



Section 5
of the Village of Chevy Chase
P.O. Box 15140, Chevy Chase, MD 20815
301-986-5481
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SECTION 5 OF THE VILLAGE OF CHEVY CHASE
COUNCIL MEETING
Chevy Chase Village Hall
5906 Connecticut Avenue
May 9, 2023
7:30 p.m.

Agenda

- 1) Greetings and Introductions
- 2) Review and approval April minutes – All
- 3) Chairman's Report
- 4) Resident Comments
- 5) Discussion and Possible Vote on Ordinance No. 4-23-1 regarding the purchase of property
- 6) Discussion and Vote on Ordinance No. 4-23-2, to adopt the budget for Fiscal Year 2024 – Ashley Kavanaugh
- 7) Residents Vote on Tax Rate
- 8) Manager's Report – Ashley Kavanaugh
- 9) Announcement 2023 Election Results and Swearing-in of Newly Elected Council Members
- 10) Adjournment

Full copies of Agenda Items 5 and 6 are included in this mailing.

ELECTION NOTICE

Three of the five seats on the Section 5 Town Council are up for election this May. The following eligible nominees have indicated their willingness to be candidates for election. Please see the following pages for the candidates' full bios.

For Section 5 Council Member (Three to be elected)

Peter Bass – Williams Lane
Greg Chernack – Thornapple Street*
Sean Downey – Glendale Road
Jennifer Dyszkiewicz – Thornapple Place
Philip Giordano – Underwood Street*
Emily Strulson – Underwood Street

*Indicates incumbent

2023 Election Tellers:

Council members who are not up for election this year (Josh Galper, Maryann Luongo, and Pat Xeller) have appointed three residents to serve as official Election Tellers. The 2023 Election Tellers are:

Balinda Hinds (Thornapple Street)
Kristina Lowell (Leland Court)
Brooke Thomas (Woodbine Street)

These Tellers will oversee all aspects of the election process.

Council Elections:

This year's voting election will be held on **Tuesday, May 9, from 6 to 8 p.m. at the Chevy Chase Village Hall located at 5906 Connecticut Avenue**. Residents may cast their votes in person for Council Members at that time.

Absentee Ballot Information:

A voter who is unable to vote in person may request an absentee ballot (beginning Wednesday, April 26) from the Election Tellers by emailing CCSection5Election@gmail.com. All requests must be in writing and include the resident's full name and Section 5 physical address. The Tellers will then distribute the ballot along with instructions for completion and return.

All requests for absentee ballots must be received by 6 p.m. Sunday, May 7.

Absentee ballots may be placed in the locked ballot box designated by the Election Tellers until 6 p.m. May 8. After that time, absentee ballots may be turned in the night of the election, May 9, during in-person voting from 6-8 p.m.

Voting Eligibility:

To be eligible to vote in the Section 5 election, a person must reside in Section 5 and be registered to vote in Montgomery County. (You can find registration information at <http://www.montgomerycountymd.gov/Elections>). The County provides each municipality with a list of qualified voters.

Ballot Details:

- Voters may vote for as many as three candidates.
- No write-in votes are allowed.
- The candidate with the greatest number of votes will be elected to the first vacant seat on the Council, the candidate with the second greatest votes will be elected to the second vacant seat, and the candidate with the third greatest votes will be elected to the third vacant seat.

Run-Off:

If any of the candidates have an equal number of votes to constitute a tie for the vacant seat, and the candidates are unable to agree immediately, by lot or otherwise, as to the means to break the tie, the Election Tellers will immediately make preparations for another election in which the tied candidates will be the only candidates. The designated time and place for the run-off election will be decided by the Election Board. A run-off election is unnecessary if the two tied candidates have sufficient votes to place them on the Council ahead of any other candidate.

