

CF 7r1227

By: Delegates Conroy, Workman, Kagan, Gordon, Morgan, Snodgrass, Barve, Healey, Hubbard, Conway, Hecht, Howard, Menes, B. Hughes, Pitkin, Guns, Hixson, Bonsack, and Rudolph ~~Rudolph, and Benson~~

Introduced and read first time: January 29, 1997

Assigned to: Commerce and Government Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 1997

CHAPTER _____

1 AN ACT concerning

2 **Municipal Corporations - Incorporation Process**

3 FOR the purpose of ~~designating a certain~~ altering the process by which a certain
 4 organizing community reflecting a qualifying area can seek to become a municipal
 5 corporation; ~~altering certain requirements for initiating the municipal incorporation~~
 6 ~~process~~; requiring the Office of the Attorney General to develop a certain standard
 7 petition form; requiring the Attorney General to provide a certain standard petition
 8 form to the boards of supervisors of elections of each county under certain
 9 circumstances; changing the requirements for a valid petition for incorporation;
 10 ~~repealing a county governing body's power to veto an organizing community's~~
 11 ~~incorporation under certain circumstances; requiring a county governing body to~~
 12 ~~appoint representatives to negotiate with the organizing community on the~~
 13 ~~development of a proposed municipal charter under certain circumstances~~
 14 authorizing a county governing body to appoint one or more appointed officials to
 15 represent the county as liaisons with the community's organizing committee;
 16 ~~requiring an organizing community to hold~~ committee to take certain actions,
 17 including holding a public hearing under certain circumstances; requiring a county
 18 ~~governing body~~ and an organizing ~~community~~ committee to exchange certain
 19 information; authorizing a county governing body to reject a referendum request in
 20 accordance with specified procedures; requiring the county governing body and the
 21 ~~organizing community to negotiate an agreement on certain issues; requiring a~~
 22 ~~newly incorporated municipality~~ new municipal corporation to reimburse the county
 23 governing body for certain costs under certain circumstances; authorizing a county
 24 to withhold certain payments under certain circumstances; specifying a schedule for
 25 phasing in a new municipal corporation's share of local income tax under specified
 26 circumstances; requiring a county and new municipal corporation to cooperate in

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1 developing an initial comprehensive land use plan for the municipal corporation
 2 under certain circumstances; maintaining certain zoning classifications for a certain
 3 period under certain circumstances; defining certain terms; making stylistic changes;
 4 and generally relating to the incorporation process for an organizing community to
 5 become a municipal corporation.

6 BY repealing and reenacting, with amendments,
 7 Article 23A - Corporations - Municipal
 8 Section 20, 21, and 24 through 29
 9 Annotated Code of Maryland
 10 (1996 Replacement Volume)

11 BY repealing
 12 Article 23A - Corporations - Municipal
 13 Section 22, 23, and 30
 14 Annotated Code of Maryland
 15 (1996 Replacement Volume)

16 BY adding to
 17 Article 23A - Corporation - Municipal
 18 Section 22, 23, ~~and 24~~ 24, and 29
 19 Annotated Code of Maryland
 20 (1996 Replacement Volume)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article 23A - Corporations - Municipal**

24 20.

25 (A) (1) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 26 INDICATED.

27 (2) "COUNTY GOVERNING BODY" MEANS THE BOARD OF COUNTY
 28 COMMISSIONERS OR COUNTY COUNCIL OF A COUNTY.

29 (3) "ORGANIZING COMMITTEE" MEANS THE GROUP OF INDIVIDUALS
 30 FROM THE COUNTY AND THE ORGANIZING COMMUNITY THAT IS RESPONSIBLE FOR
 31 WORKING WITH THE COUNTY GOVERNING BODY ON THE PROPOSED MUNICIPAL
 32 INCORPORATION AFTER A PETITION FOR INCORPORATION IS VERIFIED.

33 ~~(3)~~ (4) "ORGANIZING COMMUNITY" MEANS ~~PERSONS~~ INDIVIDUALS
 34 RESIDING WITHIN A PARTICULAR UNINCORPORATED AREA WHO ARE INTERESTED
 35 IN FORMING A MUNICIPAL CORPORATION.

