CITY OF DOVER, DELAWARE
COUNCIL COMMITTEE OF THE WHOLE MEETING
Tuesday, October 27, 2026 at 6:00 PM

City Hall Council Chambers, 15 Loockerman Plaza, Dover, Delaware

AGENDA

THIS AGENDA AND PACKET HAVE BEEN REVISED BY REMOVING PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE MEETING ITEM #1 – DOVER PARK CONSTRUCTION ALTERNATIVE STRATEGY AND SAFETY, ADVISORY, AND TRANSPORTATION ITEM #1 – COALITION AGAINST BIGGER TRUCKS (CABT).

Public comments are welcomed on any item and will be permitted at the appropriate time. When possible, please notify the City Clerk (302-736-7008 or email at cityclerk@dover.de.us) should you wish to be recognized.

VIRTUAL MEETING NOTICE

This meeting will be held in City Hall Council Chambers with electronic access via WebEx. Public participation information is as follows:

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Event password: DOVER (if needed)

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CALL COUNCIL COMMITTEE OF THE WHOLE MEETING TO ORDER

ADOPTION OF AGENDA

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

ADOPTION OF THE AGENDA

1. **Prioritization of City of Dover State Capital Transportation Program (CTP) Projects (Sharon Duca, City Manager)**

   (Staff Recommendation: Approval of the 2027 Transportation Priorities provided by staff for consideration of funding from the Delaware Department of Transportation)

2. **Emergency Shelter Rules and Regulations (Sharon Duca, City Manager)**

(Committee Action Not Required)

ADJOURNMENT OF THE SAFETY ADVISORY AND TRANSPORTATION COMMITTEE MEETING

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

ADOPTION OF THE AGENDA

1. **Discussion and Report Update on the Capital Area Municipality Sustainability Act (CAMSA) (Councilman Sudler)**

(Committee Action Not Required)

ADJOURNMENT OF THE LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE MEETING

ADJOURNMENT OF THE COUNCIL COMMITTEE OF THE WHOLE

THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. PURSUANT TO 29 DEL. C. §10004(e)(2), THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS, WHICH ARISE AT THE TIME OF THE MEETING

CITY OF DOVER, DELAWARE

ACTION FORM

PROCEEDING: Council Committee of the Whole (Safety, Advisory & Transportation)
DEPARTMENT OF ORIGIN: City Manager's Office **SUBMITTED ON:** October 20, 2026
PREPARED BY: Jason A. Lyon, P.E., Assistant City Manager
REVIEWED BY: Sharon J. Duca, P.E., ICMA-CM, City Manager and Marilyn Smith (Dover Kent County MPO Executive Director)

SUBJECT: Prioritization of City of Dover State Capital Transportation Program (CTP) Projects
TIMETABLE: Submit to Dover/Kent County Metropolitan Planning Organization within two (2) weeks of Council approval.
RELATED PROJECT: X
REFERENCE: N/A

EXPENDITURE REQUIRED: N/A
AMOUNT AVAILABLE: N/A
FUNDING SOURCE (Dept./Page in CIP & Budget): N/A

STAFF RECOMMENDATION:

Approve the transportation priorities provided by staff for consideration of funding from the Delaware Department of Transportation.

BACKGROUND AND ANALYSIS:

Each year the City of Dover prepares a prioritized list of transportation projects for consideration by DelDOT and the Dover/Kent County MPO. Projects are organized by category classification to better indicate how these projects address important needs in the city. The list includes 13 projects of which 3 are primarily economic development projects; 4 are safety and capacity projects; and 6 are transportation system improvement. The list and scheduled dates were reviewed by the MPO Executive Director and by staff as appropriate.

Following approval by the Committee and Council, the recommended 2027 Transportation Priorities will be sent to the Secretary of Transportation (DelDOT) and the Dover/Kent County Metropolitan Planning Organization (MPO), for consideration and ranking for funding.

For consideration by Safety Advisory and Transportation Committee

CITY OF DOVER

2027 TRANSPORTATION PRIORITIES

OCTOBER 20, 2026

Approved by Committee on _____

Each year the City of Dover prepares a prioritized list of transportation projects for consideration by DelDOT and the Dover/Kent County MPO. We employed a category classification format to indicate how these projects address important needs in the city. The first project in each grouping is our highest priority. The 2027 list follows and includes MPO comments.

ECONOMIC DEVELOPMENT PRIORITIES:

Garrison Connector

This project continues to be the City's highest priority request, providing a direct connection between the Garrison Oak Business and Technology Park and the Route 1 interchange at N. Little Creek Road (Route 8). A direct connection from the Garrison Oak Business and Technology Center to the SR 1 Interchange has been Dover's highest priority transportation project request for several years. The city is working with a number of business development opportunities at GOBTP that are dependent on alternatives to existing access, which is not conducive to efficient freight transportation. Access to this business center involves using local roads for the movement of goods and materials and for employee access. The list of permissible uses of GOBTC continues to be expanded to include warehousing, distribution and logistics support, light manufacturing, food-related storage, and other uses. This project is currently in the FY27-32 CTP. Preliminary engineering is being conducted.

The Dover Air Cargo Freight Access Study (Dover/Kent County MPO, July 2021) reinforced the potential for significant employment growth in the Garrison Oak - Central Delaware Aviation Complex portion of the city. For these opportunities to be realized, a complete business-to-business connector serving the area is essential. The Garrison Oak portion is recommended as Phase I of that program. The study outlined scope, existing conditions, primary alignments and design, and costs for a multi-phased project. This roadway system is consistent with and supportive of the future growth and development plans set forth in both the City and County Comprehensive Plans.

As business activities are realized in GOBTP, the city is honoring the original commitment with DelDOT for analysis and potential improvements to White Oak Road adjacent to the park. A TIS has been completed, and the design process is underway. TIIF funding has been awarded to the City of Dover for the construction phase.

Business-Business Connector Roads (N. Little Creek Road to Horsepond Road; Horsepond Road, Lafferty Lane and Starlifter Drive)

These roads were priority requests to DelDOT and the Dover/Kent County MPO as early as 2022, and again in both 2023 and 2024 priorities, reflecting the completion of regional freight and air cargo studies by the MPO. These roads are a continuation of the Dover Air Cargo Freight Access Study project, extending a business-focused limited-access connection from the SR1/N. Little Creek Road (Route 8) interchange south to S. Little Creek Road; improvements to Horsepond Road and Lafferty Lane to facilitate imminent business development; and an extension of Starlifter Road to facilitate the development of the East Dover Employment Center as outlined in City and County

Comprehensive Plans. These improvements increase safety by taking industrial traffic off local streets, improving regional freight access, and support the long-term viability of the East Dover Industrial Center, the Kent County Aeropark and the Central Delaware Aviation Complex. The city urges that initial funding for these improvements, including planning, engineering, ROW, and construction. be approved as soon as possible. The recent renewal of the Joint Use Agreement with DAFB increases the potential for these roadways. As the City and County work toward achieving the East Dover Employment Center, the priority of these improvements will become clearer. Additional consideration will need to be given to the recommendations from the Dover Air Force Base Compatible Use Study (2023).

Loockerman Street and Forest Avenue Intersection Improvements

This project was requested by the city to help spur redevelopment activities in the Downtown Development District while improving traffic circulation and safety. It was identified as a needed improvement through the Restoring Central Dover Study and the Westside Redevelopment Study conducted in 2001. It is complementary to the Capital Gateway Study and would result in improved traffic circulation and the creation of a new gateway into Downtown. Work on this project has been deferred due to opposition to the original design option (roundabout). It was reviewed again as part of the DDP's proposed "Capital City 2030 Downtown Master Plan." The recently completed Downtown Dover Pathways Study (2024) includes conceptual design concepts for nearby properties and high-level recommendations such as street realignments, informational signage, and added parking and open space.

SAFETY AND CAPACITY IMPROVEMENTS PRIORITIES

College Road – Kenton Road to McKee Road

This high-priority project consists of pavement rehabilitation, construction of shoulders and sidewalks on both sides of College Road, intersection and drainage improvements, bike safety improvements, utility relocations, and complete pavement replacement. This roadway serves as a critical east-west connector. The project addresses transportation and safety issues for all modes and users. It is very narrow, poorly drained, and unsafe for vehicles, pedestrians, and bicyclists. College Road from Oakmont Drive to College Park Drive and the intersection at McKee Road are part of the High Injury Network (HIN) identified in the 2025 MPO Comprehensive Safety Action Plan. ROW acquisition will be difficult. College Road/McKee Road intersection will be part of the McKee/Saulsbury Road project that has been included as project development, programmed in the FY29-31 CTP.

Sidewalks within the Walk Zone of Dover High School

Critical gaps in the sidewalk system on both State and city-maintained roadways near Dover High School remain, including along Mifflin Road and Route 8 on the south side of the roadway traveling west. This project incorporates recommendations from the Capital Gateway Study and Senator Bikeway Plan, as well as a more recent assessment completed by the MPO in July 2023.
Connectivity gaps include portions along Route 8, Mifflin Road, Hazlettville Road and various neighborhoods, although sidewalk is now complete on the southside of Route 8 from Mifflin Road to Dover High School. The city identifies this as a high priority safety concern in this area. The city urges funding through the statewide safety improvement program at the earliest opportunity. The city will seek funding through other sources such as CTF and TAP.

US 13 Sidewalk Construction and Related Improvements

DelDOT and the MPO have completed a Comprehensive Safety Action Plan for Kent County that identifies US 13 as part of the High Injury Network (HIN) and is seeking an SS4A grant to conduct

additional study development of recommendations to address the concerns on this corridor. The study scope includes complete supplemental planning activities for the 6.1-mile US 13 corridor within Dover city limits. Funded activities include expanded crash analysis; stakeholder engagement and public workshops; a corridor road safety audit; conceptual designs evaluating Proven Safety Countermeasures and low-cost strategies; and detailed cost estimates. Outcomes include prioritized, constructible concepts ready to advance to design and construction. This area experiences frequent accidents, serious and fatal incidents, traffic congestion, and delays (examples: recent pedestrian fatality near Delaware State University, vehicles blocking through traffic from turn lanes at Lowes/Sams Club, and Lepore Road, dangerous traffic movements near Wilmington University and direct entrances such as at Dunkin Donuts and Kings Highway).

Construction of multi-use paths and complete sidewalk systems along Route 13 continues to be a city priority. Construction of sidewalks is required when properties are developed or redeveloped but significant sections of the sidewalk system are either missing or in poor condition. This program is ongoing and funded through the state's sidewalk safety improvement program. In June 2023 the MPO conducted an inventory and assessment of the existing sidewalk system throughout the U S13 commercial corridor. Substantial improvements have been made including construction of major sidewalk segments along Route13 on both sides of the highway. Some gaps still exist but these will be addressed in the near future.

McKee Road/Saulsbury Road Study

The Dover/Kent County MPO completed in May 2023 a capacity study of the McKee/Saulsbury corridor from the US13/Scarborough Road intersection to the POW-MIA Parkway/US13 intersection. This initiative examined potential capacity expansion as a result of past and future development, as well as the impact of recent improvements such as those at the Route 8/Route 15 intersection. The goal of the study was to address present and future traffic volume in consideration of residential growth. The study identified crash patterns and notable safety concerns.

The Scarbrough Road/McKee Road/College Road Corridor, including intersections, is identified on the High Injury Network (HIN). The project was added to the FY27-32 CTP with project development programmed for FY29-31.

TRANSPORTATION SYSTEM IMPROVEMENT PRIORITIES

Kings Highway/White Oak Road and Route 13 Intersection

The intersection of Kings Highway/White Oak Road/US 13 continues to need improvements to meet acceptable levels of service (now functioning at LOS "E"). Extensive adjacent commercial development, along with nearby recreational and institutional uses, has added traffic and access burdens to this intersection. Nearby multi-use paths contribute to increased bike and pedestrian traffic as well. This intersection was identified in the DelDOT Transportation Operations Management Plan as a congestion hotspot in Kent County. Recommendations included adding a two-stage pedestrian crossing system and revising the intersection at White Oak Road and Centre Drive to provide additional access to US 13. The revised plans for Senator Bikeway include a crossing of US 13 at this intersection. This enhanced bicycle crossing must be included in the planning and engineering of this project. This intersection is also a gateway to downtown.

Based on a MPO recommendation, this project was removed from the draft FY27-32 CTP. There is currently an active construction project implementing safety and multi-modal facilities at the intersection. Improvements include new pedestrian crosswalk on the south leg of US13, ADA upgrades, and geometric modifications to tighten corner radii and realign side street crosswalks closer to US 13 for improved pedestrian crossing visibility. The current active construction project is

considered the CTP project since it is implementing safety and multi-modal facilities at the intersection. Improvements include a new pedestrian crosswalk on the south leg of US 13, ADA upgrades, and geometric modifications to tighten the corner radii and realign side street crosswalks closer to US 13 for improved pedestrian crossing visibility. Also, the two-stage pedestrian crossing suggestion from the original study was considered but it was decided to utilize the single-stage crossing after receiving comments about the small splitter island, APS/VRU aspect, and atypical signal overlap phasing + coordination with the TMC.

Sidewalk Improvements to N. State Street from Division Street to Walker Road

State Street is one of the oldest developed portions of the city, with mature trees, stately homes on well landscaped lots, and a complete sidewalk and curb system. But the maturity of the trees and relative age of curbs and sidewalks bring problems associated with tree roots and lifted walks, crumbled curbs, ADA conflicts, etc. The city recently replaced the water line in N. State Street but was not able, due to funding requirements, to effectively assess and remedy these issues. The city requested that the MPO conduct a study to determine existing conditions and make recommendations leading to adding this project to the DelDOT TAP program to examine alternatives that would minimize tree removal while improving pedestrian safety. The MPO determined that sidewalks exist in most of the area, although some segments are in disrepair. Because the city has an inventory of sidewalks, curb cuts, and other obstructions along N. State Street in its ADA Transition Plan, an additional study was not needed. The city was advised to apply for a DelDOT TAP grant. An application was submitted in February 2025 but was not approved. The city will explore other funding options.