Peter Bass

3807 Williams Lane

Peter Bass, his wife Nuala O'Connor, and their blended family of six children aged 23 to 13 (and three dogs) have been the proud owners and occupants since 2018 of the yellow farmhouse where our Section 5 parade begins each Independence Day. Peter is a founding member of Kingswood Holding, a global investment and advisory firm, and is a senior advisor to Trelia Risk Advisors, a consulting firm for financial institutions. Peter began his career in the federal government, serving in career positions at the State Department and the National Security Council. In the private sector, he has held senior positions at Promontory Financial Group and Goldman Sachs. Peter and Nuala's six children have attended public, private, and parochial schools in the area - from Chevy Chase Elementary to Westland and Silver Creek Middle Schools to BCC High School, as well as Sidwell Friends, JPDS, Green Acres, and Woods Academy. The three children now at home attend the Connelly School of the Holy Child, St. Andrew's Episcopal, and the Ivymount School. Peter serves as the vice chair of Freedom House, a 75-year-old non-partisan, pro-democracy organization founded by Wendell Willkie and Eleanor Roosevelt; and also serves as treasurer of the Japan-America Society of Washington, DC, which sponsors the annual Sakura Matsuri Japanese Street Festival. He is a graduate of Princeton University and Yale Law School. You are most likely to see Peter around the neighborhood walking his beloved Bernese Mountain Dog, a rescue named Chauncey.

Greg Chernack

3616 Thornapple Street

Greg is a long-time resident of Chevy Chase and a partner at the law firm of Hollingsworth LLP. Greg is a graduate of Harvard, Oxford, and Yale Law School and has been a practicing lawyer since 1998. He and his wife Andra, an Assistant Dean at George Washington University Law School, have resided in Section 5 for almost nine years and lived in Section 3 for more than 10 years prior. The Chernacks have two children, Ben (age 17) and Andrew (age 15) who attend B-CC High School. From 2002-13, Greg served on the Board of the DC Public Library Foundation and was the President of the Board from 2009-13. Greg joined the Section 5 Council in the spring of 2016 and has served as its chair since 2018.

Sean Downey

7508 Glendale Road

Sean became a resident of Section 5 in 2021. He and his wife Julie, who is an Assistant Secretary at the U.S. Department of Labor, have two daughters, Grace (nearly 4) and Lucy (16 months). He is a Partner with Hilltop Public Solutions, a Georgetown-based national political, public affairs and strategic communications firm. A Massachusetts native who grew up mostly in New Jersey, Sean graduated from the College of the Holy Cross in Worcester in 2002. Sean previously worked on national and statewide campaigns and for elected officials, including President Obama, former Labor Secretary Tom Perez, Congresswoman Annie Kuster and Senator Joe Lieberman, among others. He serves on the Board of Directors for Jenna's Promise, a Vermont-based opioid recovery community organization and, here in the neighborhood, can often be found on the weekends in the yard on Glendale Road.

Jennifer Dyszkiewicz

7207 Thornapple Place

Jennifer is a long-time resident of Chevy Chase and the greater DMV area. She is a graduate of Georgetown University and works as a Senior Talent Acquisition Partner at Vitalief, a Clinical Trials Solutions company. Jennifer and her husband, Tom, a Managing Director at Stifel, have lived in Chevy Chase for 8 years and have two children, Connor (age 15, 9th grade at Georgetown Prep) and Molly (age 13, 8th grade at Stone Ridge). Jennifer is active in the children's school communities and at their families' parish, Blessed Sacrament, and can often be found in the streets of Section 5 with their well-loved golden retrievers, Buster and Bruce, enjoying the friendly community of neighbors.

Philip Giordano

3712 Underwood Street

Philip is a long-time resident of Chevy Chase and a partner at the law firm of Hughes Hubbard & Reed LLP. He is a graduate of Stanford Law School; he also received undergraduate degrees from Stanford University. He began his legal career in 1997 at the Antitrust Division of the Department of Justice in Washington DC, entering private practice in 2014. He and his wife Traci Zambotti, a freelance documentary filmmaker, have resided in Section 5 for almost fifteen years. They have three children, Joey (age 16), Francesca (age 14), and Roman (age 12) who attend B-CC High School and Silver Creek Middle School respectively.