36 (B) [The] THIS SUBTITLE GOVERNS THE incorporation of any area and group of
 37 ~~persons~~ INDIVIDUALS, not then existing as a municipal corporation[, shall be
 38 accomplished as in this subheading provided. At least three hundred ~~persons~~
 39 INDIVIDUALS must be maintaining a bona fide residence within the limits of any]. AN

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1 area proposed for incorporation[,] SHALL CONTAIN AT LEAST 300 BONA FIDE
2 RESIDENTS before it may proceed under the provisions of this [subheading] SUBTITLE.

3 21.

4 (a) (1) [Twenty percent or more] AT LEAST ~~5%~~ 20% of the ~~persons~~
5 INDIVIDUALS WHO RESIDE within any particular area in a county AND who are
6 registered to vote in county elections, together with the owners of [not less than 25
7 percent] AT LEAST ~~40%~~ 25% of the assessed valuation of the real property of the area to
8 be incorporated, may initiate a proposal to incorporate that area as a municipal
9 corporation, by PRESENTING a VALID petition [presented] to the [board of county
10 commissioners or to the county council of the county] COUNTY GOVERNING BODY.

11 (2) AT LEAST ~~40%~~ 25% OF THE ~~PERSONS~~ INDIVIDUALS WHO RESIDE
12 WITHIN ANY PARTICULAR AREA IN A COUNTY AND WHO ARE REGISTERED TO VOTE
13 IN COUNTY ELECTIONS MAY INITIATE A PROPOSAL TO INCORPORATE THAT AREA
14 AS A MUNICIPAL CORPORATION, BY PRESENTING A VALID PETITION TO THE
15 COUNTY GOVERNING BODY.

16 (B) (1) THE OFFICE OF THE ATTORNEY GENERAL SHALL CREATE A
17 STANDARD PETITION FORM FOR USE BY ANY ORGANIZING COMMUNITY WITHIN
18 THE STATE.

19 (2) THE ATTORNEY GENERAL SHALL PROVIDE THE BOARD OF
20 SUPERVISORS OF ELECTIONS OF EACH COUNTY WITH THE FORM CREATED UNDER
21 PARAGRAPH (1) OF THIS SUBSECTION FOR DISSEMINATION TO ANY ORGANIZING
22 COMMUNITY.

23 (C) A PETITION PRESENTED UNDER SUBSECTION (A) OF THIS SECTION SHALL:

24 (1) EXPRESS THE INTEREST OF THE SUBSCRIBING INDIVIDUALS IN THE
25 INCORPORATION OF THEIR AREA;

26 (2) CONTAIN A DETAILED DESCRIPTION OF THE BOUNDARIES OF THE
27 AREA PROPOSED TO BE INCORPORATED, INCLUDING A SURVEY OF COURSES AND
28 DISTANCES OR GENERAL LANDMARKS AND PLACE NAMES; ~~AND~~

29 (3) STATE THE NAME CHOSEN FOR THE NEW MUNICIPAL
30 CORPORATION, WHICH MAY NOT BE THE SAME NAME AS THAT USED BY ANY
31 EXISTING MUNICIPAL CORPORATION OR COUNTY IN THE STATE; AND

32 (4) STATE THE NAMES OF THE INDIVIDUALS WHO WILL INITIALLY
33 REPRESENT THE ORGANIZING COMMUNITY ON THE ORGANIZING COMMITTEE.

34 (D) THE ORGANIZING COMMUNITY SHALL OBTAIN THE MINIMUM NUMBER
35 OF REQUIRED VALID SIGNATURES WITHIN 2 YEARS FROM THE DATE THAT THE
36 ORGANIZING COMMUNITY RECEIVED THE STANDARD PETITION FORM FROM THE
37 COUNTY BOARD OF SUPERVISORS OF ELECTIONS.

38 (E) (1) Each person signing the petition shall indicate on the petition the
39 person's name and [residence] RESIDENTIAL address; AND

4

1 (2) [and, if the person is the owner of real property in the area to be
 2 incorporated, the] THE location and assessed valuation of the person's property, IF THE
 3 PERSON OWNS REAL PROPERTY IN THE AREA TO BE INCORPORATED AND IF THE
 4 ORGANIZING COMMUNITY PURSUES THE INCORPORATION PETITION UNDER
 5 PARAGRAPH (A)(1) OF THIS SECTION.