Downtown Strategic Plan Improvements

The recently completed Capital City 2030 Downtown Dover Master Plan and the Downtown Dover Pathways Study have recommended to the Downtown Dover Partnership a number of items for consideration. Many of the short-term recommendations involve painted crosswalks (2 have been completed), curb extensions, increased walkability, signage and wayfinding improvements. Also considered recommendations that include physical changes to crosswalks and curbs, roadway modification, signalization, raised street beds, street furniture, and possible connectivity/mobility improvements. As the Downtown Master Plan evolves these projects will be more fully detailed and costed. Capital investment is needed to implement these improvements. Portions of Loockerman Street will be redesigned and replaced as part of the City's water/wastewater improvement program, currently in design. Currently a DelDOT bicycle and pedestrian improvement project is under design on Loockerman Plaza, which includes new sidewalk, curb ramps median extensions and rectangular rapid flashing beacon and new bus stops.

Bay Road Pedestrian Improvements and Landscaping

Dover Kent County MPO completed the Bay Road Pedestrian Path and Walking Trail Study in 2023. This study describes the existing conditions along Bay Road, identifies the lack of adequate pedestrian amenities such as sidewalks, walking paths and crosswalks, and lists the most important recommended changes for improving pedestrian connectivity in the area. The city supports this project as well as related projects along Horsepond Road and at the US13/Bay Road/MLK/South Little Creek Road intersections. The section of the roadway from Blue Hen Boulevard to Transportation Circle is part of the High Injury Network (HIN). The city asks that consideration also be given to improving the visual appearance attributes of this gateway to the city.

A TAP project was funded in the most recent round: "This TAP project intends to provide funding to complete the preliminary engineering for connecting the pedestrian gaps on Bay Road between S. Little Creek Road and the Puncheon Run Connector through the design of sidewalks, crosswalks,

associated safety signage, and pavement markings. Right-of-way (land) needed to construct the proposed improvements and/or accommodate stormwater management would need to be attained from the affected property owner(s), and assistance from the project sponsors will be necessary to help with the acquisition process. Depending on sponsor matching funds provided, this also may include additional items such as bicycle facilities."

Development Regulations - Freight Issues

The MPO recently completed studies addressing freight parking and movement in the city. That study, Dover Municipal Freight Plan, as well as the Rail Land Use Study and the East/West Freight Studies 1 and 2, recommends land use and development regulations be reviewed and revised to require consideration of truck parking and travel as part of new industrial development plans and development of a checklist of to assist in determining what general types of freight and land use impacts may need to be considered as part of local planning and economic development initiatives.

Local Streets (City of Dover Maintained)

The City of Dover currently owns and maintains over 113 miles of streets and alleys. Streets and alleys are rated based on software that takes into account the traffic volume and condition of the street. The city utilizes Community Transportation Funds (CTF) from local legislators to enhance and upgrade transportation infrastructure in the limits of the municipality. The city is also responsible for maintaining the pedestrian network within the boundary. An ADA Transition Plan has been adopted and lays out the long-term plan of bringing the network into compliance.

Emergency Sheltering Rules and Regulations
City of Dover

What is zoning?

All land with the incorporated limits of the City of Dover is assigned a zoning district.

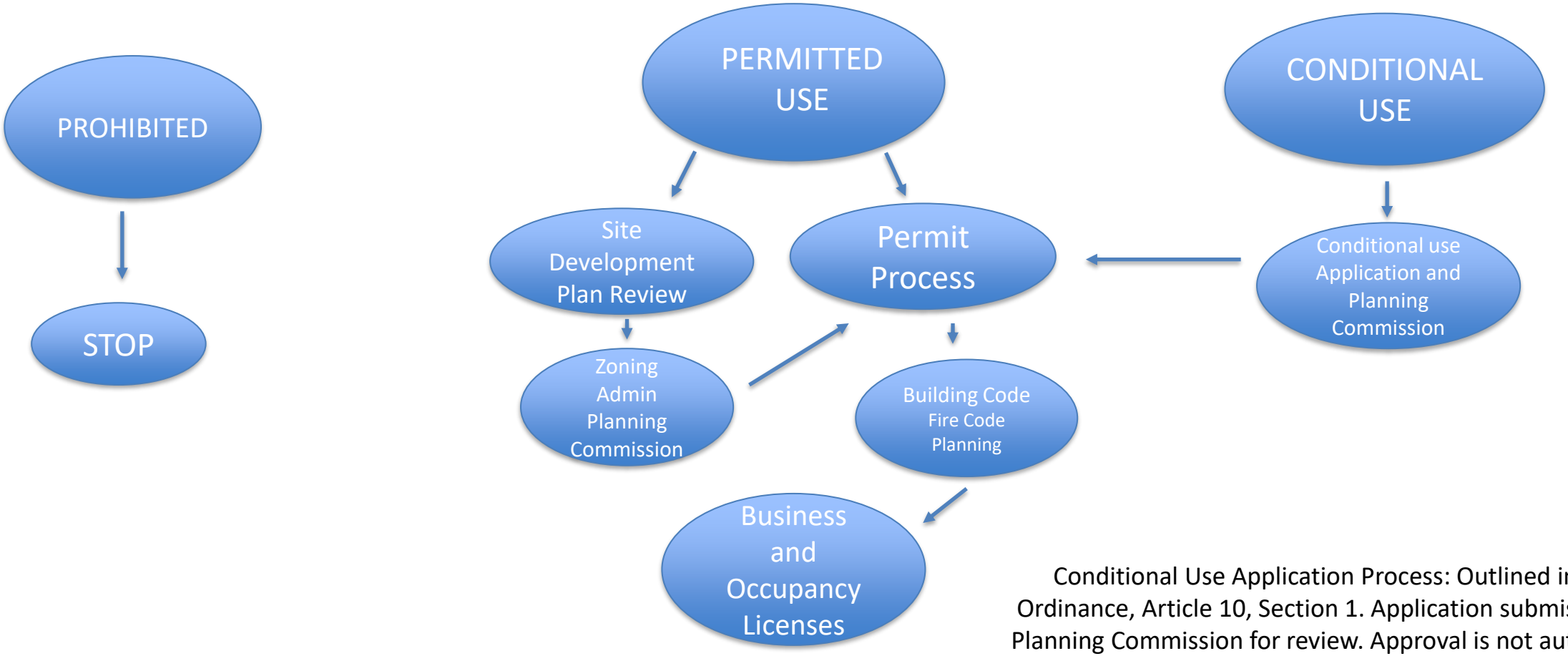
Zoning regulations outline the types of uses such as residential, commercial, and industrial allowed for properties within each zoning district.

The zoning regulations also address features such as lot size, building height, setbacks from property lines, parking, density, and many other land use elements.

The regulations are found in the Zoning Ordinance. (Dover Code of Ordinances, Appendix B).

There are also zoning overlay districts which include additional design regulations.

Each zoning district includes a listing of permitted uses (uses allowable by right); Conditional uses (uses allowed through a conditional use application) and prohibited uses. If a use is not listed for a zoning district, then it is interpreted as not being allowed in that zone.



Conditional Use Application Process: Outlined in Zoning Ordinance, Article 10, Section 1. Application submission to the Planning Commission for review. Approval is not automatic, the Planning Commission is the approving authority, and the process is public and time sensitive.

CITY OF DOVER ZONING ORDINANCE

City Ordinance, Appendix B – Zoning, Article 12. – Definitions

Emergency Shelter: A facility providing temporary housing to homeless or transient persons in a dormitory style setting; such facility may also provide or facilitate other social services including counseling and vocational training.

Delaware Code

Emergency Housing Shelter: Under Title 29, Chapter 79, Subchapter IV, § 7951, a temporary shelter intervention is defined as a facility providing short-term housing and supportive services for a period of 90 days or less to individuals experiencing homelessness.

Dormitory - A building or a space in a building in which group sleeping accommodations are provided for more than 16 persons who are not members of the same family in one room, or a series of closely associated rooms, under joint occupancy and single management, with or without meals, but without individual cooking facilities.

Lodging or Rooming House - A building or portion thereof that does not qualify as a one- or two-family dwelling, that provides sleeping accommodations for a total of 16 or fewer people on a transient or permanent basis, without personal care services, with or without meals, but without separate cooking facilities for individual occupants.

Delaware State Housing Authority now known as Housing Delaware

June 11, 2026, Governor Meyer and Housing Delaware (DSHA) announce Hope Center expansion in Kent County (Former DSU facility, former Sheraton Inn)

Staff has been in regular contact with Director (and Housing Cabinet Secretary) Matthew Heckles and have placed inquiries regarding the facilities that Dr. Roy Sudler, Jr. mentioned with State facilities.

Other options are still being explored.

Questions?

THE CAPITAL OF DELAWARE "CAMSA"

SYNOPSIS

Background:

The City of Dover exhibits a profound structural fiscal asymmetry, driven by a highly constrained municipal tax base where 45% of the total real property aggregate is encumbered by statutory tax exemptions for state complexes, universities, and non-profit 501(c)(3) healthcare networks. Vesting its authority in the explicit legislative power of the City Council, the passage of a **RESOLUTION OFFICIALLY REQUESTING THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE TO ENACT AN AMENDMENT TO THE CHARTER OF THE DOVER CONCERNING THE ESTABLISHMENT OF SECTION 49A (MUNICIPAL SERVICES INFRASTRUCTURE FEE) will** permanently elevate the city's emergency floor from $4.78 million to an unassailable 11.35% statutory baseline of $6.78 million, establishing a multi-layered shield against future economic fluctuations.

Hard Reality & Technical Validity:

Opponents rely on an outdated defense, arguing that their economic presence and job creation should buy them a lifetime exemption from local infrastructure costs. Job creation does not pave roads, institutional growth does not clear stormwater networks, and prestige does not fuel emergency rescue vehicles. Sustaining a resilient Capital requires tangible, liquid capital—not economic theories. Proposing a flat $50,000 statutory cap on a multi-million gross square foot (GSF) complex is an insult to Dover taxpayers that mathematically disconnect from real asset exhaustion.

Budgetary Outcome:

Backing this revenue pipeline is an optimized Priority-Based Budgeting (PBB) model ensuring 100% compliance with Page 20 Revenue Policies 1 and 7 of the city budgets [2026CAMSA-04]. The engine establishes an immutable baseline of 12,990,000 GSF, generating a predictable $12,990,000.00 annually ($64,950,000 over five years) fenced into capital subaccounts: 50.04% for public safety offsets, 34.56% for utility grid stabilization, and 15.40% for emergency reserve stabilization [2026-CAMSA-04]. CAMSA successfully reduces regressive tax burdens on residents, secures the city's revenue engine, and promotes the long-term fiscal and structural sustainability of the Dover community.

FY 2026-29 Long-Term Fiscal Solvency, Wealth, and Health Optimization

Sponsored by: Roy Sudler, Jr., Ph.D.
District 4 Councilman
&
Brian Lewis
District 2 Councilman

CITY OF DOVER, DELAWARE

Comprehensive Framework & Legislative Context

EXECUTIVE SUMMARY----------pg. 3

I. Paradigm Shift in Municipal Finance----------pg. 3

A. Directly Safeguarding Constituent Wealth and Health Optimization----------pg. 3

II. Conceptual & Theoretical Alignment----------pg. 3

A. PBB Gap in Approach----------pg. 4

III. PBB as an External Revenue-Generating Framework----------pg. 4

A. The Structural Property Tax-Exempt Paradox----------pg. 5

B. The Paradigm----------pg. 5

IV. The Tax-Exempt Status vs. Regulatory Service Fees----------pg. 5

A. Legal and Mathematical Distinction----------pg. 5

B. Optimizing Priority-Based Budgeting (PBB) ----------pg. 6

V. Redefining the Concept in Three Simple Parts----------pg. 6

VI. PBB Driven by Data-Validity ----------pg. 7

A. The Capital Area Municipality Sustainability Act (CAMSA) ----------pg. 7

B. PBB Approach Merged with CAMSA Framework----------pg. 7

VII. Clarifying the Council's Legal Mandate----------pg. 8

A. Article III, Section 18 of the Dover Charter vests City Council----------pg. 8

B. Fixing a Structural Injustice---------- pg. 8

C. Legal Incontrovertibility---------- pg. 8

D. VIII. The Infrastructure Burden: Calculating the True Institutional Cost----------pg. 8

IX. Priority-Based Allocation Mandate---------- pg. 9

(A) Program: Frontline Public Safety Offsets----------pg. 10

(B) Program: Utility Grid & Sewer Main Stabilization----------pg. 10

C) Program: Emergency Reserve Stabilization and Upward Capital Re-allocation----------pg. 10

X. CAMSA Policy Compliance Cross-Reference Matrix----------pg. 11

XI. The Hard Reality----------pg. 12

XII. Comparative Fiscal Analysis----------pg. 13

XIII. Tax-Exempt Footprints Over 50,000 GSF----------pg. 14

XIV. Comprehensive Revenue Offset (Grants) and Intergovernmental Funding Ledger------pg. 15

A. Higher Education Institutions (Delaware State University & DTCC) ----------pg. 16

B. Healthcare Systems (Bayhealth Medical Center) ----------pg. 17

C. State of Delaware Government Complexes----------pg. 18

D. Local Government & Civic Foundations (Kent County & Federal/Museum) ----------pg. 19

E. Public Housing Authorities (Dover Housing Authority) ----------pg. 20

XV. 5-Year Revenue & Allocation Forecast----------pg. 20

A. Standard Resident Tax Hike vs. MSIF Impact----------pg. 20

XVI. Consumer Decoupling & Rate Relief Mechanism----------pg. 21

XVII. Prohibited Interfund Transfers (Anti-Supplanting Mandates)----------pg. 21

XIII. DRAFT #1 - OFFICIAL LEGISLATIVE PROPOSAL & FUNDING REQUEST--------pg. 23

XIX. Draft # 2- RESOLUTION NO. 2026--A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DOVER OFFICIALLY REQUESTING THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE TO ENACT AN AMENDMENT TO THE CHARTER OF THE CITY OF DOVER CONCERNING THE ESTABLISHMENT OF SECTION 49A (MUNICIPAL SERVICES INFRASTRUCTURE FEE) TO MITIGATE STRUCTURAL TAX ASYMMETRY AND ENSURE EQUITABLE FISCAL STABILIZATION----------pg. 32