Emily Strulson

3801 Underwood Street

I am a lifetime resident of this community, having grown-up in the Town of Chevy Chase, attending Montgomery County public schools, to becoming a parent and settling in Section 5 in 2012. Teaching art to neighborhood children in local public and private schools to include the pre-school at Chevy Chase United Methodist Church, and after-school art classes from my home, gives me a perspective on the importance of community involvement to serve on our council. For example, during the pandemic, I organized an art show with local artists that brought our community together and lifted spirits in an extremely challenging time. This has become a bi-annual event to celebrate artists from diverse ages and backgrounds, and it continues to bring Section 5 residents together.

I recently served a three-year term as Vice President on the board of a local art organization, Ch/Art, where I introduced ideas to increase membership and expand opportunities for member exhibitions. I hold a master's degree in education from Catholic University and a bachelor's degree from St. Lawrence University. I currently teach art classes in my home for neighborhood children and adults while maintaining a business as a full-time artist.

My lifetime knowledge of the community in conjunction with my background in education, gives me a unique perspective for our town council. I will continue to organize events to promote community while at the same time giving our residents opportunities to be properly informed in our changing world.

MEMORANDUM

TO: Residents of Section 5 of the Village of Chevy Chase

FROM: Ashley Kavanaugh, Town Manager

RE: Annual Financial Report

DATE: April 21, 2023

SUMMARY

I am pleased to submit this report and the attached financial information for your review. I have attempted to present all relevant data concerning Section 5's most recently completed, current, and upcoming fiscal years. For FY 2024 (beginning July 1, 2023 and ending June 30, 2024) the Town Council recommends:

1. A budget of \$598,450 in expenditures with projected revenues of \$688,357.
2. That the Section 5 property tax rate remain at \$0.00 per \$100 of assessed property value.

DISCUSSION

As noted above for FY 2024, the Council recommends a budget of \$598,450 in expenditures (based on projected revenues of \$688,357). See next pages for detailed financial statements. The budget contemplates routine revenues and expenditures and is premised on the Council's proposal that residents vote to maintain the property tax at \$0.00 per \$100 of assessed property value. The vote on the property tax rate occurs at the May 9 Annual Meeting by the residents in attendance.

To date in FY 2022, Section 5 has received \$911,196 in State income tax revenue and expects to receive another distribution from the State of Maryland in May for approximately \$166,104 consistent with the amount received this past February. In June there will be another distribution of approximately \$100,000. The June total is traditionally 60% of the May amount, plus a minimal one-time distribution associated with unallocated receipts. Given this level of revenues for FY 2023, Section 5 expects to end the year with a surplus, which may be used to provide a credit on residents' County real estate taxes. The decision concerning this credit will be made at the June 13 Council meeting, by which time the Council will know the total revenues for FY 2023. The Council will thereafter notify the residents by mail about the tax credit.

The Council and I will be available to discuss the Financial Report, the proposed FY 2024 Budget, and the property tax rate at the Annual Meeting on May 9, 2023. Residents with questions should also feel free to call or email the Town Manager, Ashley Kavanaugh, 301-986-5481 or manager@chevychasesection5.org in advance of the meeting.