6 (F) [Upon receiving the petition, the board of county commissioners or county
 7 council is directed to] WITHIN ~~30~~ 60 DAYS OF RECEIVING A PETITION, THE COUNTY
 8 GOVERNING BODY ~~SHALL~~:

9 (1) [verify] SHALL VERIFY that [any] EACH person who signed [it is a
 10 resident of] THE PETITION RESIDES IN the particular area TO BE INCORPORATED,
 11 [and] is registered to vote in county elections, [and/or is an owner of] AND, IF
 12 APPLICABLE, OWNS real property within the area to be incorporated;

13 (2) [, and shall consider] SHALL VERIFY THAT the petition [of no effect
 14 if] MEETS THE REQUIREMENTS OF THIS SECTION [it is signed by fewer than 20
 15 percent of the persons from that area who are registered to vote in county elections, or by
 16 persons owning less than 25 percent of said real property.]; AND

17 (3) IF THE PETITION MEETS THE REQUIREMENTS OF THIS SECTION,
 18 ~~MAY APPOINT AT LEAST 2 COUNTY OFFICIALS, 1 OF WHICH SHALL BE AN ELECTED~~
 19 ~~MEMBER OF THE COUNTY GOVERNING BODY, ONE OR MORE APPOINTED COUNTY~~
 20 ~~OFFICIALS TO REPRESENT THE COUNTY GOVERNING BODY IN NEGOTIATIONS WITH~~
 21 ~~THE ORGANIZING COMMUNITY GOVERNMENT AS LIAISONS WITH THE ORGANIZING~~
 22 ~~COMMITTEE.~~

23 [(b) Twenty-five percent or more of the persons who reside within any particular
 24 area in a county and who are registered to vote in county elections may initiate a proposal
 25 to incorporate that area as a municipal corporation, by a petition presented to the board
 26 of county commissioners or to the county council of the county. Each person signing the
 27 petition shall indicate on the petition the person's name and residence address. Upon
 28 receiving the petition, the board of county commissioners or county council is directed to
 29 verify that any person who signed it is a resident of the particular area and is registered
 30 to vote in county elections and shall consider the petition of no effect if it is signed by
 31 fewer than 25 percent of the persons from that area who are registered to vote in county
 32 elections.

33 (c) If a petition complies with the requirements of either subsection (a) or (b) of
 34 this section, the board or the council shall by resolution, passed as in its normal legislative
 35 procedure, specify the day and the hours for the election at which the question of
 36 incorporation shall be submitted to the voters of the particular area, or reject the
 37 referendum request within 60 days of the petition requirements having been met.

38 (d) (1) If the board or council rejects the referendum request, the board or
 39 council shall provide in writing and make available to the general public the reasons for
 40 rejecting the referendum request.

41 (2) The board or council shall establish reasonable procedures by which
 42 reconsideration of a referendum request denial can be undertaken, including an
 43 opportunity for a public hearing with sufficient advance public notice.

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1 (3) Upon completion of this hearing and review process, the board or
2 council shall, by resolution, affirm its previous action or grant the referendum request.

3 (4) If the resolution to grant a referendum is approved, there shall be a
4 special election, within a period of not less than forty days nor more than sixty days after
5 the passage of the resolution.

6 (5) In that portion of the resolution which provides for submitting the
7 question of incorporation to the voters of the particular area, the exact wording shall be
8 specified which is to be placed on the ballots or voting machines at the time of the
9 referendum.]

10 [(e)] (G) A petition when filed[shall become] BECOMES the property of the
11 [board of county commissioners or the county council,] COUNTY GOVERNING BODY
12 and [shall] MAY not [thereafter] be used for the purposes of initiating further
13 referenda [thereon].

14 [(f) No municipal corporation shall be created under the provisions of this subtitle
15 without the specific approval of the board of county commissioners or of the county
16 council of the county in which the proposed municipal corporation is located.]

17 [22.

18 The petition presented to the board of county commissioners or county council shall
19 include a detailed description of the boundaries of the area proposed to be incorporated.
20 The description shall comprise a survey of courses and distances and may also be by
21 general landmarks and place names. The name chosen for the new municipal corporation
22 shall not be the same as that used by any existing municipal corporation or county in the
23 State of Maryland.]