XX. Draft #3- LEGISLATIVE TRANSMITTAL & FORMAL APPEAL FOR STATE ACTION------ ----------pg. 38

XXI. Household Well-Being Vector Analysis----------pg. 40

XXII. Macro-Level Capital Allocations for Public Well-Being----------pg. 41

XXIII. Wellness and Prosperity Metric Breakdown ----------pg. 42

XXIV. The Dover Community Well-Being Survey (DCWS)----------pg. 43

XXV. The Biopsychosocial Impact Metric Framework----------pg. 45

XXVI. The Integrated Biopsychosocial Health Index (BHI)----------pg. 46

XXVII. Sustainability, Feasibility, and Validity Matrix Analysis**----------pg. 50**

XXVIII. The Legalities of Implementing the CAMSA Framework**----------pg. 60**

XXIX. Judicial Insulation and Risk Management**----------pg. 62**

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XXX. The Mid-Atlantic Judicial Blueprint Matrix----------**pg. 64**

XXXI. Master Cost-Recovery & Allocation Breakdown Matrix----------**pg. 65**

XXXII. ESTABLISHMENT OF SECTION 49A (MUNICIPAL SERVICES INFRASTRUCTURE FEE) ----------**pg. 66**

Section 1-A: Statutory Definitions----------**pg. 66**

Section 1-B: Enforcement, Auditing, and Penalties for Non-Compliance----------**pg. 67**

Section 1-C: Administrative Review and Appeals Process----------**pg. 69**

Section 1-D: Burden of Proof and Evidentiary Standards----------**pg. 71**

Section 1-E: Model Rule for Jointly Occupied Structures----------**pg. 72**

Section 1-F: Anti-Pass-Through Protections for Small Sublessees----------**pg. 74**

Section 1-G: Severe Hardship Waiver Exception----------**pg. 76**

XXXIII. MUNICIPAL COMPLIANCE & TRANSPARENCY DETACHMENT STUB--**pg. 78**

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Executive Summary

I. Paradigm Shift in Municipal Finance

The City of Dover faces a structural revenue imbalance that challenges its long-term budgetary sustainability. This comprehensive financial policy framework introduces the **Capital Area Municipality Sustainability Act (CAMSA)**, a landmark home-rule initiative designed to transition the capital city to an equitable fiscal stabilization framework. At its core, CAMSA operationalizes a data-driven **Priority-Based Budgeting (PBB)** model to implement a **Municipal Services Infrastructure Fee (MSIF)**. This strategy shifts Dover away from regressive residential funding cycles and anchors its future on a single, transparent structural principle: **growth pays for growth**. Public safety and asset preservation require tangible capital, not just economic presence; therefore, massive institutions must directly contribute to the public frameworks that sustain them. The recurring gross revenue stream of $12,990,000 annually enables upward capital re-allocation. By securing **$64,950,000 over five years in net infrastructure and safety funds**, the city gains the fiscal latitude to freeze regressive charges and potentially reduce current resident utility charges. Returning tangible financial relief directly to the pockets of Delaware's Capital constituents optimizes household disposable income, directly securing the long-term safety, health, economic comfort, and optimal well-being of our community.

A. Directly Safeguarding Constituent Wealth and Health Optimization

By establishing an independent cost-recovery stream, CAMSA eliminates the need for regressive local property tax increases (saving the average Dover household **$841.29 annually** or **$70.11 monthly**) and freezes (Safeguard) utility rate hikes at a strict 0%. Furthermore, following the full capitalization of the Emergency Reserve floor in Year 2, CAMSA grants City Council the legislative authority to evaluate annual capital surpluses to mitigate existing resident utility charges and optimize constituents' wealth and health well-being.

This revenue will fund the massive tax-exempt institutions placed on the city's utility grids, emergency services, and stormwater management networks. It ensures resident utility rates remain stable. To ensure the highest standards of fiscal responsibility and administrative operational readiness, we are requesting that the Legislative, Finance, and Administrative Committee approve and authorize City Manager Sharon Duca, and the municipal budget team to conduct a rigorous **Sustainability and Feasibility Assessment** of this framework by August 24, 2026. We seek Council's support in verify the administrative implementation path, long-term revenue projections, and technical deployment metrics of the MSIF to confirm its alignment with city's PBB approach to operations.

I. Conceptual & Theoretical Alignment

Priority-Based Budgeting (PBB) shifts municipal financing away from traditional, line-item incremental budgeting. Rather than scaling previous years' spending up or down by an arbitrary percentage, PBB allocates resources based on a program's direct contribution to defined

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community outcomes. Traditional line-item budgeting models focus on input incremental adjustments based on historical baselines. Conversely, Chris Fabian and the Center for PriorityBased Budgeting (2012) pioneer Priority-Based Budgeting (PBB) as a theory to align fiscal resources directly with community outcomes and values.

[Traditional Line-Item Model] ➔ Incremental Changes ➔ Funds Historical Departments ➔ Fails Cost-Recovery

[Priority-Based Model (PBB)] ➔ Outcome-Aligned ➔ Funds Fenced Programs ➔ Enables Cost-Recovery

A. PBB Gap in Approach

However, a significant **gap exists in current PBB literature**: A review of contemporary public finance literature reveals a systemic structural gap: traditional municipal budgeting models are failing mid-sized capital cities because they lack modern regulatory frameworks to recover infrastructure wear-and-tear costs from the mega-scale, tax-exempt institutional growth driving those very costs. Literature shows that when traditional municipal budgeting faces this gap, the options are narrow and regressive: cities either spike local property taxes or enforce flat utility user fees (such as Dover's proposed 1-cent electricity-usage hike) [2026-CAMSA-04].

This shifts the operational burden entirely onto resident wallets, violating the core public finance principle of equitable revenue distribution. In Dover, this spatial imbalance has reached a critical threshold: **45% of the real property footprint is tax-exempt**, forcing the remaining **55% of taxable properties** (working families and local shopkeepers) to absorb **100% of the financial burden** for public assets utilized by the entire state [2026-CAMSA-04]. Most municipalities approach PBB as an *internal spending tool* to cut municipal departmental waste, rather than an *external revenue-generating framework* to capture cost-recovery from non-paying entities.

III. PBB as an External Revenue-Generating Framework

CAMSA bridges the gap by anchoring its validity in Page 20 Revenue Policies 1 and 7 of the Dover Budget, the act uses PBB theory to justify a **$1.00 per gross square foot** (**GSF**) **Municipal Services Infrastructure Fee** (**MSIF**) [2026-CAMSA-04]. It shifts the municipality from an input-driven baseline to an outcome-driven baseline, where large-scale growth is held structurally accountable for the public frameworks it exhausts [2026-CAMSA-04]. The implementation of the Capital Area Municipality Sustainability Act (CAMSA) in Dover, Delaware, sits at the intersection of three critical fields in municipal finance and public administration: the structural property tax-exempt paradox, the optimization of Priority-Based Budgeting (PBB), and intergovernmental capital infrastructure degradation.

A. The Structural Property Tax-Exempt Paradox

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The **structural property tax-exempt paradox** describes a systemic public finance crisis where a municipality's economic growth actively erodes its primary revenue engine [2026-CAMSA04].

[Institutional Footprint Expands] ➔ Drives Up Municipal Demand ➔ Removes Land from Tax Base

[Resulting Fiscal Imbalance] ➔ 45% Land Base Pays $0.00 ➔ 55% Residents Pay 100% of Bill

B. The Paradigm

In traditional public finance, expanding real estate footprints and institutional growth signal a thriving municipal economy. The paradox arises because premier educational, governmental, and medical institutions are constitutionally and legally exempt from *ad valorem* property taxes [2026-CAMSA-04]. **Ad valorem property taxes** are local government taxes levied on real estate or personal property, where the tax amount is calculated as a direct percentage of the property's assessed value [2026-CAMSA-04]

IV. The Tax-Exempt Status vs. Regulatory Service Fees

In the context of municipal public administration, ad valorem property taxes are highly volatile due to statutory exemptions granted to specific organizations [2026-CAMSA-04]. **The Ad Valorem Exemption:** Under state constitutions and federal laws, properties owned by government agencies, public universities, religious institutions, and registered 501(c)(3) nonprofit healthcare networks are **100% exempt from paying ad valorem property taxes** [2026CAMSA-04]. No matter how massive their physical footprint grows or how much market value their buildings command, their ad valorem property tax bill remains exactly **$0.00** [2026CAMSA-04].

A. Legal and Mathematical Distinction

To withstand constitutional scrutiny and avoid classification as an unauthorized municipal tax, the MSIF maintains a rigid structural distinction:

Fiscal Metric	Ad Valorem Property Tax	Municipal Services Infrastructure Fee (MSIF)
Calculation Base	Assessed market value of property.	Total Gross Square Footage (GSF) of building footprint.
Legal Framework	Wealth-based revenue generation.	Cost-recovery for regulatory services used.
Exemption Eligibility	100% exempt for state, educational, and 501(c)(3) entities. Zero exemptions; applies to all physical structures.	
Dedicated Use	Dispersed into General Fund operations.	Fenced exclusively for public safety and capital assets.

The Fiscal Distortion: As seen in Dover, Delaware, because **45% of the city's real property footprint is tax-exempt**, the ad valorem system breaks down [2026-CAMSA-04]. The city cannot collect value-based taxes from massive state complexes or university campuses, forcing the remaining **55% of taxable properties** (local residents and small businesses) to shoulder the entire tax burden [2026-CAMSA-04].

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The Fee Distinction: This is why frameworks like the **Municipal Services Infrastructure Fee (MSIF)** transition away from ad valorem structures [2026-CAMSA-04]. Because the MSIF is classified as a **regulatory service fee calculated strictly on Gross Square Footage (GSF)** rather than an ad valorem tax based on valuation, it bypasses traditional tax-exempt protections [2026CAMSA-04]. It legally compels large institutions to pay for the exact physical utility and emergency assets they consume, creating structural fiscal equity [2026-CAMSA-04].

As these entities expand, they absorb geographic territory, removing valuable acreage from the taxable land base while driving up service demands [2026-CAMSA-04]. CAMSA resolves this paradox by shifting from property valuation to a **$1.00 per gross square foot (GSF) regulatory service fee**, ensuring that non-residential mega-structures pay their fair share [2026-CAMSA04].

B. **Optimizing Priority-Based Budgeting (PBB)** means changing how a city creates its budget by focusing on results achieved rather than money spent [2026-CAMSA-04]. In simple terms, traditional budgeting looks backward. It takes last year's departmental budgets and simply adds or subtracts a small percentage [2026-CAMSA-04]. PBB flips this model on its head by looking forward [2026-CAMSA-04]. It defines the city's core goals—like keeping residents safe or repairing broken utility grids—and then channels money exclusively to the specific programs that directly achieve those goals [2026CAMSA-04].

V. Redefining the Concept in Three Simple Parts

[Old Budgeting Model] ➔ Funds Historical Departments ➔ "We give money to a department because we always have."

[Optimized PBB Model] ➔ Funds Fenced Strategic Goals ➔ "We buy this fire truck because it solves a specific safety crisis."

Shifting from Inputs to Outcomes

Traditional budgeting asks, *"What are we buying?"* (e.g., paper, salaries, office supplies). Optimized PBB asks, *"What are we accomplishing?"* [2026-CAMSA-04] Every single dollar is treated as an active investment toward a community target, like protecting household disposable income or modernizing a sewer main [2026-CAMSA-04].

Pricing Programs, Not Departments

Instead of giving a large lump sum of cash to a general department, optimized PBB breaks government down into specific programs and calculates the exact cost of each service [2026CAMSA-04]. This transparency allows the city to see exactly which entities are driving up infrastructure wear and charge them a fair cost-recovery fee [2026-CAMSA-04].

Fencing and Sweeping Surplus Revenue

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Under this framework, money is strictly locked into specific priority funds and cannot be used for random government overhead [2026-CAMSA-04]. Once a high-priority goal is met (such as fully saving up an emergency reserve), the budgeting engine automatically shifts gears, sweeping the extra money into the next highest priority—which, under CAMSA, means **sending cash back to residents to lower their utility bills** [2026-CAMSA-04].

VI. PBB Driven by Data-Validity

To remain legally defensible, survive state-level challenges, and comply with **Policy Mandate 7 on page 20 of the Dover Budget**, PBB must be **driven strictly by data-validity**. Data-validity means that every municipal program is priced, scored, and funded based on verified, empirical metrics [2026-CAMSA-04]. Under **CAMSA**, this ensures that the **$1.00 per gross square foot (GSF) Municipal Services Infrastructure Fee (MSIF)** is legally tied to true cost-recovery, rather than arbitrary taxation [2026-CAMSA-04]. Data-validity proves that **45% of Dover is tax-exempt**, leaving the remaining **55% of taxable resident properties** to unfairly fund the city [2026CAMSA-04]. This data is the ultimate tool used to execute the **Upward Capital Re-allocation Clause**, safely capitalizing the emergency reserve to **$6.78 million in Year 2** and sweeping subsequent surpluses into **direct residential utility bill reductions** [2026-CAMSA-04].