| | FY 2024 | FY 2023 | | FY 2022 | FY 2021 | FY 2020 | 3 year average | FY 2023 YE Projection |
|------------------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|----------------|--------------------------|
| | Proposed Budget | YTD Actual | Approved Budget | Actual | Actual | Actual | | |
| | Jul '23 - Jun '24 | Jul '22 - Mar '23 | Jul '22 - Jun '23 | Jul '21 - Jun '22 | Jul '20 - Jun '21 | Jul '19 - Jun '20 | | |
| Income | | | | | | | | |
| OPERATING REVENUE | | | | | | | | |
| Income Tax (a) | 650,000 | 911,196 | 615,000 | 718,646 | 718,894 | 995,372 | 810,970 | 1,177,000 |
| Wynne Liability (b) | (5,078) | (2,539) | (5,078) | (5,078) | (2,539) | | (3,809) | (5,078) |
| Highway User Revenue (c) | 29,936 | 16,612 | 24,589 | 24,765 | 21,599 | 17,551 | 21,305 | 23,855 |
| Miscellaneous Income | | | | | | | | |
| Building Application Fees | 1,000 | 900 | 1,500 | 450 | 1,800 | 4,100 | 2,117 | 1,000 |
| Cable TV Franchise Fees (d) | 8,500 | 3,811 | 8,500 | 9,977 | 7,806 | 8,595 | 8,793 | 8,500 |
| Miscellaneous Income - Other | | | | - | - | - | - | - |
| Total Miscellaneous Income | 9,500 | 4,711 | 10,000 | 10,427 | 9,606 | 12,695 | 10,909 | 9,500 |
| Total OPERATING REVENUE | 684,357 | 929,980 | 644,511 | 748,759 | 747,559 | 1,025,619 | 840,646 | 1,205,277 |
| NON-OPERATING REVENUE | | | | | | | | |
| Investment & Interest Income (e) | 4,000 | 2,429 | 2,000 | 3,925 | 8,653 | 25,966 | 12,848 | 4,000 |
| Total NON-OPERATING REVENUE | 4,000 | 2,429 | 2,000 | 3,925 | 8,653 | 25,966 | 12,848 | 4,000 |
| Total Income | 688,357 | 932,409 | 646,511 | 752,684 | 756,212 | 1,051,585 | 853,494 | 1,209,277 |

Notes on Section 5 Income

(a) Municipalities receive 17% of each resident's state income tax. For example, if a Section 5 resident pays the State of Maryland \$1,000 income tax, Section 5 will receive \$170. The proposed figures are based on past receipts and state estimates. The income tax revenue varies greatly from year to year. Because of this, the Council has budgeted for conservative revenue numbers. A portion of the excess income may be used to provide a real estate tax credit.

(b) Explanation of the Wynne Liability. In 2015, the United States Supreme Court issued a ruling in the case of Comptroller of the Treasury of Maryland v. Wynne. The State of Maryland imposed both a state income tax and a county income tax on its residents. Maryland allowed a credit for tax paid to another state to be applied to any state income tax liability. However, the state did not allow that same out-of-state tax credit to be applied to any county tax liability. The Court found that this practice could lead to double taxation. As a result, Maryland changed its practice and is refunding money to taxpayers whose out-of-state tax credits were not properly applied to any county income tax liability. Originally, the State set a schedule for 20 deductions to begin in May 2021. The State then changed the scheduled to 80nb payments to begin in May 2021 and end in February 2041.

(c) The State provides funds to Section 5 to assist in the maintenance of its roads.

(d) Each municipality receives a 3% share of the money paid to Comcast, Verizon, and RCN as part of an agreement negotiated by the County.

(e) It is the policy of Section 5 to invest funds not required for immediate expenditure in a manner that conforms to all State of Maryland statutes governing the investment of public funds. The Section's priorities are the safe investment and management of public funds. This means that our investments are very low risk. Most of our funds are placed in the Maryland Local Government Investment Pool. Due to Covid 19, our return is substantially lower than past years.