24 22.

25 (A) (1) WITHIN 90 DAYS FROM THE VERIFICATION OF A VALID PETITION
26 ~~AND THE APPOINTMENT OF THE REPRESENTATIVES OF THE COUNTY GOVERNING~~
27 ~~BODY, THE ORGANIZING COMMUNITY COMMITTEE SHALL:~~

28 (I) ACTIVELY SEEK INFORMATION AND INPUT FROM THE COUNTY
29 ~~GOVERNING BODY~~ GOVERNMENT;

30 (II) HOLD A PUBLIC MEETING TO COLLECT PUBLIC TESTIMONY ON
31 THE PROPOSED INCORPORATION; AND

32 (III) PRESENT THE COUNTY GOVERNING BODY WITH A ~~SUMMARY~~
33 ~~OF ITS POSITIONS~~ REPORT ON ISSUES RELATED TO THE PROPOSED INCORPORATION.

34 (2) DURING THE 90 DAY PERIOD REQUIRED UNDER PARAGRAPH (A) OF
35 THIS SUBSECTION, THE COUNTY ~~GOVERNING BODY~~ GOVERNMENT SHALL ~~INSURE~~
36 ~~THAT THE ORGANIZING COMMUNITY HAS ACCESS TO INFORMATION THAT WILL~~
37 ~~FACILITATE THE INCORPORATION PROCESS, INCLUDING FISCAL STATEMENTS AND~~
38 ~~THE COSTS OF PROVIDING SERVICES~~ COOPERATE FULLY WITH THE ORGANIZING
39 COMMITTEE.

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1 (B) WITHIN 45 DAYS OF THE RECEIPT OF THE SUMMARY REPORT REQUIRED
 2 UNDER ITEM (A)(1)(III) OF THIS SECTION, A DESIGNEE OF THE COUNTY GOVERNING
 3 BODY SHALL ~~DEVELOP AND PROVIDE A SUMMARY OF ITS POSITIONS ON ISSUES~~
 4 ~~RELATED TO THE PROPOSED INCORPORATION~~ REVIEW THE REPORT AND PROVIDE
 5 WRITTEN COMMENTS TO THE ORGANIZING COMMITTEE ON ISSUES RELATING TO
 6 THE PROPOSED INCORPORATION.

7 ~~(C) THROUGHOUT THE TIME PERIODS REFERENCED IN SUBSECTIONS (A)~~
 8 ~~AND (B) OF THIS SECTION, THE COUNTY GOVERNING BODY AND THE ORGANIZING~~
 9 ~~COMMUNITY SHALL AGREE REGARDING:~~

10 ~~(1) THE PHASING IN, WHICH MAY NOT EXCEED 3 YEARS, OF THE~~
 11 ~~PAYMENTS OF LOCAL INCOMES TAXES TO THE NEWLY INCORPORATED~~
 12 ~~MUNICIPALITY; AND~~

13 ~~(2) A COMPREHENSIVE LAND USE PLAN FOR THE MUNICIPALITY, IF THE~~
 14 ~~NEWLY INCORPORATED MUNICIPALITY WILL EXERCISE PLANNING AND ZONING~~
 15 ~~AUTHORITY.~~

16 [23.

17 The petition presented to the board of county commissioners or county council shall
 18 make provision for the text of the charter proposed for the municipal corporation. The
 19 petition shall include, as a supplementary paper, the exact text of the proposed charter.]

20 23.

21 WITHIN ~~30~~ 45 DAYS OF THE RECEIPT OF THE ~~COUNTY GOVERNING BODY'S~~
 22 ~~POSITION SUMMARY~~ WRITTEN COMMENTS SUBMITTED TO THE ORGANIZING
 23 COMMITTEE UNDER § 22(B) OF THIS ARTICLE, THE ORGANIZING ~~COMMUNITY~~
 24 COMMITTEE SHALL PRESENT THE COUNTY GOVERNING BODY WITH A PROPOSED
 25 CHARTER FOR USE IN THE REFERENDUM ELECTION.

26 24.