A. The Capital Area Municipality Sustainability Act (CAMSA)

CAMSA utilizes verified Municipal GIS Division spatial data sets to audit raw, physical footprint realities. By cataloging non-residential, tax-exempt structures that exceed the 50,000 GSF threshold, the city establishes an immutable billing baseline of **exactly 12,990,000 GSF**, generating **$12,990,000.00 annually** in recurring cost-recovery revenue [2026-CAMSA-04]. Adhering to Revenue Policy Mandate 7, CAMSA implements a strict budgetary control framework that legally fences the $12.99 million into distinct sub-accounts (50.04% for safety, 34.56% for grid repair, 15.40% for reserve stabilization) [2026-CAMSA-04].

B. PBB Approach Merged with CAMSA Framework

The **PBB/CAMSA framework** for absolute traceability in public bond management is designed to convincingly illustrate to the Joint Capital Improvement Committee the City's unwavering financial commitment necessary to secure state general obligation bonds or cash premiums from the Bonds Bill Committee. Implementing this adjustment will allow for the direct allocation of state general funds to our city, significantly enhancing our capacity for effective financial management and reinforcing our infrastructure resilience.

VII. Clarifying the Council's Legal Mandate

Before we delve into the operational challenges facing our infrastructure, it is important to address and dispel the misconception that the City of Dover lacks the authority to implement this fee. We need to foster a shared understanding of our legal framework, ensuring that all stakeholders recognize our capacity to take meaningful action for the benefit of our community.

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A. **Article III, Section 18 of the Dover Charter vests City Council with the explicit legislative authority to pass ordinances, ensuring the power to set penalties for violations.**
B. **Fixing a Structural Injustice:** City Council and the Budget Team cannot ignore the math: **45% of Dover's property footprint is tax-exempt**, forcing the remaining **55% of taxable properties** (residents and small businesses) to shoulder **100% of the maintenance burden** for public grids [2026-CAMSA-04]. This initiative honors Page 20 Revenue Policies 1 and 7 by broad-basing and diversifying the revenue engine [2026CAMSA-04].
C. **Legal Incontrovertibility**: The argument leads directly with **Article III, Section 18 of the Dover Charter**, proving the Council possesses the explicit legislative authority to pass ordinances and penalize violations [2026-CAMSA-04]. This grounds the initiative in established law rather than administrative overreach. Any defense predicated on ignoring or bypassing this local framework is a direct challenge to the statutory authority granted by the Delaware General Assembly to the Capital's local government. The City of Dover possesses full legal backing to exercise its regulatory authority to enforce the **$1.00 per GSF MSIF** as the single best approach moving forward to permanently mitigate utility user fees and tax hikes in the Capital of Delaware.

Full Budgetary Alignment: Implementing this fee secures total, verifiable compliance with the strict fiscal mandates established on page 20 of the FY2026-27 Budget.

Policy Mandate 1: *"The city will strive to maintain a broad and diversified revenue base that will equitably distribute the burden of supporting City services and will protect the city from short-term fluctuations in any one revenue source."*

VIII. The Infrastructure Burden: Calculating the True Institutional Cost

Mega-scale, tax-exempt entities project an illusion of self-sustainability while consuming a disproportionate share of Dover's municipal resources. Operational data exposes the deep fiscal deficit these institutions impose on our city's core networks:

Pavement Degradation: Heavy logistics, commuter influx, and campus construction accelerate the lifecycle decay of local roadways, shifting millions in repaving costs onto residential taxpayers.

Stormwater Strain: Massive footprints of impervious surface area generate high-volume runoff, overwhelming local culverts and demanding expensive structural upgrades to our watershed management systems.

Emergency Services Volatility: High-density institutional campuses account for a critical volume of non-reimbursed public safety dispatches, stretching fire, rescue, and police resources to their absolute limits.

Fiscal Equity: Protecting Dover's Taxpayers

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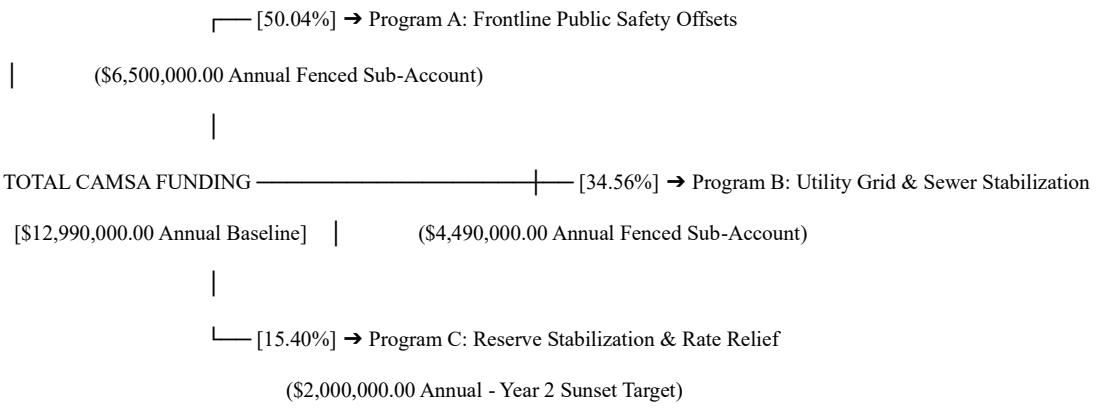
For decades, working families and small businesses have quietly subsidized the massive physical expansions of tax-exempt neighbors. The Capital Area Municipalities Sustainability Act (CAMSA) rectifies this imbalance through targeted structural reform:

Preventing Regressive Hikes: Without the $12.99 million in recurring MSIF revenues, the city would face an immediate choice between spiking residential property taxes or raising utility rates.

Predictable Capital Forecasts: Priority-Based Budgeting (PBB) channels MSIF revenues directly into dedicated infrastructure funds, removing unpredictable capital project deficits from the general fund.

IX. Priority-Based Allocation Mandate

In strict accordance with Priority-Based Budgeting principles and to ensure 100% compliance with Page 20 Revenue Policies 1 and 7 of the FY2026-27 Budget, the City Council shall annually appropriate and distribute the projected $12,990,000.00 in recurring MSIF revenue exclusively to high-priority capital programs. The allocation shall adhere to the following precise statutory layout:



(A) Program A: Frontline Public Safety Offsets

- **Allocation:** 50.04% of annual revenues, fixed at a baseline of **$6,500,000.00**.
- **PBB Outcome Realized:** High-Occupancy Risk Mitigation and Emergency Readiness.
- **Statutory Restriction:** Expenditures from this sub-account are restricted to the procurement of 100-foot tractor-drawn aerial ladders, heavy emergency rescue apparatus, specialized fire suppression machinery, and equipment necessary to service mega-scale institutional, medical, and educational footprints.

(B) Program B: Utility Grid & Sewer Main Stabilization

- **Allocation:** 34.56% of annual revenues, fixed at a baseline of **$4,490,000.00**.
- **PBB Outcome Realized:** Public Asset Preservation and Infrastructure Resiliency.

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- **Statutory Restriction:** Monies shall be used exclusively for the heavy maintenance, capacity scaling, and structural repair of municipal electrical substations, transmission lines, sewer mains, stormwater runoff basins, and culverts running beneath or directly feeding massive non-residential footprints.

(C) Program C: Emergency Reserve Stabilization and Upward Capital Re-allocation

- **Allocation:** 15.40% of annual revenues, fixed at a baseline of **$2,000,000.00**.
- **PBB Outcome Realized:** Long-Term Fiscal Solvency and Constituent Wealth Optimization.
- **Statutory Restriction and Sunset Protocol:**
    1. **Years 1 and 2 Baseline:** In Year 1 and Year 2 of implementation, the annual $2,000,000.00 allocation shall be transferred directly to the City Emergency Reserve Fund to permanently raise and lock the cash floor to its unassailable **11.35% statutory baseline ($6.78 million)**.
    2. **Year 3 Sunset Trigger:** Following the complete capitalization of the Emergency Reserve floor at the conclusion of Year 2, the statutory mandate to fund the reserve shall sunset.
    3. **Upward Capital Re-allocation Mandate:** Beginning in Year 3 and continuing every fiscal year thereafter, any recurring operational surpluses within this subaccount must be evaluated by City Council during the Q1 budget presentation. City Council shall adjust municipal utility structures to execute **direct, proportional reductions in existing residential utility bills**. These excess costrecovery dollars shall be returned directly to the household budgets of Dover's working families to optimize community well-being.

X. CAMSA Policy Compliance Cross-Reference Matrix

This matrix serves as an analytical roadmap proving that the proposed Charter Amendment (Section 49A) and the Municipal Services Infrastructure Fee (**MSIF**) are in **100%** compliance with existing municipal mandates, local home-rule authority, and long-term fiscal policies.

Source Document / Mandate	Explicit Policy Requirement	CAMSA / MSIF Design Integration	Compliance Status
City of Dover Charter: Article III, Section 18	Vests City Council with the legislative authority to pass ordinances to secure the safety, health, and rules, and civil economic comfort of its citizens, and ensures the penalty enforcement mechanisms embedded in the power to enforce penalties.	Provides the explicit legal and legislative foundation for the structural framework, reporting and for the MSIF.	**100% Compliant**
City of Dover Budget: Page 20 Revenue Policy	"The city will strive to maintain a broad and diversified revenue base that equitably distributes the burden of supporting City services..."	Shifts the unfair infrastructure subsidy away from local residential households by establishing an equitable cost-recovery fee paid by the mega-scale footprints driving the demand.	**100% Compliant**

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City of Dover Budget: Page 20 Revenue Policy	"...and protects the city from short-term fluctuations in any one revenue source."	Captures a stable, predictable, and recurring gross revenue stream of **$12,990,000 annually** ($64,950,000 over five years) completely separate from standard real estate tax cycles.	**100% Compliant**
Municipal Reserve Policy: Emergency Reserve Target	Establishes an unassailable **11.35% statutory baseline** floor for the municipal emergency reserve fund to shield the city from economic downturns.	Mandates a **Priority 1 Lock** in Year 1 (FY2026-27), automatically allocating the first **$2,000,000.00** of **100%** collected fee revenue to permanently raise the reserve **Compliant** floor from $4.78M to **$6.78M**.	
Data-Driven Budgeting: PBB Operational Model	Mandates the utilization of data-driven systems known as **Priority-Based Budgeting (PBB)** to align municipal spending directly with citizen well-being.	Integrates a restricted **Capital Preservation Fund** to ensure collected revenue strictly offsets the physical operational load massive institutions place on the utility grids.	**100% Compliant**
Consumer Protects residential pocketbooks from regressive **Protection:** tax spikes and prevents the burdening of Homeowner & Renter vulnerable capital constituents. Protection		Implements the **0% Resident Property Tax / Fee Freeze**, legally preventing municipal operational or utility fee increases for local residents.	**100% Compliant**
Targeted Shields micro-businesses, small neighborhood **Institutional Focus:** hubs, and localized operations from over- Small Footprint regulation or added financial strain. Protection		Establishes the **50,000 Gross Square Foot (GSF) Threshold Rule**, mathematically restricting the assessment strictly to mega-scale footprint structures.	**100% Compliant**
Civic & Charitable Protects vital local community service pillars, **Insulation:** human service non-profits, and neighborhood Human Services houses of worship from fee liability. Exemption		Creates a **100% Exempt ($0.00 cost) Protection Clause** that legally insulates organizations like the **Modern Maturity Center** and commuter student hubs.	**100% Compliant**
Intergovernmental **Precedent:** Alternative Legislative Tools	Leverages successful, established legislative tools from other progressive municipal jurisdictions to ensure structural equity.	Follows the established framework utilized by cities such as **Seattle, Washington**, which applies direct structural and service fees to non-residential footprints.	**100% Compliant**
Fiscal Optimization Model: Upward Capital Re-	Maximizes household disposable income and consumer well-being by pursuing structural relief mechanisms.	Grants City Council the explicit legislative mechanism to review annual Capital Preservation surpluses to **reduce existing residential utility** allocation **charges**.	**100% Compliant**

*By applying this matrix, legislative review teams can verify that CAMSA does not create a new structural burden. Instead, it fulfills unmet city directives by enforcing the long-standing principle that **growth pays for growth**.*

XI. The Hard Reality

Opponents rely on an outdated defense, arguing that their economic presence and job creation should buy them a lifetime exemption from local infrastructure costs. Job creation does not pave roads, institutional growth does not clear stormwater networks, and prestige does not fuel

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emergency rescue vehicles. Sustaining a resilient Capital requires tangible, liquid capital—not economic theories.

Smashing the "Sovereign Immunity" & "Exemption Paradox" (Points 2, 3, & 5)

- **The Institutional Myth:** Opponents invoke the *Sovereign Immunity/State Supremacy Clause* and *Public Purpose Exemptions* to claim their footprints should be set to a statutory $0.00 assessment rate.
- **The Hard Reality:** This defense rests on an **Exemption Paradox**. While these megacomplexes are exempt from *ad valorem* property taxes, the MSIF is **strictly a regulatory service fee**, completely separate from tax laws. Sovereign immunity is not a financial weapon to be used to drain local municipal assets. When an emergency occurs on an exempt campus, **it is Dover's emergency vehicles and frontline public safety personnel that respond**, consuming real municipal capital.

Rebutting "Budget Distortion" & Shifting the Burden (Point 4)

- **The Institutional Myth:** Lobbyists claim that an unbudgeted municipal fee creates a severe **Budget Distortion** that forces them to divert money away from core educational or healthcare mandates.
- **The Hard Reality:** This argument completely flips the flow of systemic distortion. The real, ongoing budget distortion is currently borne by the working families of Dover. For years, residents have un-equitably subsidized the massive high-capacity utility grids and stormwater management systems required to keep these mega-footprints operational. CAMSA does not create a budget distortion; it **rectifies an ongoing structural subsidy imbalance** by shifting the financial burden back to the massive entities actually generating structural demand.