| | FY 2024 | FY 2023 | | FY 2022 | FY 2021 | FY 2020 | 3 year average | FY 2023 YE Projection |
|--|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|----------------|--------------------------|
| | Proposed Budget | YTD Actual | Approved Budget | Actual | Actual | Actual | | |
| | Jul '23 - Jun '24 | Jul '22 - Mar '23 | Jul '22 - Jun '23 | Jul '21 - Jun '22 | Jul '20 - Jun '21 | Jul '19 - Jun '20 | | |
| Expense | | | | | | | | - |
| OPERATING EXPENSES | | | | | | | | |
| MAINTENANCE AND SERVICES | | | | | | | | |
| Composting | 15,600 | 10,034 | 15,600 | 14,370 | 8,526 | NA | NA | 13,500 |
| Landscaping | 9,950 | 5,313 | 9,900 | 10,984 | 9,552 | 11,678 | 10,738 | 9,900 |
| Leaf Removal | 23,500 | 21,645 | 20,000 | 19,886 | 11,025 | 12,250 | 14,387 | 21,645 |
| Police Officer Salaries and PR Tax (f) | 80,000 | 60,389 | 70,300 | 71,650 | 70,387 | 34,741 | 58,926 | 78,862 |
| Snow Removal & Sanding | 30,000 | 720 | 30,000 | 18,315 | 24,685 | 1,595 | 14,865 | 720 |
| Street Lighting | 11,000 | 7,465 | 10,000 | 10,035 | 9,763 | 9,727 | 9,842 | 10,000 |
| Streets and Sidewalks | 40,000 | - | 40,000 | 8,950 | 8,675 | 132,694 | 50,106 | 10,000 |
| Town Maintenance - Other | 8,000 | 1,080 | 3,500 | 1,441 | 1,105 | 4,520 | 2,355 | 1,000 |
| Trash and Recycle | 100,000 | 79,703 | 79,200 | 77,255 | 72,390 | 71,808 | 73,818 | 102,000 |
| Tree Work - Right of Way (g) | 55,000 | 28,065 | 55,000 | 103,473 | 65,570 | 51,290 | 73,444 | 50,000 |
| Total Maintenance & Services | 373,050 | 214,414 | 333,500 | 336,359 | 281,678 | 330,303 | 316,113 | 297,627 |
| Residents' Tax Rebate | | - | | 159,600 | 159,600 | 159,600 | 159,600 | - |
| Total OPERATING EXPENSE | 373,050 | 214,414 | 333,500 | 495,959 | 441,278 | 489,903 | 475,713 | 297,627 |
| ADMINISTRATIVE EXPENSES | | | | | | | | |
| Community Activities | | | | | | | | |
| Community - Other | 12,000 | 11,121 | 12,000 | 10,123 | 10,340 | 10,720 | 10,394 | 11,500 |
| Gratuities | | | | | | | | |
| Holiday Gratuities | 8,000 | 8,200 | 8,000 | 11,500 | 4,900 | 5,000 | 7,133 | 8,200 |
| Total Gratuities | 8,000 | 8,200 | 8,000 | 11,500 | 4,900 | 5,000 | 7,133 | 8,200 |
| Fall Block Party | 17,500 | 16,790 | 16,000 | 15,428 | - | 14,613 | 15,021 | 16,790 |
| 4th of July | 15,000 | 16,982 | 13,000 | 9,560 | 6,219 | 5,530 | 7,103 | 15,000 |
| Total Community Activities | 52,500 | 53,093 | 49,000 | 46,611 | 21,459 | 35,863 | 34,644 | 51,490 |
| Dues, Mtg's & Membership | | | | | | | | |
| MML Annual Dues | 3,400 | 3,156 | 3,400 | 3,215 | 3,172 | 3,172 | 3,186 | 3,215 |
| MML Mtg's and Convention | 1,000 | | 1,000 | - | - | 33 | 11 | - |
| Total Dues, Mtg's & Membership | 4,400 | 3,156 | 4,400 | 3,215 | 3,172 | 3,206 | 3,198 | 3,215 |
| Office & Administration | | | | | | | | |
| Bank Charges | 200 | - | 200 | - | 108 | 66 | 135 | - |
| Insurance | 7,100 | 7,025 | 7,000 | 5,960 | 6,077 | 3,227 | 5,088 | 7,025 |
| Office Supplies | 3,000 | 565 | 1,500 | 769 | 743 | 478 | 663 | 1,000 |
| Printing | 5,500 | 4,380 | 5,500 | 4,604 | 5,395 | 5,092 | 5,030 | 5,500 |
| Storage | 2,000 | 745 | 3,200 | - | - | - | - | 1,175 |
| Telephone | 1,050 | 732 | 1,050 | 966 | 889 | 972 | 942 | 1,050 |
| Website and Computer | 3,000 | 728 | 3,000 | 2,208 | 2,677 | 556 | 1,813 | 1,000 |
| Total Office & Administration | 21,850 | 14,175 | 21,450 | 14,507 | 15,888 | 10,391 | 13,595 | 16,750 |
| Personnel & Admin. Expenses | | | | | | | | |
| Managerial Salaries | 87,650 | 69,402 | 84,150 | 89,576 | 82,825 | 79,250 | 83,884 | 91,314 |
| Manager PR Taxes & PR Fees | 9,000 | 6,955 | 8,200 | 8,019 | 7,461 | 6,990 | 7,490 | 8,898 |
| Total Personnel & Admin. Expenses | 96,650 | 76,356 | 92,350 | 97,595 | 90,286 | 86,240 | 91,374 | 100,212 |