27 (A) BETWEEN 40 AND 60 DAYS AFTER THE COUNTY GOVERNING BODY
 28 RECEIVES THE PROPOSED CHARTER FROM THE ORGANIZING ~~COMMUNITY,~~
 29 COMMITTEE, THE COUNTY GOVERNING BODY ~~SHALL~~ MAY SPECIFY, BY
 30 RESOLUTION, THE DAY AND HOURS FOR A SPECIAL REFERENDUM ELECTION ON
 31 THE PROPOSED INCORPORATION FOR THE VOTERS OF THE AREA TO BE
 32 INCORPORATED.

33 (B) THE RESOLUTION ~~REQUIRED DESCRIBED~~ IN SUBSECTION (A) OF THIS
 34 SECTION SHALL CONTAIN THE EXACT WORDING OF THE PROPOSED CHARTER, AS
 35 SUBMITTED BY THE ORGANIZING ~~COMMUNITY,~~ COMMITTEE, TO BE VOTED ON AT
 36 THE TIME OF THE REFERENDUM.

37 (C) (1) IF THE COUNTY GOVERNING BODY REJECTS THE REFERENDUM
 38 REQUEST, THE COUNTY GOVERNING BODY SHALL PROVIDE IN WRITING AND MAKE
 39 AVAILABLE TO THE GENERAL PUBLIC THE REASONS FOR REJECTING THE
 40 REFERENDUM REQUEST.

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1 (2) THE COUNTY GOVERNING BODY SHALL ESTABLISH REASONABLE
 2 PROCEDURES BY WHICH A RECONSIDERATION OF A REJECTION OF A REFERENDUM
 3 REQUEST CAN BE UNDERTAKEN, INCLUDING AN OPPORTUNITY FOR A PUBLIC
 4 HEARING WITH SUFFICIENT ADVANCE PUBLIC NOTICE.

5 (3) ON COMPLETION OF THE HEARING AND REVIEW PROCESS, THE
 6 COUNTY GOVERNING BODY SHALL BY RESOLUTION AFFIRM THE REJECTION OR
 7 GRANT THE REFERENDUM REQUEST.

8 [24.] 25.

9 The [board of county commissioners or county council] COUNTY GOVERNING
 10 BODY shall give notice by posting and publication of the submission of the proposal of
 11 incorporation, ~~INCLUDING THE TEXT~~ A FAIR SUMMARY OF THE PROPOSED CHARTER,
 12 to the voters of the area proposed to be incorporated. For not less than the four weeks
 13 immediately preceding the election at which the question is to be submitted, a complete
 14 and exact copy of the wording of the proposed charter shall be posted or available for
 15 public inspection at the office of the [board or council] COUNTY GOVERNING ~~BOARD~~
 16 BODY. On the day of the election a [similar] copy shall be posted or available for public
 17 inspection at the place or places for voting on the question of incorporation. Notice of the
 18 election, together with a fair summary of the proposed charter, shall be published in a
 19 newspaper or newspapers of general circulation in the particular area proposed to be
 20 incorporated not less than once in each of the four weeks immediately preceding the
 21 election.

22 [25.] 26.

23 (a) On the day and during the hours specified for the referendum, the question of
 24 incorporation under the proposed charter shall be submitted to the registered voters of
 25 the area proposed to be incorporated. The board of supervisors of elections of the county,
 26 and its clerks, judges of election and subordinates, shall arrange for and conduct the
 27 referendum. It is the intent of this section that the referendum election shall be
 28 conducted generally according to the procedures and practices observed for regular
 29 countywide elections, except as specifically or necessarily modified by the provisions of
 30 this subtitle. The wording specified by the [board of county commissioners or county
 31 council] COUNTY GOVERNING BODY, in the resolution providing for a referendum on
 32 the question of the proposed incorporation, shall be placed on the ballots or voting
 33 machines used at the referendum election.

34 (b) The board of supervisors of elections, and its clerks, judges of election and
 35 subordinates, promptly following the closing of the polls shall tally the results thereof,
 36 and shall forthwith certify the results of the referendum to the [board of county
 37 commissioners or county council] COUNTY GOVERNING BODY.

