

# COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

## 2003 Legislative Session

Resolution No. CR-48-2003  
 Proposed by Council Member Dean  
 Introduced by Council Members Dean, Shapiro, Bland and Knotts  
 Co-Sponsors \_\_\_\_\_  
 Date of Introduction July 29, 2003

### RESOLUTION

1 A RESOLUTION concerning

2 Petition for the Incorporation of the City of Largo

3 For the purpose of setting forth in writing the reasons for the rejection of the referendum request  
 4 for the proposed incorporation of the City of Largo and establishing procedures by which a  
 5 reconsideration of the rejection of the referendum request can be undertaken.

6 WHEREAS, pursuant to Article 23A, §21 of the Annotated Code of Maryland, the  
 7 Organizing Committee to Incorporate the City of Largo (Organizing Committee) initiated a  
 8 petition to incorporate a specifically designated area as a municipal corporation, by presenting a  
 9 valid petition to the County governing body; and

10 WHEREAS, the area proposed to be incorporated consists of 486 individuals who are  
 11 registered to vote in County elections and is located in a geographical area comprised of 362  
 12 townhouse units, the Prince George's Community College, Largo High School, and Largo Plaza;  
 13 and

14 WHEREAS, based upon a review of the Petition and applicable data, pursuant to Article  
 15 23A, §21 of the Annotated Code of Maryland, the Organizing Committee obtained the signatures  
 16 of 29.2% or 142 of 486 individuals who reside within the area proposed for incorporation and  
 17 who are registered to vote in County elections; and

18 WHEREAS, pursuant to Article 23A, §21 of the Annotated Code of Maryland, the County  
 19 governing body verified the petition and appointed a County liaison; and

20 WHEREAS, pursuant to Article 23A, §22 of the Annotated Code of Maryland, the  
 21 Organizing Committee held a public meeting to collect public testimony on the proposed  
 22 incorporation and presented the County governing body with a report on issues related to the

1 proposed incorporation; and

2 WHEREAS, pursuant to Article 23A, §22 of the Annotated Code of Maryland, the County  
3 governing body and the Office of Audits and Investigations reviewed the report and provided  
4 comments to the Organizing Committee on issues relating to the proposed incorporation; and

5 WHEREAS, pursuant to Article 23A, §23 of the Annotated Code of Maryland, the  
6 Organizing Committee presented to the County governing body a proposed charter for use in a  
7 referendum election and submitted proposed charter statements that described the likely fiscal  
8 effect of the proposed incorporation on residents of the proposed municipality, residents in the  
9 vicinity of the proposed municipality, and the County as a whole; the services the proposed  
10 municipality will provide; and the impact the proposed incorporation will have on property tax  
11 rates; and

12 WHEREAS, after a review of written documentation submitted to the County governing  
13 body regarding the proposed incorporation, the County governing body held a duly advertised  
14 public hearing in the evening on the proposed incorporation and after receiving public testimony  
15 on the proposed incorporation at the public hearing, all of which was in opposition to the  
16 proposed incorporation, the County governing body voted 9-0 in favor of rejecting the  
17 referendum request; and

18 WHEREAS, pursuant to Article 23A, §23 of the Annotated Code of Maryland, the County  
19 governing body is required to provide in writing and make available to the general public within  
20 a reasonable time the reasons for rejecting the referendum request; and

21 WHEREAS, pursuant to Article 23A, §23 of the Annotated Code of Maryland, the County  
22 governing body is required to establish reasonable procedures by which a reconsideration of a  
23 rejection of a referendum request can be undertaken, including an opportunity for a public  
24 hearing with sufficient advance public notice.

25 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's  
26 County, Maryland, that the reasons for rejecting the referendum request submitted by the  
27 Organizing Committee are as follows:

28 (1) A very small geographical area is proposed to be incorporated, which, based on  
29 information provided by the Office of Audits and Investigations and supporting public  
30 testimony, would lead to the inability of the area proposed to be incorporated to provide the  
31 municipal services proposed by the Organizing Committee and additional necessary municipal

1 services cited by the Office of Audits and Investigations.

2 (2) While the Organizing Committee met the minimum statutory requirement of obtaining  
3 signatures of 25% of the residents who are registered voters, (29.2% or 142 of the 486  
4 individuals who reside within the area proposed for incorporation and are registered voters  
5 signed the petition to incorporate), approximately 70% of the registered voters in the area  
6 proposed for incorporation did not sign the Petition. In addition, all of those who live in the area  
7 proposed for incorporation that testified at the public hearing held by the County Council were  
8 opposed to the proposed incorporation. Further, Prince George's Community College and  
9 businesses located in the area proposed to be incorporated oppose the proposed incorporation.

10 (3) Based upon information provided by the Office of Audits and Investigations and  
11 additional supporting public testimony, the likely fiscal effect of the proposed incorporation on  
12 residents of the proposed municipality would be negative as municipal taxes would increase the  
13 tax burden to those taxpayers in the area proposed to be incorporated by approximately 64  
14 percent. Based upon information provided by the Office of Audits and Investigations the increase  
15 in an average tax bill for taxpayers in the area proposed to be incorporated is \$717 for residential  
16 property and is \$66,762 for commercial property.

