

**PERTAINING TO THE AMENDMENT OF RESOLUTION 02-14 TO ALLOW
DEFERRAL OF CERTAIN CAPITAL CONNECTION CHARGES**

WHEREAS, a water and sewerage allocation policy was adopted by Resolution No. 02-14, which modified provisions of prior Resolutions Nos. 37-83, 42-85, 60-86, 6-91 and 2-98;

WHEREAS, the Board of County Commissioners of Calvert County desires to amend the payment provisions for Capital Connection Charges, being Part 4 of Resolution 02-14; and

WHEREAS, the Board of County Commissioners is authorized by Section 16-201 of the Code of Public Local Laws of Calvert County and the *Environment Article* of the Maryland Annotated Code to establish such rules as circumstances require for the allocation of water and sewerage treatment capacity and fees related thereto.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Calvert County, Maryland, that Part 4 of Resolution 02-14 is hereby repealed and that the following be adopted in its place:

4. A capital connection charge shall be collected for each Equivalent Dwelling Unit. Except as otherwise provided herein, Allocations remain with the project applied for as long as the following payment criteria are maintained:
 - a. An Applicant shall pay not less than one-third (1/3) of the capital connection charge for all EDU's allocated for the project (the "Allocation") not later than thirty (30) days from the Chief's determination. Failure to make such payment shall result in the automatic revocation of any allocation for the project and removal of the project from the ranking and request list referenced above.
 - b. When the Public Works Agreement for the development is approved by the Board of County Commissioners, the second one-third (1/3) installment on those units covered in the Public Works Agreement is due.
 - c. Except as otherwise provided herein, any unpaid balance of the capital connection charge is due three years from the date the site plan is formally approved by the Department of Community Planning & Building. This balance may be paid in 24 equal monthly payments beginning on that date.
 - d. Except as otherwise provided herein, when application is made for a building permit, the balance of the capital connection charge for the building permit requested is immediately due and payable.
 - e. If application for building permit is made between January 1, 2015 and July 1, 2015, the applicant may elect, in writing received not later than 4:30 p.m., local prevailing time, August 31, 2015, to defer payment of up to the final third of the Capital Connection Charge until the earlier of: (1) request is made for a Use & Occupancy permit; or (2) twenty-four (24) months from the date of building permit application. Minimum user fees and debt service payments shall accrue and become due as provided herein notwithstanding such an election to defer payment.
 - f. If any portion of the above payment schedule is not met, any partial payments

made shall be forfeited and all unused allocations shall be forfeited.

- g. If a reservation of EDU's remains unused after 2 years from initial one-third (1/3) payment above, minimum user fees (Quarterly Base Rate) and debt service payments shall accrue and shall be due and payable as if the reservation was allocated and in service.
- h. If the holder of an Allocation requests to relinquish any Allocations prior to the date which is two years from the first one-third (1/3) payment, above, a pro-rata share of the Capital Connection fee based on the unexpired portion of the two year period is returned, and the Allocation placed back into the general allocation pool.

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.

DONE, this 21 day of July, 2015 by the Board of County Commissioners of Calvert County, Maryland.

Aye: 5

Nay: 0


Absent/Abstain: 0

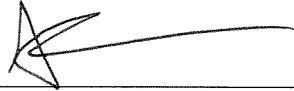
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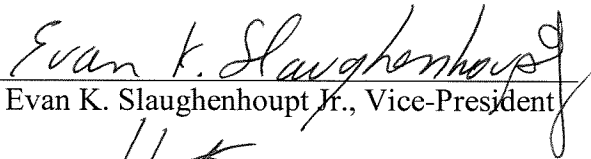
ATTEST:


**BOARD OF COUNTY
COMMISSIONERS OF CALVERT
COUNTY, MARYLAND**

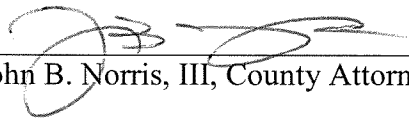

Maureen L. Frederick, Clerk



Steven R. Weems, President

Approved for form and legal
sufficiency by:


Evan K. Slaughenhaupt Jr., Vice-President

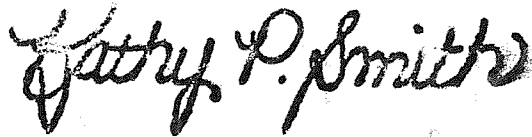

Mike Hart


John B. Norris, III, County Attorney


Tom Hejl


Pat Nutter

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File 412 COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.



COMMISS

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