38 (c) If a majority of those who vote on any question so submitted to the voters of
 39 a particular area, proposing the incorporation thereof, shall cast their votes in favor of the
 40 incorporation under the proposed charter, the [board of county commissioners or county
 41 council] COUNTY GOVERNING BODY shall within ten days after receiving a certification
 42 of the vote from the board of supervisors of elections so proclaim publicly, and on the
 43 thirtieth day following the public proclamation the area specified, and the residents
 44 thereof, shall be deemed to be a municipal corporation operating under and in

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1 accordance with the charter so proposed, in all respects to be effective and observed as
2 the charter of the municipal corporation. If less than a majority of those who vote on any
3 such question of proposed incorporation shall cast their votes in favor of the
4 incorporation under the proposed charter, the [board or council] COUNTY GOVERNING
5 BODY likewise shall so proclaim, adding to the proclamation the statement that the
6 proposed incorporation is of no effect and that as to the said proposed municipal
7 incorporation the proposed charter is null and void and of no effect whatsoever.

8 [26.] 27.

9 (A) [The] SUBJECT TO THE PROVISIONS OF SUBSECTION (B) OF THIS
10 SECTION, THE COUNTY GOVERNING BODY SHALL DEFRAY THE expenses of:

11 (1) [the] THE referendum election;

12 (2) THE ORIGINAL ELECTION OF OFFICERS; AND

13 (3) THE REASONABLE COSTS OF ANY THIRD PARTY CONSULTANTS
14 HIRED BY THE COUNTY GOVERNING BODY TO ANALYZE ISSUES RELATED TO THE
15 PROPOSED INCORPORATION [shall be defrayed by the board of county commissioners
16 or county council, but if].

17 (B) IF the referendum vote results in incorporation, the municipal corporation
18 shall repay the total amount of [such] THE expenses SPECIFIED IN SUBSECTION (A) OF
19 THIS SECTION to the [board or council] COUNTY GOVERNING BODY, within [one] 1
20 year following the effective date of the incorporation.

21 (C) AFTER 1 YEAR FROM THE EFFECTIVE DATE OF THE INCORPORATION, A
22 COUNTY GOVERNING BODY MAY WITHHOLD ANY PAYMENTS DUE TO THE
23 MUNICIPAL CORPORATION FOR PURPOSES OF SATISFYING ANY UNPAID EXPENSES
24 SPECIFIED IN SUBSECTION (A) OF THIS SECTION.

25 [27.] 28.

26 (a) At the time of making public proclamation as to the vote on the question of
27 incorporation under the proposed charter, the [board of county commissioners or county
28 council] COUNTY GOVERNING BODY shall send the information concerning the charter
29 adopted by the municipal corporation to the Department of Legislative Reference, as
30 provided in § 9A of this article for municipal officials.

31 (b) A proposal to incorporate a municipal corporation and to adopt a charter may
32 not be rescinded after its formal submission, in any manner other than that of a formal
33 charter repeal as provided in the subheading "Repeal of Charter" in this subtitle.

34 (c) The charter is not effective and shall not be applied or considered as if
35 effective unless and until it has been registered as required in this section.

36 (d) The charter is included in the requirements of § 17A of this subtitle, including
37 its printing and indexing in the laws enacted by the General Assembly.

9

1 [28.] ~~29.~~

2 (E) The exact text of the charter of the municipal corporation, adopted under the
3 provisions of this subtitle and as amended from time to time, shall thereafter be included
4 in any edition or codification of the charter of the municipal corporation.

5 29.

6 (A) IF THE REFERENDUM RESULTS IN THE CREATION OF A NEW MUNICIPAL
7 CORPORATION, THE LOCAL INCOME TAX PAYMENTS AUTHORIZED UNDER § 2-607 OF
8 THE TAX - GENERAL ARTICLE SHALL BE DISTRIBUTED TO THE MUNICIPAL
9 CORPORATION AS FOLLOWS UNLESS THE COUNTY GOVERNING BODY AGREES TO
10 AN ACCELERATED PAYMENT SCHEDULE:

11 (1) IN THE FIRST YEAR FOLLOWING THE EFFECTIVE DATE OF THE
12 MUNICIPAL INCORPORATION, ONE-THIRD OF THE DISTRIBUTION OTHERWISE
13 REQUIRED UNDER § 2-607 OF THE TAX - GENERAL ARTICLE;

14 (2) IN THE SECOND YEAR FOLLOWING THE EFFECTIVE DATE OF THE
15 MUNICIPAL INCORPORATION, TWO-THIRDS OF THE DISTRIBUTION OTHERWISE
16 REQUIRED UNDER § 2-607 OF THE TAX - GENERAL ARTICLE; AND

17 (3) IN THE THIRD YEAR FOLLOWING THE EFFECTIVE DATE OF THE
18 MUNICIPAL INCORPORATION AND EACH SUBSEQUENT YEAR, ALL OF THE
19 DISTRIBUTION REQUIRED UNDER § 2-607 OF THE TAX - GENERAL ARTICLE.