**Section 5 of the Village of Chevy Chase
(Land Purchase)**

Resolution No.: 4-23-1
Introduced: 4/18/23
Adopted:
Effective Date:

AN ORDINANCE TO AUTHORIZE THE PURCHASE OF LAND

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, grants to the legislative body of every incorporated municipality in Maryland general power to pass such ordinances not contrary to the Constitution of Maryland, or the public general law, as deemed necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, Maryland Code, Local Government Article, Section 5-204(c), as amended, grants to the legislative body of every incorporated municipality in Maryland general power to purchase land needed for a public purpose;

WHEREAS, Maryland Code, Local Government Article, Section 5-216 provides Section 5 the general power to establish and maintain any park, garden, playground, or recreational facility that the municipality determines is for the benefit of the health and welfare of the municipality and its residents;

WHEREAS, Maryland Code, Land Use Article, Section 4-104(b)(2) provides that, subject to the consent of the Maryland-National Capital Park and Planning Commission (M-NCPPC), a municipality may provide recreational facilities within its corporate limits;

WHEREAS, open space and parkland is very limited in the area, and the Section 5 Council has become aware of a unique opportunity to purchase land within the jurisdiction of Section 5, known as Parcel 428 (Parcel Id. No. 07-00468124), at the terminus of Windsor Place, abutting 3501 Windsor Place, containing approximately 0.47763 acres, as more particularly described in a Deed dated June 3, 2016, recorded among the land records of Montgomery County, Maryland in Book 53358, at Page 111;

WHEREAS, Section 501 of the Section 5 of the Village of Chevy Chase Charter authorizes the Section 5 Council to pass ordinances as it may deem necessary for the preservation of Section 5's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of and visitors in Section 5;

WHEREAS, after proper notice to the public, the Section 5 Council introduced the following Ordinance in an open meeting conducted on the 18th day of April, 2023;

WHEREAS, after proper notice to the public, the Section 5 Council considered the following Ordinance in an open meeting conducted on the _____ day of _____, 2023;

WHEREAS, the Section 5 Council finds that the purchase of the subject land is needed for a public purpose, specifically the preservation of open and green space and the potential future creation of parkland, subject to the consent of the M-NCPPC; and that such purchase would promote the safety, health, and general welfare of Section 5 and its occupants; and

WHEREAS, upon consideration of the testimony and evidence presented at the public hearing, the Section 5 Council finds that the ordinance as hereinafter set forth is necessary for the good government of Section 5; for the protection and preservation of Section 5's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger and destruction; and for the protection and promotion of the health, safety, comfort, and convenience of residents.

NOW, THEREFORE, BE IT ORDAINED AND ORDERED, this _____ day of _____, 2023, by the Section 5 Council, acting under and by virtue of the authority given it by the Maryland Code and the Section 5 Charter, the Section 5 Council does hereby adopt the foregoing Ordinance and the Section 5 Council be and is hereby authorized to purchase the land described above.