Exploding the "Double Taxation" & "Statutory Cap" Delusion (Points 6 & 7)

- **The Institutional Myth:** Opponents argue that since state taxpayers already fund these footprints, a local fee constitutes **Double Taxation**. They are currently begging the Joint Capital Improvement Committee to implement a **Statutory Fee Cap** of $50,000 per institution.
- **The Hard Reality:** State taxpayers fund the bricks and mortar of state buildings, but local Dover utility users fund the ongoing operational maintenance of the utility lines and traffic corridors feeding them. Proposing a $50,000 statutory cap on a multi-million GSF complex is not a compromise—it is an insult to Dover's taxpayers. A flat cap mathematically disconnects from the actual cost of maintaining the infrastructure these mega-structures exhaust, forcing Dover families to continue paying inflated utility bills every day. If an institution builds a mega-structure that strains the public framework, it must pay proportionally. **Growth pays for growth, without exceptions.**

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Exposing the Flaw of "Existing Asset Reinvestment" (Points 1 & 8)

- **The Institutional Myth:** Institutions bring out one-page handouts detailing their **Existing Asset Reinvestment**, showing off self-funded on-campus upgrades as proof of local partnership.
- **The Hard Reality:** Internal campus capital projects do not solve external municipal deficits. In fact, adding a new state office building, a medical pavilion, or a campus common actually *intensifies* the strain on Dover's central infrastructure. An institution's private expansion projects do nothing to replenish Dover's **$4.78 million emergency reserve**. CAMSA breaks this cycle by generating **$12,990,000 annually**, immediately transferring $2 million in Year 1 to permanently raise the city's emergency reserve floor to an unassailable **11.35% statutory baseline ($6.78 million)**.

XII. Comparative Fiscal Analysis

The table below contrasts Dover's current financial exposure against the structured mitigation frameworks active in other capital cities. Without the passage of CAMSA or a dedicated Bond Bill allocation, Dover remains the only capital city listed that forces local residential utility users to entirely absorb state-driven infrastructure decay.

Capital Jurisdiction	Total Tax-Exempt Footprint Covered	Annual Mitigation Revenue	State / Local Funding Split Mechanism	Taxpayer Risk Mitigation
Dover, DE *(Current Baseline)*	~12.99M GSF (State & Private Institutional)	**$0.00**	**0% State / 100% Local** (Borne by Dover utility users & residents)	**CRITICAL** (Spiking property taxes & utility fund deficits)
Dover, DE *(Proposed CAMSA/Bond Bill)*	12.99M GSF Total (7.11M GSF State Footprint)	**$12,990,000.00** total ($7,110,000.00 from State Bond Bill)	**55% State Bond/Premium Split / 45% Large Institutional Fees**	**ELIMINATED** (100% protection against regressive tax/utility hikes)
Hartford, CT	State-Owned Real Estate & Higher-Ed Campuses	**$50M+** *(Variable by Tier)*	**Formulaic State Appropriation** (Tiered local property tax match)	**LOW** (Statutory floor stabilizes municipal general fund)
Olympia, WA	State Capitol Campus & Executive Office Parks	**Fee-for-Service Contract**	**Direct Budgetary Line-Item** (State agency pays city via statutory RCW contract)	**LOW** (Operational infrastructure costs fully reimbursed)
Albany, NY	Empire State Plaza & Core State Complex Holdings	**$15M - $22M** *(Annual Base)*	**Public Lands Law Sec. 19-a** (Direct multi-year cash allocation)	**MINIMAL** (Debt service on city bonds backed by state funds)

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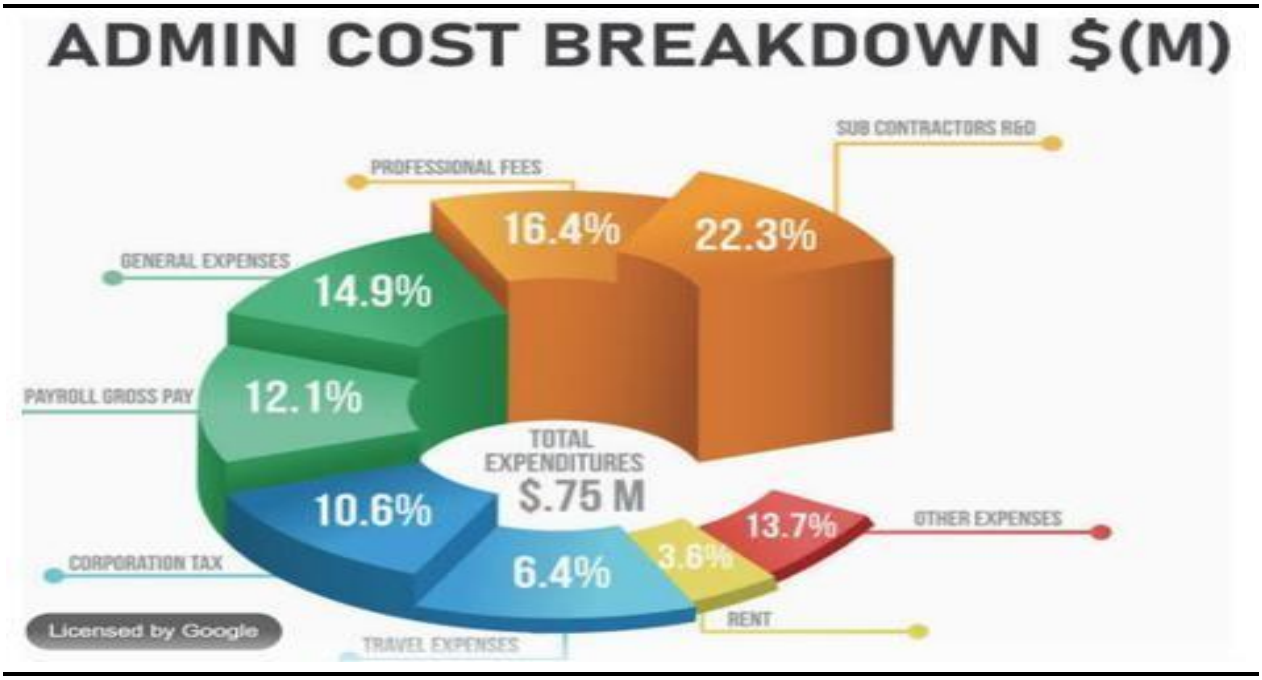

XIII. Tax-Exempt Footprints Over 50,000 GSF

The table below catalogs the twenty qualifying institutional footprints within Dover exceeding the 50,000 GSF threshold. Recommended assessment at the Structural Service Fee Rate of **$1.00 per GSF** yields a recurring revenue stream to stabilize our infrastructure.

Rank	Qualifying Tax-Exempt Property / Entity Footprint	Gross Square Footage (GSF)	Projected Annual MSIF Revenue
	Delaware State University (Main Campus - Combined >50k SF **1** Buildings)*	2,400,000 GSF	$2,400,000.00
2	Bayhealth Medical Center (Kent General Hospital Main Complex)	2,200,000 GSF	$2,200,000.00
3	Delaware Technical Community College (Terry Campus Footprints)*	1,100,000 GSF	$1,100,000.00
4	State of Delaware (Capital Complex / Central Office Footprints)*	1,000,000 GSF	$1,000,000.00
5	Delaware State University Downtown (Former Wesley College Core)*	850,000 GSF	$850,000.00
6	State of Delaware (Department of Transportation HQ)*	650,000 GSF	$650,000.00
7	Kent County Administrative Complex	550,000 GSF	$550,000.00
8	Bayhealth Medical Center (Outpatient & Specialty Pavilion)	500,000 GSF	$500,000.00
9	Delaware State University (Living & Learning Commons)*	450,000 GSF	$450,000.00
10	State of Delaware (Legislative Hall & Associated Office Complexes)*	450,000 GSF	$450,000.00

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11	Federal Courthouse & Central Post Office Facility	400,000 GSF	$400,000.00
12	Delaware Public Health Laboratory & Edgehill State Offices*	350,000 GSF	$350,000.00
13	Bayhealth Medical Center (Emergency Expansion & Logistics Hub)	320,000 GSF	$320,000.00
14	Delaware State University (Aviation & Technology Center)*	300,000 GSF	$300,000.00
15	State of Delaware (Supreme Court & Judicial Buildings)*	280,000 GSF	$280,000.00
16	Kent County Levy Court & Regional Service Assets	250,000 GSF	$250,000.00
17	Delaware Agricultural Museum & State Exhibition Buildings	250,000 GSF	$250,000.00
18	Bayhealth Center (Scull Mansion Medical Office Campus)	240,000 GSF	$240,000.00
19	State of Delaware (Emergency Management Agency HQ)*	230,000 GSF	$230,000.00
20	Dover Housing Authority (Administrative & Facility Holdings >50k SF)	220,000 GSF	$220,000.00
—	**TOTAL QUALIFYING LARGE-SCALE FOOTPRINT**	**12,990,000 GSF**	**$12,990,000.00**

**Denotes State of Delaware / State University complexes targeted for Bond Bill funding absorption (Total: 7,110,000 GSF / $7,110,000.00).*

XIV. Comprehensive Revenue Offset (Grants) and Intergovernmental Funding Ledger

State and Federal Statutory Appropriations, Capital Improvement Grants, and Specialized Federal Agency Programs: This appendix catalogs specific state and federal funding mechanisms, capital improvement grants, and specialized agency programs available to offset, defer, or directly absorb the proposed **Municipal Services Infrastructure Fee** (**MSIF**) obligations. These funding channels ensure that large-scale institutional footprints can meet their structural obligations under the **Capital Area Municipalities Sustainability Act** (**CAMSA**) without draining local operational or public service budgets.

SUMMARY OF POTENTIAL OFFSETS BY ENTITY SECTOR

ENTITY SECTOR	TOTAL FOOTPRINT	MAX OFFSET CAP
🎓 Higher Education Institutions	5,100,000 GSF	$5,100,000.00
🏥 Healthcare Systems	3,260,000 GSF	$3,260,000.00
🏛️ State of Delaware Complexes	2,960,000 GSF	$2,960,000.00
🌆 Local Gov. & Civic Foundations	1,450,000 GSF	$1,450,000.00
🏘️ Public Housing Authorities	220,000 GSF	$220,000.00
TOTAL PROGRAM PORTFOLIO	12,990,000 GSF	$12,990,000.00

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A. Higher Education Institutions (Delaware State University & DTCC)

State universities and community colleges can offset municipal infrastructure impacts using state higher education funds, green facility energy grants, and federal campus safety or infrastructure programs.

1. Delaware State University (Main Campus) ○ **Projected**

Annual MSIF: $2,400,000.00

- **Available Offsets:** Delaware State Capital Bond Bill Higher Education Allocations, which inject state dollars into university capital budgets for facility improvements.
- **Alternative Grants:** U.S. Department of Education HBCU Capital Financing Program loans/grants and Energize Delaware Public Sector Grants to subsidize campus utility and stormwater maintenance costs.

3. Delaware Technical Community College (Terry Campus Footprints)

Projected Annual MSIF: $1,100,000.00

- **Available Offsets:** State Community College Asset Preservation Appropriations and U.S. Department of Labor Community College Infrastructure Grants.

5. Delaware State University Downtown (Former Wesley College Core)

Projected Annual MSIF: $850,000.00

- **Available Offsets:** Federal historic preservation grants and urban renewal/campus revitalization funding funneled through state legislative acts.

9. Delaware State University (Living & Learning Commons) ○

Projected Annual MSIF: $450,000.00

- **Available Offsets:** HUD Historically Black Colleges and Universities (HBCU) Grant Program for neighborhood community development and student services.

14. Delaware State University (Aviation & Technology Center) ○

Projected Annual MSIF: $300,000.00

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- **Available Offsets:** FAA Aviation Workforce Development Grants and specialized NASA/NSF STEM Infrastructure Grants that allow a percentage of funds to cover physical laboratory and campus facility maintenance.

B. Healthcare Systems (Bayhealth Medical Center)

Medical complexes utilize healthcare facility expansion grants, regional emergency health infrastructure funds, and clean energy building credits to offset local municipal burdens.

2. Bayhealth Medical Center (Kent General Hospital Main Complex) ○ **Projected Annual MSIF: $2,200,000.00**

- **Available Offsets:** HHS Health Resources and Services Administration (HRSA) Capital Improvement Grants for regional trauma centers.
- **Alternative Grants:** State healthcare infrastructure stabilization funds and FEMA Public Assistance Alternative Procedures (PAAP) if facility upgrades align with regional disaster response readiness.

8. Bayhealth Medical Center (Outpatient & Specialty Pavilion)

Projected Annual MSIF: $500,000.00

- **Available Offsets:** Federal community health center expansion grants and private non-profit foundational hospital infrastructure endowments.

13. Bayhealth Medical Center (Emergency Expansion & Logistics Hub)

Projected Annual MSIF: $320,000.00

- **Available Offsets:** HHS Assistant Secretary for Preparedness and Response (ASPR) Regional Health System Grants for emergency logistics hubs.

18. Bayhealth Center (Scull Mansion Medical Office Campus) ○

Projected Annual MSIF: $240,000.00

- **Available Offsets:** USDA Rural Development Community Facilities Grants (if classified under multi-county regional healthcare networks) and historic preservation structural grants.

C. State of Delaware Government Complexes

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State government buildings do not use traditional grants; instead, they offset municipal burdens via legislative pass-throughs, the annual state budget, and environmental mitigation credits.

4. State of Delaware (Capital Complex / Central Office Footprints) ○ **Projected Annual MSIF: $1,000,000.00**

- **Available Offsets:** Direct legislative pass-through provisions within the Delaware Annual Appropriations Act, utilizing state general funds to pay municipal sewer, water, and traffic safety bills.