20 (B) (1) FOR THOSE MUNICIPAL CORPORATIONS THAT ARE ELIGIBLE TO
21 ASSUME PLANNING AND ZONING AUTHORITY, THE COUNTY GOVERNING BODY AND
22 THE MUNICIPAL CORPORATION SHALL COOPERATE IN DEVELOPING THE FIRST
23 COMPREHENSIVE LAND USE PLAN OF THE MUNICIPAL CORPORATION.

24 (2) THE INITIAL ZONING DESIGNATIONS USED BY THE MUNICIPAL
25 CORPORATION SHALL COMPLY WITH THE PROVISIONS OF § 9(C) OF THIS ARTICLE,
26 INCLUDING THE 5-YEAR ZONING CLASSIFICATION RESTRICTION, UNLESS THE
27 COUNTY GOVERNING BODY EXPRESSLY APPROVES OTHERWISE.

28 [29.] 30.

29 (a) Town officers shall be nominated by a certificate of nomination filed by each
30 candidate, with the [board of county commissioners or county council] COUNTY
31 GOVERNING BODY, giving in each instance the name and residence address of the
32 candidate, together with a statement of the particular office to which he aspires.
33 Thereupon, the [board or council] COUNTY GOVERNING BODY, together with the
34 board of supervisors of elections for the county, shall prepare ballots or the voting
35 machines so as to permit the registered voters of the particular area to vote upon the
36 several candidates who are so nominated. The election of officers for the municipal
37 corporation shall be arranged for and conducted at the same time and at the same place
38 or places as the referendum election on the question of incorporation, and subject
39 generally to the same procedures and practices. A vote cast against the proposed
40 incorporation of the municipal corporation shall not be held to bar the voter from
41 expressing his choices among the nominees for the several offices, and if less than a
42 majority of those who vote on the question of incorporation cast their votes in favor

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1 thereof, the votes cast for election to the several offices shall be null and void and of no
2 effect whatsoever.

3 (b) The board of supervisors of elections, and its clerks, judges of election and
4 subordinates, shall tally the results of the votes cast for candidates for office, and shall
5 certify them along with the tally on the question of incorporation, to the [board of county
6 commissioners or county council] COUNTY GOVERNING BODY.

7 (c) Any person who receives a plurality of the votes cast for any particular office,
8 whether or not he receives a majority of all the votes cast for that office, shall be publicly
9 proclaimed by the [board or council] COUNTY GOVERNING BODY to have been elected
10 thereto. The persons so named by proclamation shall at the effective time for the charter
11 become the several respective officers of the municipal corporation. Each officer shall
12 continue to hold such position until regularly superseded by a new elective officer, elected
13 as may be provided in the charter of the municipal corporation; and during such period
14 he shall be taken and accepted in all respects as the elected officer of the municipal
15 corporation in his respective position, with the powers, authority and duties as set forth
16 and prescribed in the charter.

17 (d) If no person is nominated for an office in the government of the municipal
18 corporation, or if a person elected thereto is unable to assume his office, or if for any
19 other reason no person is elected to fill an office, the [board of county commissioners or
20 county council] COUNTY GOVERNING BODY shall name a resident of the particular area
21 to the office, and upon assuming it he shall hold it in all respects as if regularly elected
22 thereto as in this section provided.

23 (e) No person shall be either nominated or elected to any office in the
24 government of the municipal corporation unless he qualifies under whatever
25 requirements may be specified for that office according to the charter proposed for the
26 municipal corporation.

27 [30.

28 The expenses of the original election for candidates for office shall be defrayed by
29 the board of county commissioners or the county council, but if the referendum vote
30 results in incorporation, the municipal corporation shall repay the total amount of such
31 expenses to the board or council, within one year following the effective date of the
32 incorporation.]

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 1997.