

Rebellion envisioned with proposed 1-cent fee

By Patti S. Borda News-Post Staff | Posted: Friday, March 8, 2013 6:00 am

A rebellion against state taxes sounded to three county commissioners like a better idea than collecting another \$100 a year from every property to clean up the Chesapeake Bay.

The three voted Thursday in favor of drafting an ordinance to set a stormwater mitigation fee of 1 cent for each property. A public hearing must be held before the ordinance can be adopted.

Commissioners President Blaine Young and Commissioners Kirby Delauter and Billy Shreve backed the 1-cent proposal as a procedural placeholder and not with any enthusiasm. The state mandated that the county have a mechanism in place by July 1 for collecting a stormwater mitigation fee. The 1 cent per property will not begin to cover the cost estimated to meet the state's goals.

Young, Delauter and Shreve opposed Commissioner Paul Smith's motion to set a fee of about \$78 per property owner, one of the proposals county staff estimated would pay for the next two years' worth of scheduled stormwater retrofits.

The three commissioners faulted the science the state used to justify unproven mitigation measures and the state's decision to mandate heavy costs without a means to raise the revenue. Young made the motion to set the fee at 1 cent.

Smith and Commissioner David Gray voted against Young's motion, which had support only because the state required some action, Delauter and Shreve said.

"I am going to vote for this, but I am not for any of it," Delauter said.

The county has tentatively planned to spend \$9.3 million on stormwater improvements in 2014 and 2015. Over the next five years, the county estimates it will need to spend \$1.8 billion to meet the state goals.

Smith, who agreed with his colleagues' philosophical objections, said the state has a legal right to impose fees. However, he said the state has distributed the cost of cleaning up the Chesapeake Bay unfairly among counties, and he predicted litigation if the requirements do not change.

Smith, Young and Shreve said Frederick County ought to recall the rebellion of its people against the British Stamp Act in 1765. Thursday's vote for the 1-cent fee might send a similar message to the state, Smith said.

"I do think the vote is going to get a lot of attention." Smith said.

He and Gray were prepared to adopt a mitigation fee of about \$78 per property for two years to cover

the cost of mitigation work and the estimated \$27,000 expense to administer the fee collection over that same period.

"I don't want to commit more than we should," Smith said.