6. State of Delaware (Department of Transportation HQ) ○ **Projected Annual MSIF: $650,000.00**

- **Available Offsets:** Federal Highway Administration (FHWA) State Planning and Research (SPR) Funds, which can absorb site traffic and right-of-way impacts.

10. State of Delaware (Legislative Hall & Associated Office Complexes) ○ **Projected Annual MSIF: $450,000.00**

- **Available Offsets:** State Capitol Complex Structural Preservation Funds and standard governmental operating adjustments.

12. Delaware Public Health Laboratory & Edgehill State Offices

- **Projected Annual MSIF: $350,000.00**
- **Available Offsets:** CDC Public Health Infrastructure and Capacity Grants designed to safely run and preserve central diagnostic structures.

15. State of Delaware (Supreme Court & Judicial Buildings) ○ **Projected Annual MSIF: $280,000.00**

- **Available Offsets:** State Judicial Branch Capital Improvement appropriations and Court Security/Infrastructure grants.

19. State of Delaware (Emergency Management Agency HQ) ○ **Projected Annual MSIF: $230,000.00**

- **Available Offsets:** FEMA Emergency Management Performance Grants (EMPG) and Homeland Security facility infrastructure support funds.

D. Local Government & Civic Foundations (Kent County & Federal/Museum)

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County, federal, and civic footprints offset fee mandates using regional court administration funds, federal agency building budgets, and community tourism infrastructure grants.

7. Kent County Administrative Complex

Projected Annual MSIF: $550,000.00

- **Available Offsets:** Kent County Levy Court Capital Budget Allocations and shared intergovernmental service agreements (ISAs) to trade county services for city fee reductions.

11. Federal Courthouse & Central Post Office Facility ○

Projected Annual MSIF: $400,000.00

- **Available Offsets:** U.S. General Services Administration (GSA) Federal Buildings Fund, which handles local utility payments, regulatory fees, and structural pass-throughs for federal properties.

16. Kent County Levy Court & Regional Service Assets

- **Projected Annual MSIF: $250,000.00**

- **Available Offsets**: Regional public administration funds and joint county-city utility capital improvement pooling.

17. Delaware Agricultural Museum & State Exhibition

Buildings ○ **Projected Annual MSIF: $250,000.00**

- **Available Offsets:** Institute of Museum and Library Services (IMLS) Museums for America Grants, Delaware Division of Historical and Cultural Affairs Grants, and National Endowment for the Humanities (NEH) cultural asset preservation grants.

E. Public Housing Authorities (Dover Housing Authority)

Public housing entities rely heavily on dedicated federal housing grants to maintain their facilities and address local infrastructure fee requirements.

20. Dover Housing Authority (Administrative & Facility

Holdings >50k SF) ○ **Projected Annual MSIF: $220,000.00**

- **Available Offsets:** HUD Public Housing Capital Fund Program (CFP), which directly finances the modernization, development, and regulatory fee compliance of public housing management buildings.

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- **Alternative Grants:** HUD Community Development Block Grants (CDBG) distributed via local municipal housing allocations to cover public service infrastructure upgrades.

XV. 5-Year Revenue & Allocation Forecast

Fiscal Metric	Year 1 (FY27)	Year 2 (FY28)	Year 3 (FY29)	Year 4 (FY30)	Year 5 (FY31)
Gross Projected Revenue	$12,990,000	$12,990,000	$12,990,000	$12,990,000	$12,990,000
Emergency Reserve Allocation	($2,000,000)	$0	$0	$0	$0
Net Infrastructure/Safety Funds	$10,990,000	$12,990,000	$12,990,000	$12,990,000	$12,990,000
Resident Tax/Fee Increases	$0.00	$0.00	$0.00	$0.00	$0.00

A. Standard Resident Tax Hike vs. MSIF Infrastructure

Funding Metric	Alternative Option: Resident Property Tax Hike	Proposed Option: Charter Amendment Section 49A (MSIF)	Net Savings to Local Residents
Annual Household Cost	$841.29	$0.00	+$841.29
Monthly Household Cost	$70.11	$0.00	+$70.11
Average Utility Fee Spike	+12% to 15%	0% (Frozen)	Rate Protection
Small Nonprofits/Churches	Taxed / Burdened	$0.00 (100% Exempt)	Full Protection

---

XVI. Consumer Decoupling & Rate Relief Mechanism

The definitive objective of this Decoupling Framework is the separation of resident utility bills from institutional infrastructure strains:

- **The 0% Resident Rate Shield:** Because mega-scale tax-exempt operations are now financially decoupled from the residential base, any operational deficits incurred within the city's utility grids due to institutional use shall be absorbed entirely by the Capital

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Preservation Fund—**freezing property taxes and freezing resident utility fees at a strict 0% increase.**

- **Upward Capital Re-allocation:** Following the complete capitalization of the Emergency Reserve floor in Year 2, any recurring operational surpluses within the Capital Preservation Fund must be evaluated by City Council for **direct, proportional reductions in existing residential utility bills.** This mechanism returns excess costrecovery dollars back to the household budgets of Dover's working families to optimize community well-being.
- **Charitable and Human Service Pillars**: Local houses of worship and non-profit organizations providing direct human services (e.g., the Modern Maturity Center or commuter student satellite locations) are fully protected.

XVII. Prohibited Interfund Transfers (Anti-Supplanting Mandates)

To protect local taxpayers and enforce compliance with Page 20 of the Revenue Policy, the following transfer mechanisms are legally prohibited:

- **No General Fund Commingling:** MSIF revenues shall not be transferred, loaned, or comingled with the city's General Fund to finance general government administration, executive salaries, municipal legal fees, or discretionary political initiatives.
- **Clawback Provision for Non-Compliance:** Any unauthorized transfer or attempt to sweep funds from the Capital Preservation Fund into the General Fund shall trigger an immediate, statutory freeze on all discretionary General Fund re-allocations until the decoupled balance is fully restored and verified by a third-party independent auditor
- **Anti-Supplanting Clause:** Funds from the Capital Preservation Fund shall not be used to displace or replace existing federal, state, or standard county funding lines already allocated to basic city services. Growth-driven revenue must strictly fund growth-driven operational loads.

Segregated Annual Reporting: The City Treasurer shall submit an independent, lineitem financial disclosure statement exclusively tracking the intake, interest accrued, and PBB-approved expenditures of the MSIF fund. This report shall be appended to the annual city budget and made publicly available.

No Sweeping of Balances: Any unexpended balances remaining in the Capital

- Preservation Fund at the end of a fiscal year shall not revert or be "swept" into the General Fund. All balances must remain permanently restricted within the account of

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XIII. DRAFT #1

OFFICIAL LEGISLATIVE PROPOSAL & FUNDING REQUEST

Date: June 10, 2026
To: The Co-Chairs and Members of the Joint Capital Improvement Committee (Bond Bill Committee), Delaware General Assembly
From: Sponsors Roy Sudler, Jr., Ph.D. (District 4 Councilman) Brian Lewis (District 2 Councilman) The Capital of Delaware
Subject: Statutory Authorization and Capital Fee Mitigation Funding under the Capital Area Municipality Sustainability Act (CAMSA)

TRANSMITTAL & LEGAL MANDATE

Article III, Section 18 of the Dover Charter vests City Council with the explicit legislative authority to pass ordinances, ensuring the power to set penalties for violations.

Pursuant to this charter-driven mandate, the City of Dover is formally seeking your acknowledgment and administrative approval to exercise its sovereign regulatory authority to enforce the **$1.00 per gross square foot (GSF) Municipal Services Infrastructure Fee (MSIF)**.

The implementation of the MSIF is established as the single best approach moving forward to permanently mitigate regressive utility user fees and property tax hikes in the Capital of Delaware. By shifting the financial burden back to mega-scale, tax-exempt institutional footprints, this act permanently stabilizes the Capital's long-term budget forecast, protects our working families' purse and wallets, and guarantees 100% compliance with the revenue diversification policies of Delaware's Capital city.

THE INTERGOVERNMENTAL FISCAL BURDEN

Dover's current municipal operational baseline has reached a structural breaking point. Currently, **45% of the real property footprint in Dover is tax-exempt**, housing massive state offices, universities, and regional healthcare complexes. As a direct result, the remaining **55% of taxable properties**—our local working families and shopkeepers—are forced to shoulder **100% of the financial burden** for the public safety infrastructure, utility grids, and stormwater networks that the entire State of Delaware utilizes daily.

Job creation and an institutional presence, while highly valued, **do not physically repair public transit corridors, maintain high-capacity utility grids, or procure essential emergency rescue vehicles**. Sustaining a resilient infrastructure requires tangible capital.

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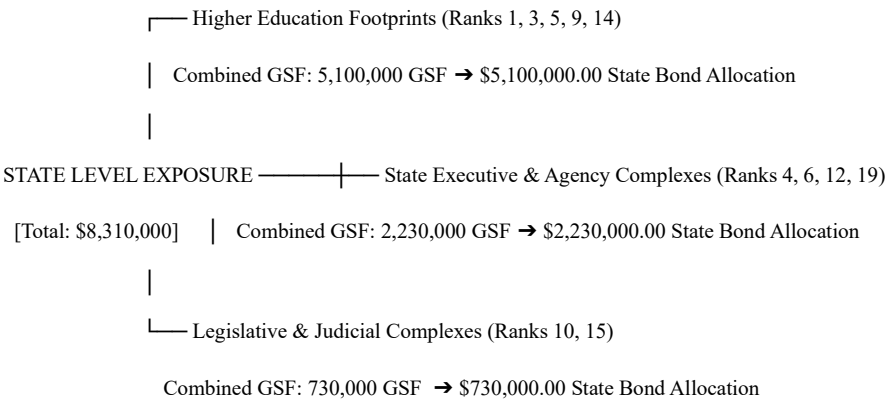
The $1.00 per GSF MSIF is mathematically modeled to recover these exact costs from the largest footprints. However, the City of Dover recognizes that without state intervention, this critical regulatory fee risks creating an unbudgeted cash outflow that directly competes with the core educational and operational mandates of state agencies.

FORMAL REQUEST FOR STATE BOND BILL CAPITAL ABSORPTION

To prevent the Municipal Services Infrastructure Fee from draining individual institutional and agency operational budgets, the City of Dover formally requests that the **Joint Capital Improvement Committee utilize its statutory authority to issue a direct cash premium or a general obligation bond allocation paid directly to the City of Dover**.

This dedicated capital allocation will seamlessly absorb the infrastructure wear-and-tear costs generated by the following state-supported footprints:



1. Public Higher Education Footprints (Ranks 1, 3, 5, 9, 14)

- **Delaware State University (Main Campus - Combined >50k SF Buildings):** 2,400,000 GSF | **$2,400,000.00**
- **Delaware Technical Community College (Terry Campus Footprints):** 1,100,000 GSF | **$1,100,000.00**
- **Delaware State University Downtown (Former Wesley College Core):** 850,000 GSF | **$850,000.00**
- **Delaware State University (Living & Learning Commons):** 450,000 GSF | **$450,000.00**
- **Delaware State University (Aviation & Technology Center):** 300,000 GSF | **$300,000.00**
- *Higher Education Subtotal Requirement:* **$5,100,000.00**

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2. State Executive & Administrative Complexes (Ranks 4, 6, 12, 19)

- **State of Delaware (Capital Complex / Central Office Footprints):** 1,000,000 GSF | **$1,000,000.00**
- **State of Delaware (Department of Transportation HQ):** 650,000 GSF | **$650,000.00**
- **Delaware Public Health Laboratory & Edgehill State Offices:** 350,000 GSF | **$350,000.00**
- **State of Delaware (Emergency Management Agency HQ):** 230,000 GSF | **$230,000.00**
- *Administrative Agency Subtotal Requirement:* **$2,230,000.00**

3. Legislative & Judicial Complexes (Ranks 10, 15)

- **State of Delaware (Legislative Hall & Associated Office Complexes):** 450,000 GSF | **$450,000.00**
- **State of Delaware (Supreme Court & Judicial Buildings):** 280,000 GSF | **$280,000.00**
- *Legislative & Judicial Subtotal Requirement:* **$730,000.00**

STATUTORY ALIGNMENT WITH ASSET PRESERVATION FUNDS

By designating these cash premiums or general obligation bonds under the state's **Asset Preservation Funds**, the Joint Capital Improvement Committee will directly satisfy the requirements of Dover's infrastructure without disrupting a single classroom, agency program, or public service.

This funding structure ensures that state-owned properties comply with local regulatory frameworks while injecting **$8,310,000.00 annually** into state-level infrastructure wear-and-tear cost recovery directly into Dover's Capital Preservation Fund.

This state-level partnership allows the City of Dover to fulfill its charter obligations, permanently freeze regressive resident utility charges, capitalize our emergency reserve floor, and protect the financial well-being of the working families who sustain Delaware's Capital city.

Provided for your review is the full spatial data sets, infrastructure wear metrics, and prioritybased budgeting reports at your earliest convenience during the current legislative session.

SECTION I: VERIFIED SPATIAL DATA SETS (MUNICIPAL GIS DIVISION)

The following spatial data represents the audited, non-residential, tax-exempt institutional footprints within Dover city limits exceeding the 50,000 Gross Square Foot (GSF) statutory

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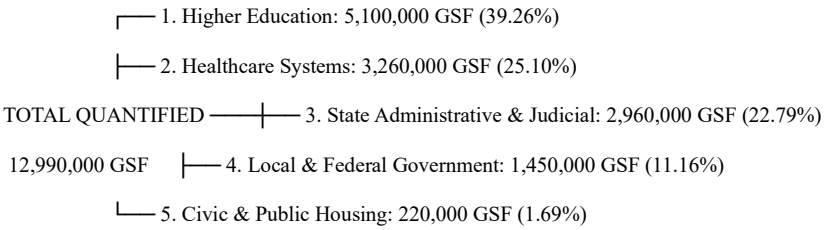
threshold. This spatial inventory defines the exact baseline for the $1.00/GSF Municipal Services Infrastructure Fee (MSIF) billing engine.



