

**RE: A RESOLUTION FOR THE PURPOSE OF AMENDING THE MEMBERSHIP OF
THE CALVERT COUNTY BOARD OF APPEALS**

WHEREAS, the Board of County Commissioners of Calvert County, Maryland (“Board of County Commissioners”) is empowered and directed to establish and appoint a local Board of Appeals pursuant to Maryland Ann. Code, Land Use Article, §4-301, et seq.;

WHEREAS, the Board of County Commissioners, by Ordinance adopted March 20, 1964 and recorded at Liber JLB 1, folio 37, did establish a Board of Appeals at Section 14 of said Ordinance, and has appointed three (3) citizens to be active members of the Board of Appeals, with an alternate member, or alternate members also having been appointed from time to time, as evidenced by Resolution dated September 12, 1967 and recorded at Liber JLB 1, folio 92;

WHEREAS, by Maryland Ann. Code, Land Use Article, §4-302(a), the Board of Appeals may not have less than three (3) members, but may have more;

WHEREAS, it has been recommended to the Board of County Commissioners that a five (5) member Board of Appeals is most common in Maryland and more readily ensures a quorum for each meeting of the Board

WHEREAS, on June 23, 2020, following publication of due notice, the Board of County Commissioners conducted a public hearing to consider amending the number of members of the Board of Appeals; and

WHEREAS, upon consideration of all staff reports, and public comments, written and oral, the Board finds that it is in the best interest of the public health, safety and welfare of the citizens of Calvert County, Maryland to adopt the proposed amendment increasing the number of regular members of the Calvert County Board of Appeals from three (3) to five (5).

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Calvert County, Maryland that there shall be five (5) regular members of the Calvert County Board of Appeals, and two (2) alternate members who may sit on the Board when, as prescribed by State law, another member of the Board is absent or has recused herself or himself;

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that, in the event any portion of this Ordinance is found to be unconstitutional, illegal, null or void, by a court of competent jurisdiction, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinance shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the Ordinance, or unless deletion of the valid portion would produce a result inconsistent with the purpose and intent of the Board of County Commissioners in enacting this Ordinance; and

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

DONE, this 23rd day of June, 2020, by the Board of County Commissioners of Calvert County, Maryland, sitting in regular session.

Aye: 5⁽¹⁰⁾ 4
 Nay: 1 - Hance
 Absent/Abstain: 0

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF CALVERT COUNTY, MARYLAND

Rachel M. Distel
 Rachel M. Distel, Clerk

Kelly D. McConkey
 Kelly D. McConkey, President

Mike Hart
 Mike Hart, Vice-President

Approved for form and legal sufficiency
by:

Earl F. Hance
 Earl F. Hance

John B. Norris
 John B. Norris, County Attorney

Thomas E. Hutchins
 Thomas E. Hutchins

Steven R. Weems
 Steven R. Weems

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Received for Record July 2nd, 2020
 at 3:27 o'clock P. Same day
 recorded in Liber KPS No. 61
 Folio 152 COUNTY COMMISSIONERS
 ORDINANCES AND RESOLUTION.

Garry P. Smith