17 Based upon information provided by the Office of Audits and Investigations and additional  
18 supporting public testimony, there would be increased costs to the businesses located in the area  
19 proposed to be incorporated and there is a potential for incurring significant municipal costs  
20 related to liability exposure related to unforeseen emergencies, disaster situations or lawsuits.  
21 Local service provision gives rise to liability exposure and the risk of litigation for municipal  
22 government and its public officials. If the proposed municipal corporation is sued and found  
23 liable, it is doubtful there would be sufficient resources to cover such actions.

24 Residents in the area proposed to be incorporated would continue to pay Homeowner's  
25 Association fees, for the duration of the legal existence of the Campus Way South Homeowner's  
26 Association. Thus, taxpayers in the area proposed to be incorporated would pay both municipal  
27 taxes and homeowner association fees. A high level of municipal taxation would occur to pay for  
28 the cost of an additional layer of bureaucracy in a small geographical area and would yield few  
29 new public services.

30 (4) Based upon information provided by the Office of Audits and Investigations and  
31 additional supporting public testimony, the likely fiscal effect of the proposed incorporation on

1 the County as a whole would be negative resulting from the reduction in County property taxes  
2 and provides for the potential need for County fiscal assistance to the area proposed to be  
3 incorporated in the event of a fiscal crisis in the area proposed to be incorporated.

4 (5) Based upon information provided by the Office of Audits and Investigations and  
5 additional supporting public testimony, the services that the proposed municipality will provide  
6 mainly consist of adding additional police personnel in the area proposed to be incorporated.  
7 The cost of such additional police personnel and how the addition of the minimal number of  
8 police personnel cited by the Organizing Committee lacks documentation supporting the  
9 anticipated deterrence and reduction of crime in the area proposed to be incorporated.

10 (6) The impact that the proposed incorporation would have on property tax rates would be  
11 to add a significant municipal tax rate in the area proposed to be incorporated and reduce County  
12 taxes collected in the area proposed to be incorporated.

13 BE IT FURTHER RESOLVED that procedures by which a reconsideration of the rejection  
14 of the referendum request can be undertaken are as follows:

15 (1) The Organizing Committee may request the County governing body's reconsideration  
16 of the rejection of the referendum request by submitting a letter requesting reconsideration to the  
17 County Council of Prince George's County, c/o Clerk of the Council, County Administration  
18 Building, 14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland 20772 on or before  
19 September 2, 2003.

20 (2) Upon receipt of a timely request by the Organizing Committee for the County  
21 governing body's reconsideration of the rejection of the referendum request, the County Council  
22 shall reconsider the rejection of the referendum request and the Clerk of the Council shall  
23 schedule a public hearing by the County Council on the reconsideration of the rejection of the  
24 referendum request to be duly advertised with at least two weeks notice prior to the date of the  
25 public hearing. The Clerk shall also send notification to the Organizing Committee.

26 (3) From the date of a timely request by the Organizing Committee for the County  
27 governing body's reconsideration of the rejection of the referendum request up to and including  
28 the date of the public hearing, the Organizing Committee and members of the public shall be  
29 invited to submit written testimony to the County Council of Prince George's County, c/o Clerk  
30 of the Council, County Administration Building, 14741 Governor Oden Bowie Drive, Upper  
31 Marlboro, Maryland 20772 regarding the proposed incorporation of the City of Largo and the

1 reconsideration of the rejection of the referendum request.

2 (4) At the public hearing on the reconsideration of the rejection of the referendum request  
 3 representatives from the Organizing Committee shall be allotted up to 30 minutes for providing  
 4 oral testimony. In addition, the Council may receive information from the County Attorney's  
 5 Office, the Maryland-National Capital Park and Planning Commission, the Office of Audits and  
 6 Investigations, and other relevant County agencies. Written comments will be accepted in  
 7 addition to or in lieu of oral testimony.

8 (5) At the public hearing on the reconsideration of the rejection of the referendum request  
 9 members of the public shall be invited to provide oral testimony. Testimony shall be limited to  
 10 three minutes per speaker. There will be no relinquishing of time by one speaker to another, and  
 11 allotted time periods will be closely followed. Written comments will be accepted in addition to  
 12 or in lieu of, oral testimony.

13 (6) The Organizing Committee and members of the public should contact the Office of the  
 14 Clerk of the Council, Phone (301) 952-3600, TDD (301) 925-5167 with any questions regarding  
 15 the procedures by which a reconsideration of the rejection of the referendum request can be  
 16 undertaken or to be placed on the advance speakers list.

17 (7) Pursuant to Article 23A, §24 of the Annotated Code of Maryland, on completion of the  
 18 hearing and review process, the County governing body shall by resolution affirm the rejection  
 19 or grant the referendum request.

Adopted this 29th day of July, 2003.

COUNTY COUNCIL OF PRINCE  
 GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
 Peter A. Shapiro  
 Chair

ATTEST:

\_\_\_\_\_  
 Redis C. Floyd  
 Clerk of the Council