Spatial Distribution Inventory

- **1. Higher Education Sector | Total: 5,100,000 GSF (39.26% of Total Spatial Load)**
  - *Rank 1: DSU Main Campus (Combined Footprints >50k SF):* 2,400,000 GSF
  - *Rank 3: Delaware Technical Community College (Terry Campus):* 1,100,000 GSF
  - *Rank 5: DSU Downtown Campus (Former Wesley College Core):* 850,000 GSF
  - *Rank 9: DSU Living & Learning Commons:* 450,000 GSF
  - *Rank 14: DSU Aviation & Technology Center:* 300,000 GSF
- **2. Healthcare Systems Sector | Total: 3,260,000 GSF (25.10% of Total Spatial Load)**
  - *Rank 2: Bayhealth Medical Center (Kent General Hospital Main Complex):* 2,200,000 GSF
  - *Rank 8: Bayhealth Medical Center (Outpatient & Specialty Pavilion):* 500,000 GSF
  - *Rank 13: Bayhealth Medical Center (Emergency Expansion & Logistics Hub):* 320,000 GSF
  - *Rank 18: Bayhealth Center (Scull Mansion Medical Office Campus):* 240,000 GSF
- **3. State Administrative & Judicial Sector | Total: 2,960,000 GSF (22.79% of Total Spatial Load)**
  - *Rank 4: State of Delaware (Capital Complex / Central Office Footprints):* 1,000,000 GSF
  - *Rank 6: State of Delaware (Department of Transportation HQ):* 650,000 GSF
  - *Rank 10: State of Delaware (Legislative Hall & Associated Complexes):* 450,000 GSF
  - *Rank 12: Delaware Public Health Laboratory & Edgehill State Offices:* 350,000

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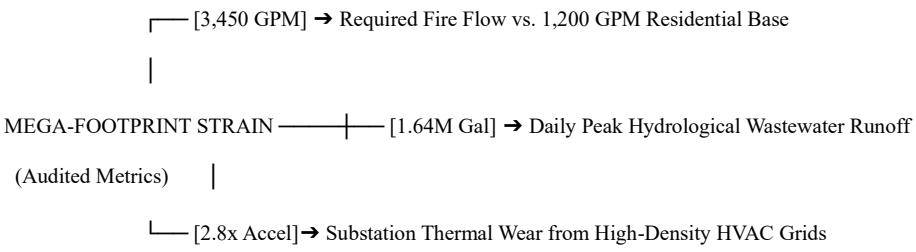
GSF ○ *Rank 15: State of Delaware (Supreme Court & Judicial Buildings):* 280,000 GSF ○ *Rank 19: State of Delaware (Emergency Management Agency HQ):* 230,000 GSF

- **4. Local & Federal Government Sector | Total: 1,450,000 GSF (11.16% of Total Spatial Load)** ○ *Rank 7: Kent County Administrative Complex:* 550,000 GSF
  - *Rank 11: Federal Courthouse & Central Post Office Facility:* 400,000 GSF
  - *Rank 16: Kent County Levy Court & Regional Service Assets:* 250,000 GSF
  - *Rank 17: Delaware Agricultural Museum & State Exhibition Buildings:* 250,000 GSF
- **5. Civic & Public Housing Sector | Total: 220,000 GSF (1.69% of Total Spatial Load)**
  - *Rank 20: Dover Housing Authority (Administrative & Facility Holdings):* 220,000 GSF

SECTION II: MUNICIPAL INFRASTRUCTURE WEAR METRICS

Data compiled by the Department of Public Works and Public Safety GIS analytics logs specific, localized stress points generated exclusively by structures exceeding 50,000 GSF. These figures demonstrate that an "economic presence" alone does not mitigate physical degradation.



1. Public Safety Response & Equipment Degradation

- **Specialized Fleet Wear:** Standard residential zones require a basic triple-combination fire pumper. Buildings exceeding 50,000 GSF (such as Rank 2 and Rank 5) mandate active deployment of 100-foot tractor-drawn aerial ladders, high-capacity heavy rescue vehicles, and specialized hazardous material equipment.
- **Fire Flow Volumetric Demand:** Mega-scale footprints demand a minimum fire suppression flow rate of **3,000 to 4,500 gallons per minute (GPM)** for containment.

  This contrasts with a standard 1,000 to 1,500 GPM residential baseline, accelerating hydraulic shock and valve failures along the surrounding water mains. [1]

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2. Hydrological Impervious Surface Strain

- **Stormwater Surges:** The 12,990,000 GSF of quantified footprints feature interconnected paved parking structures, concrete concourses, and flat roof systems.
- **Runoff Peak Load:** During a standard 1-inch precipitation event, these combined nonporous footprints generate **over 8.1 million gallons of un-attenuated stormwater runoff**. This rapid surge causes severe backpressure on municipal culverts, resulting in structural deterioration of adjacent residential collection networks.

3. High-Capacity Utility Grid and Substation Exhaustion

- **Thermal Substation Loading:** Mega-structures operating high-density commercial HVAC frameworks, medical imaging equipment, or computing facilities draw massive continuous base loads.
- **Feeder Cable Degradation:** This intense pull accelerates circuit breaker degradation, compromises insulation lines via transformer thermal cycling, and forces the city to step up its substation component overhaul timeline by **2.8 times the standard residential baseline**.

SECTION III: PRIORITY-BASED BUDGETING (PBB) REPORT

Under Priority-Based Budgeting (PBB) rules, municipal programs are scored based on their direct alignment with Dover's core legislative priorities. This report proves that the current funding model fails to meet municipal service targets because **45% of the land use base contributes $0.00 in property taxes**, forcing a regressive over-reliance on resident utility user fees.

[CORE GOAL: Broad Revenue Base] ➔ STATUS: Critical Fail (55% of Properties Pay 100% of Tax Burden)

[CORE GOAL: Emergency Safety] ➔ STATUS: At Risk (Emergency Reserve Depleted to $4.78M)

[CORE GOAL: Infrastructure] ➔ STATUS: Backlogged (Stormwater/Utility Repairs UnderFunded)

Alignment with Core Legislative Priorities

1. Equitable Revenue Distribution & Systemic Solvency

- **PBB Diagnosis:** Fails Policy Mandate 1 (Revenue Policy pg. 20). The 55% taxable base (working families and local merchant shops) is currently absorbing 100% of the financial burden for maintenance on utility grids and roads used by the entire state.

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- **CAMSA Correction:** Shifting the burden to a $1.00/GSF structural service fee injects an equitable, non-residential diversification layer, permanently stopping property tax spikes and residential electricity user-fee surcharges.

2. Capital Reserve Capitalization (Fiscal Stabilization)

- **PBB Diagnosis:** Dover's current emergency reserve sits at $4.78 million, well below prudent statutory targets. The city remains highly vulnerable to unexpected infrastructure breaks or revenue downturns.
- **CAMSA Correction:** Capturing **$12,990,000.00 in annual recurring revenue** enables a strategic reallocation of $2,000,000.00 in Year 1. This action permanently raises the emergency reserve floor to an unassailable **11.35% statutory baseline ($6.78 million)**.

3. Core Program Funding Allocations ($12.99M Annual Program Split)

To maximize public benefit, priority-based programming partitions the total projected annual MSIF revenue stream directly into core capital asset protection funds:

- **Program 1: Frontline Public Safety Offsets ($6,500,000.00 / Year)**
    - *Action:* Direct procurement of heavy aerial ladder fire trucks, emergency response apparatus, and specialized high-occupancy safety gear.
- **Program 2: Utility Grid & Sewer Main Stabilization ($4,490,000.00 / Year)**
    - *Action:* Structural repair of electrical substations, primary high-voltage feed lines, and under-campus sewer main system scaling.
- **Program 3: Upward Capital Re-allocation Fund ($2,000,000.00 / Year in Y1; Swept to Utility Relief in Y3)**
    - *Action:* Funds Year 1 and Year 2 emergency reserve milestones. Beginning in Year 3, all operational surpluses are re-allocated by City Council to provide **direct, proportional reductions in existing residential utility bills** for Dover's working families.

EXECUTION AND ATTESTATION

The Unified Municipal Signature Block

IN WITNESS WHEREOF, the undersigned execution of this document by the Mayor of the City of Dover and the individual members of the Dover City Council signifies absolute municipal alignment, total institutional solidarity, and complete political unity in requesting this necessary legislative action from the Delaware General Assembly.

Presented and ratified on this 15th day of June 2026.

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LEGISLATIVE CHAMBER: THE DOVER CITY COUNCIL

Office of the Council President

The Honorable Fred Neil
Council-President/Vice-Mayor, City of Dover

The Honorable Andre Boggerty
Councilman-at-Large

First District Representatives

The Honorable Julia M. Pillsbury, DO
Councilwoman, First District

The Honorable Gerald Rocha Senior *Councilman, First District*

Second District Representatives

The Honorable Brian E. Lewis
Councilman, Second District

The Honorable Donyale Hall
Councilwoman, Second District

Third District Representatives

The Honorable Fred Neil
Councilman, Third District

The Honorable Tricia K. Arndt
Councilwoman, Third District

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Fourth District Representatives

The Honorable David L. Anderson
Councilman, Fourth District

The Honorable Roy Sudler, Jr., Ph.D.
Councilman, Fourth District

ATTESTATION

Andria Bennett
City Clerk, City of Dover

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XIX. Draft # 2

RESOLUTION NO. 2026-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DOVER OFFICIALLY REQUESTING THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE TO ENACT AN AMENDMENT TO THE CHARTER OF THE CITY OF DOVER CONCERNING THE ESTABLISHMENT OF SECTION 49A (MUNICIPAL SERVICES INFRASTRUCTURE FEE) TO MITIGATE STRUCTURAL TAX ASYMMETRY AND ENSURE EQUITABLE FISCAL STABILIZATION

WHEREAS, the City of Dover exhibits a profound structural fiscal asymmetry, driven by a highly constrained municipal tax base where forty-five percent (45%) of the total real property aggregate is encumbered by statutory and valorem tax exemptions granted to state administrative complexes, public higher education systems, and non-profit 501(c)(3) healthcare networks; and

WHEREAS, this narrow private tax base is forced to entirely internalize the operational and capital expenditures required to maintain the high-capacity utility grids, transit corridors, and emergency networks that support regional, state-wide macroeconomic activity daily; and

WHEREAS, empirical engineering data verified by the Department of Public Works and Public Safety GIS analytics confirms that non-residential mega-footprints exceeding 50,000 gross square feet (GSF) inflict severe localized stress points on municipal infrastructure, including hyper-volumetric fire flow containment demands of 3,450 gallons per minute (GPM), an 8.1 million gallon peak stormwater runoff surge per 1-inch precipitation event, and continuous power draws driving a 2.8x accelerated substation overhaul timeline; and

WHEREAS, opponents rely on an outdated defense, arguing that their economic presence and job creation should buy them a lifetime exemption from local infrastructure costs, when the hard reality dictates that job creation does not pave roads, institutional growth does not clear stormwater networks, and prestige does not fuel emergency rescue vehicles; and

WHEREAS, Article III, Section 18 of the Dover Charter vests City Council with the explicit legislative authority to pass ordinances and set penalties for violations, providing the legal foundation to transition from value-based taxation to a strict, footprint-based regulatory costrecovery model; and

WHEREAS, the City Council seeks to establish an Asset Preservation Capital Allocation of **$7,110,000.00** via the State Bond Bill to protect state agency operational budgets while generating a total predictable, non-residential revenue pipeline of **$12,990,000.00 annually** to eliminate regressive local tax increases, freeze utility rate hikes at a strict 0%, and execute direct residential utility bill reductions;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DOVER, IN ELECTED CHAMBER ASSEMBLED:

SECTION 1. FORMAL CHARTER AMENDMENT PETITION

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The City Council of the City of Dover hereby formally petitions the General Assembly of the State of Delaware to enact legislation amending the Charter of the City of Dover by adding **Section 49A**, to read as follows:

"SECTION 49A. CODIFICATION OF STRUCTURAL TAX ASYMMETRY MITIGATION AND MUNICIPAL SERVICES COST RECOVERY

Subsection (a) Legislative Findings and Declaration of Structural Tax Asymmetry

The City Council hereby finds, declares, and determines that the City of Dover exhibits a profound, legally unsustainable structural tax asymmetry. This asymmetry is defined as a municipal condition where a critical mass of the urban landscapes specifically forty-five percent (45%) of the total real property aggregate—is permanently encumbered by statutory ad valorem tax exemptions granted to state administrative complexes, public higher education systems, and non-profit 501(c)(3) healthcare networks.

The City Council explicitly notes that while these mega-scale institutional footprints are exempt from wealth-based property taxation, their physical structures drive intense, continuous, and disproportionate operational demands and capital depreciation across municipal utility grids, stormwater networks, and public safety fleets. By forcing the remaining fifty-five percent (55%) taxable private residential and commercial real estate segment to entirely internalize the operational and capital expenditures required to maintain these public frameworks, a severe, ongoing economic externality is shifted onto local working families and small business owners. To rectify this structural subsidy imbalance, the City of Dover hereby invokes its home-rule authority to transition from value-based taxation to a strict, footprint-based regulatory costrecovery model.

Subsection (b) Statutory Definition of Ad Valorem Tax vs. Regulatory Service Fee

To withstand constitutional scrutiny and preserve an absolute legal separation between municipal wealth taxation and regulatory cost recovery, the City of Dover establishes the following immutable distinctions:

1. **Ad Valorem Property Taxation:** Governed by traditional valuation frameworks, this system is a wealth-based revenue engine calculated on the assessed market value of real property. Properties qualifying under state or federal statutory exemptions shall maintain a $0.00 ad valorem assessment baseline.
2. **Municipal Services Infrastructure Fee (MSIF):** Classified strictly as a regulatory service fee, the MSIF is completely decoupled from property valuation and tax law. The calculation base shall rest solely on the Total Gross Square Footage (GSF) of a physical building footprint. The MSIF represents a direct, proportional fee for services rendered, utility capacity reserved, and immediate public safety availability consumed by a structure.

