BOARD OF COUNTY COMMISSIONERS OF CALVERT COUNTY, MARYLAND



Maureen L. Frederick, Clerk


Evan K. Slaughterhaupt Jr., President

Approved for form and legal sufficiency by:



Tom Hejl, Vice-President


Mike Hart


John B. Norris, III, County Attorney


Pat Nutter

Received for Record June 22, 2016
at 10:15 o'clock A.M. Same day
recorded in Liber KPS No. 49
Folio 419 COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.


Steven R. Weems