AND BE IT FURTHER ORDAINED AND ORDERED, by the Section 5 Council, acting under and by virtue of the authority granted to it by the Maryland Code, and the Charter of Section 5 of the Village of Chevy Chase, that:

(1) If any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the Ordinance as a whole or any remaining part thereof; and

(2) This Ordinance shall take effect on the _____ day of _____, 2023 (20 days after adoption).

ATTEST:

SECTION 5 OF THE VILLAGE
OF CHEVY CHASE

Patricia Xeller, Secretary

Greg Chernack, Chair

**Section 5 of the Village of Chevy Chase
Budget and Tax Rate Ordinance**

Resolution No.: 4-23-2
Introduced: April 18, 2023
Adopted:
Effective Date:

SUBJECT: AN ORDINANCE TO ADOPT A BUDGET FOR FISCAL YEAR JULY 1, 2023 TO JUNE 30, 2024 AND TO SET TAX RATES ON REAL, PERSONAL, AND UTILITY PROPERTY UNDER THE PROVISIONS OF SECTION 6203 OF THE TAXPROPERTY ARTICLE OF THE MARYLAND CODE, AS AMENDED

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, grants to the legislative body of every incorporated municipality in Maryland general power to pass such ordinances not contrary to the Constitution of Maryland, or the public general law, as deemed necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, Maryland Code, Local Government Article, Section 5-205, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to spend money for any public purpose and to affect the safety, health, and general welfare of the municipality and its occupants;

WHEREAS, Maryland Code, TaxProperty Article, Section 6203, as amended, grants authority to municipal corporations to levy a tax on personal property, land, and improvements thereon, within the municipal corporation;

WHEREAS, Section 501 of the Section 5 of the Village of Chevy Chase Charter authorizes the Section 5 Council to pass ordinances as it may deem necessary for the preservation of Section 5's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of and visitors in Section 5;

WHEREAS, pursuant to Section 601 of the Section 5 Charter, the Village operates on an annual budget;

WHEREAS, the Village Council introduced the following Ordinance in public session assembled on the 18th day of April, 2023;

WHEREAS, the Village Council, after proper notice to the public, considered the following Ordinance at a public hearing held on the ____ day of May, 2023; and

WHEREAS, the Village Council finds that the ordinance as hereinafter set forth is necessary for the good government of the Village; for the protection and preservation the Village's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Village and visitors thereto and sojourners therein.

NOW, THEREFORE, the Village Council does hereby adopt the foregoing uncodified Ordinance.

BE IT ORDAINED AND ORDERED, this ____ day of May, 2023, by the Village Council, acting under and by virtue of the authority given it by the Maryland Code and the Section 5 Charter, that the attached Budget be and is hereby adopted.

AND BE IT FURTHER ORDAINED AND ORDERED, that the Village Council of Section 5 of the Village of Chevy Chase, pursuant to the authority granted by the Section 5 Charter and Section 6203 of the TaxProperty Article of the Maryland Code, hereby levies a tax at the following rates:

- (i) zero dollars and zero cents (\$0.00) per One Hundred Dollars of assessable value (fair market value) on real property subject to taxation;
- (ii) zero dollars and zero cents (\$0.00) per One Hundred Dollars of assessed value of assessable business-owned personal property subject to taxation; and
- (iii) zero dollars and zero cents (\$0.00) per One Hundred Dollars of assessed value of assessable utility property subject to taxation.

AND BE IT FURTHER ORDAINED AND ORDERED, by the Village Council, acting under and by virtue of the authority granted to it by the Maryland Code, and the Section 5 Charter, that:

- (1) That the tax levied hereby be certified to the County Council for Montgomery County, Maryland;
- (2) If any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the Ordinance as a whole or any remaining part thereof; and
- (3) This Ordinance shall take effect on the 1st day of July, 2023.

ATTEST:

SECTION 5 OF THE VILLAGE
OF CHEVY CHASE

Patricia Xeller, Secretary

Greg Chernack, Chair