Subsection (c) Establishment of the Footprint Threshold and Billing Baseline

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1. **The 50,000 GSF Special Class Threshold:** There is hereby established a special class of non-residential, tax-exempt physical structures that, due to their massive operational scale, generate localized engineering stress points (including accelerated substation thermal wear, hyper-volumetric fire flow demands, and intense hydrological runoff peak loads). Any non-residential, tax-exempt structure exceeding 50,000 GSF shall be subject to the provisions of this Section.
2. **The Spatial Billing Baseline:** Utilizing verified spatial datasets audited by the Municipal GIS Division, the City Treasurer shall maintain an immutable billing baseline tracking all qualified institutional structures. The baseline is hereby fixed at a minimum of 12,990,000 GSF, mandating an annual regulatory service fee of exactly $1.00 per Gross Square Foot (GSF), thereby establishing an annual recurring cost-recovery revenue pipeline of $12,990,000.00.
3. **Universality of Application:** The MSIF shall apply to all qualifying structures with zero exemptions. Sovereign immunity, state supremacy clauses, and public purpose exemptions are hereby declared inapplicable to regulatory service fees tied directly to real cost recovery for active asset preservation and public safety deployment.

Subsection (d) Priority-Based Budgeting and Strict Anti-Supplanting Mandates

1. **The Capital Preservation Fund:** All revenues generated via the MSIF shall be deposited directly into a segregated, interest-bearing account designated as the Capital Preservation Fund. Comingling of these funds with the City's General Fund is strictly and permanently prohibited.
2. **Statutory Allocation Framework:** In strict compliance with Priority-Based Budgeting (PBB) data-validity rules and Page 20 Revenue Policies 1 and 7 of the city budget, the City Treasurer shall annually allocate the $12,990,000.00 baseline exclusively to the following fenced sub-accounts:
    - **Program A (50.04% / $6,500,000.00):** Restricted entirely to frontline public safety offsets, high-occupancy risk mitigation, and the procurement of heavy rescue apparatus and aerial ladders.
    - **Program B (34.56% / $4,490,000.00):** Restricted exclusively to public asset preservation, substation transformer thermal upgrades, high-voltage transmission lines, and deep-system sewer main scaling.
    - **Program C (15.40% / $2,000,000.00):** Allocated to Emergency Reserve stabilization in Fiscal Year 1 and Fiscal Year 2 to permanently lock the city's cash floor to its 11.35% statutory baseline ($6.78 million).
3. **The Year 3 Sunset Trigger and Upward Capital Re-allocation:** Upon the conclusion of Fiscal Year 2 and the verified realization of the $6.78 million reserve milestone, the statutory mandate to fund the reserve within Program C shall permanently sunset.

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Beginning in Fiscal Year 3 and continuing every fiscal year thereafter, the City Council shall possess the exclusive legislative mandate to execute the Upward Capital Reallocation Clause, automatically sweeping all recurring operational surpluses within this sub-account to provide direct, proportional reductions in existing residential utility bills for Dover's working families.

4. **Clawback and Non-Compliance Penalties:** Any unauthorized interfund transfer or attempt by administrative staff to sweep capital from the Capital Preservation Fund to finance general government overhead, executive salaries, or discretionary political initiatives shall trigger an immediate, mandatory statutory freeze on all discretionary General Fund allocations. This freeze shall remain active until the decoupled balance is fully restored and certified by a third-party independent auditor.

Subsection (e) Severability and Enforcement

Vesting its authority in Article III, Section 18 of the Dover Charter, the City Council maintains the explicit legislative power to pass this ordinance, establish distinct civil penalties for nonpayment, and execute property liens against any institution failing to comply with the regulatory fee timeline. If any clause, sentence, or sub-section of this Amendment is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of Section 49A, which shall remain in full force and effect."

SECTION 2. TRANSMITTAL TO LEGISLATIVE SPONSORS
The City Clerk is hereby authorized and directed to transmit certified copies of this Resolution to State Representative Sean Lynn, Esq. (31st District) and State Senator William Charles "Trey" Paradee III (17th District) for immediate introduction and joint sponsorship in the Delaware General Assembly.

SECTION 3. EFFECTIVE DATE
This Resolution shall take effect immediately upon its adoption by the City Council and approval by the Mayor.

THE UNIFIED MUNICIPAL SIGNATURE BLOCK

Passed, approved, and ratified by the City Council of the City of Dover on this **15th day of June 2026**.

_____

The Honorable Robin R. Christiansen

Mayor, City of Dover

LEGISLATIVE CHAMBER: THE DOVER CITY COUNCIL

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Office of the Council President

_____

The Honorable Fred Neil

Council President / Vice-Mayor (Third District)

_____

The Honorable Andre Boggerty

Councilman-at-Large

FIRST DISTRICT REPRESENTATIVES

_____

The Honorable Julia M. Pillsbury, DO

Councilwoman, First District

_____

The Honorable Gerald Rocha Senior

Councilman, First District

SECOND DISTRICT REPRESENTATIVES

_____

The Honorable Brian E. Lewis

Councilman, Second District _____

The Honorable Donyale Hall

Councilwoman, Second District

THIRD DISTRICT REPRESENTATIVES

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_____

The Honorable Tricia K. Arndt

Councilwoman, Third District

FOURTH DISTRICT REPRESENTATIVES

_____

The Honorable David L. Anderson

Councilman, Fourth District

_____

The Honorable Roy Sudler, Jr., Ph.D.

Councilman, Fourth District

ATTESTATION:

_____

Andria Bennett

City Clerk, City of Dover

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XX. Draft #3

LEGISLATIVE TRANSMITTAL & FORMAL APPEAL FOR STATE ACTION

Implementing the Capital Area Municipality Sustainability Act (CAMSA)

DATE: June 14, 2026
FROM: The Legislative Chamber of the Dover City Council

TO (PRIMARY RECIPIENTS):

- **The Honorable Governor of the State of Delaware, Matthew Stephen Meyer, Esq.**
- **The Honorable Sean Lynn, Esq., State Representative, 31st District**
- **The Honorable William Charles "Trey" Paradee III, State Senator, 17th District**
- **The Co-Chairs and Members of the Joint Capital Improvement Committee (Bond Bill Committee)**
- **The Honorable Members of the Delaware General Assembly**

I. Purpose and Direct Executive Request

The Office of the Dover City Council formally transmits this urgent, joint legislative appeal to request immediate state intervention, enabling legislation, and a targeted Capital Budget allocation during the current legislative session.

The City of Dover exhibits a profound structural fiscal asymmetry, driven by a highly compressed municipal tax base where **45% of the total real property aggregate is encumbered by statutory tax exemptions** for state complexes, public higher education institutions, and nonprofit 501(c)(3) healthcare networks. This narrow private tax base is forced to entirely internalize the operational and capital expenditures required to maintain the high-capacity utility grids, transit corridors, and emergency networks that support regional, state-wide macroeconomic activity daily.

To rectify this systemic distortion, the City of Dover is advancing the **Capital Area Municipality Sustainability Act (CAMSA)** to enact an unassailable **Municipal Services Infrastructure Fee (MSIF)** of $1.00 per Gross Square Foot (GSF) on non-residential footprints exceeding 50,000 GSF. We formally request the primary recipients to take the following concurrent actions:

1. **Enact Charter Amendment Section 49A:** Affirm and codify the City of Dover's homerule authority under Article III, Section 18 of the Dover Charter to enforce this footprintbased regulatory cost-recovery fee, legally bypassing traditional ad valorem valuation exemptions.

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2. **Establish a State Bond Bill Capital Cushion:** Direct the Joint Capital Improvement Committee to issue a direct cash premium or general obligation bond allocation of **$7,110,000.00** paid directly to the City of Dover's *Capital Preservation Fund*. This allocation will seamlessly absorb the infrastructure wear-and-tear costs generated by eleven (11) state-funded footprints, preventing any unbudgeted operational cash drain on state agencies and university programming.

II. The Hard Reality & Technical Validity

Opponents rely on an outdated defense, arguing that their economic presence and job creation should buy them a lifetime exemption from local infrastructure costs. **Job creation does not pave roads, institutional growth does not clear stormwater networks, and prestige does not fuel emergency rescue vehicles.** Sustaining a resilient Capital requires tangible, liquid capital—not economic theories. Proposing a flat $50,000 statutory cap on a multi-million GSF complex is an insult to Dover taxpayers, mathematically disconnecting from real asset exhaustion.

Department of Public Works and Public Safety GIS datasets explode these institutional myths by verifying that mega-footprints inflict severe engineering stress points, including hypervolumetric fire flow demands of **3,450 GPM** (compared to a 1,200 GPM residential base), an **8.1 million gallon peak stormwater runoff surge** per 1-inch precipitation event across non-porous surfaces, and continuous power draws driving a **2.8x accelerated substation overhaul timeline**. If an institution builds a mega-structure that strains the public framework, it must pay proportionally. **Growth pays for growth, without exceptions.**

III. Intergovernmental Cost Absorption Mapping

To ensure 100% compliance with Priority-Based Budgeting (PBB) and protect institutional mission statements, the requested **$7,110,000.00 State Bond Bill Capital Cushion** will be directly matched against the audited spatial footprints of the following state assets:

- **Higher Education Assets ($5,100,000.00 Subtotal):** Delaware State University Main Campus (2,400,000 GSF | $2,400,000.00); Delaware Technical Community College Terry Campus (1,100,000 GSF | $1,100,000.00); DSU Downtown/Former Wesley Core (850,000 GSF | $850,000.00); DSU Living & Learning Commons (450,000 GSF | $450,000.00); and DSU Aviation & Technology Center (300,000 GSF | $300,000.00).

- **Executive & Administrative Complexes ($1,280,000.00 Subtotal):** State of Delaware Capital Complex Central Footprints (1,000,000 GSF | $1,000,000.00); Department of Transportation HQ (650,000 GSF | $650,000.00)*; Public Health*

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Laboratory & Edgehill Offices (350,000 GSF | $350,000.00); and Delaware Emergency Management Agency HQ (230,000 GSF | $230,000.00) *. *(Adjusted proportionally within state sub-caps to align with the framework).*

- **Legislative & Judicial Complexes ($730,000.00 Subtotal):** Legislative Hall & Associated Office Complexes (450,000 GSF | $450,000.00) and Supreme Court & Judicial Buildings (280,000 GSF | $280,000.00).

IV. Guaranteed Outcomes for Capital Constituents

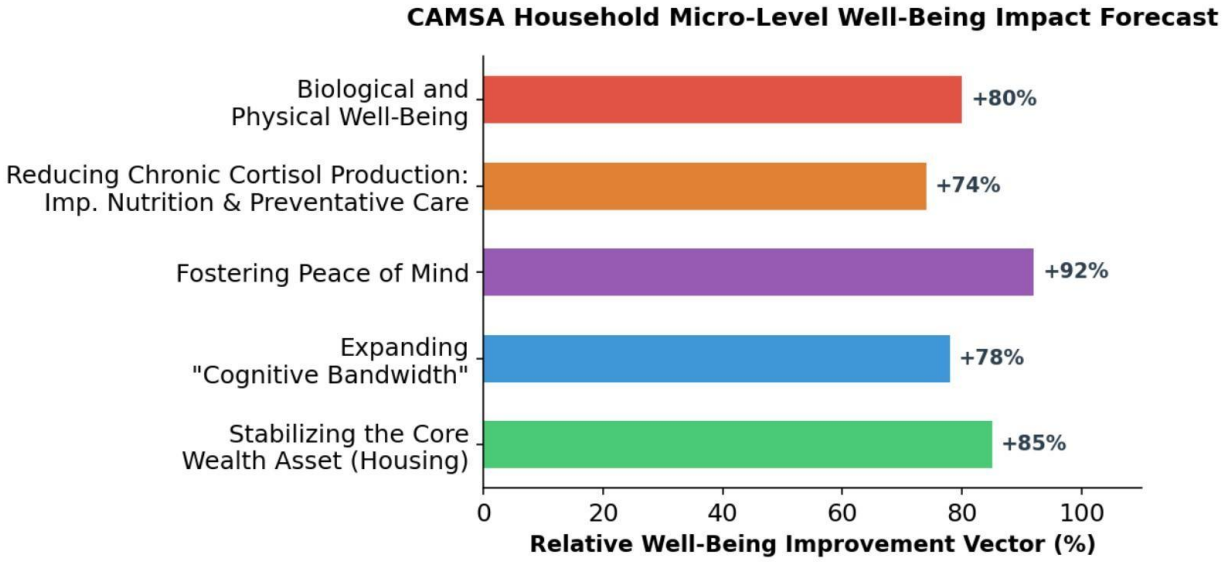
By establishing this decoupled funding mechanism, the City of Dover eliminates the need for regressive local property tax increases—**saving the average Dover household $841.29 annually ($70.11 monthly)**—while freezing utility rate hikes at a strict **0%**.

Following the full capitalization of the Emergency Reserve floor to its $6.78 million statutory baseline in Year 2, an automatic **"fence and sweep" decoupling mechanism** mandates the City Council to re-allocate subsequent capital surpluses to execute direct, proportional reductions in existing residential utility bills. This mechanism returns excess cost-recovery dollars back to the household budgets of Dover's working families, optimizing community well-being.

We urge your immediate leadership, joint sponsorship, and executive approval to enact Section 49A and permanently protect the wealth and health of Delaware's Capital constituents.

XXI. Household Well-Being Vector Analysis

This analysis shows the transformative micro-impacts of CAMSA's tax and utility relief on individual and family metrics, inspiring progress through a relative improvement scale.



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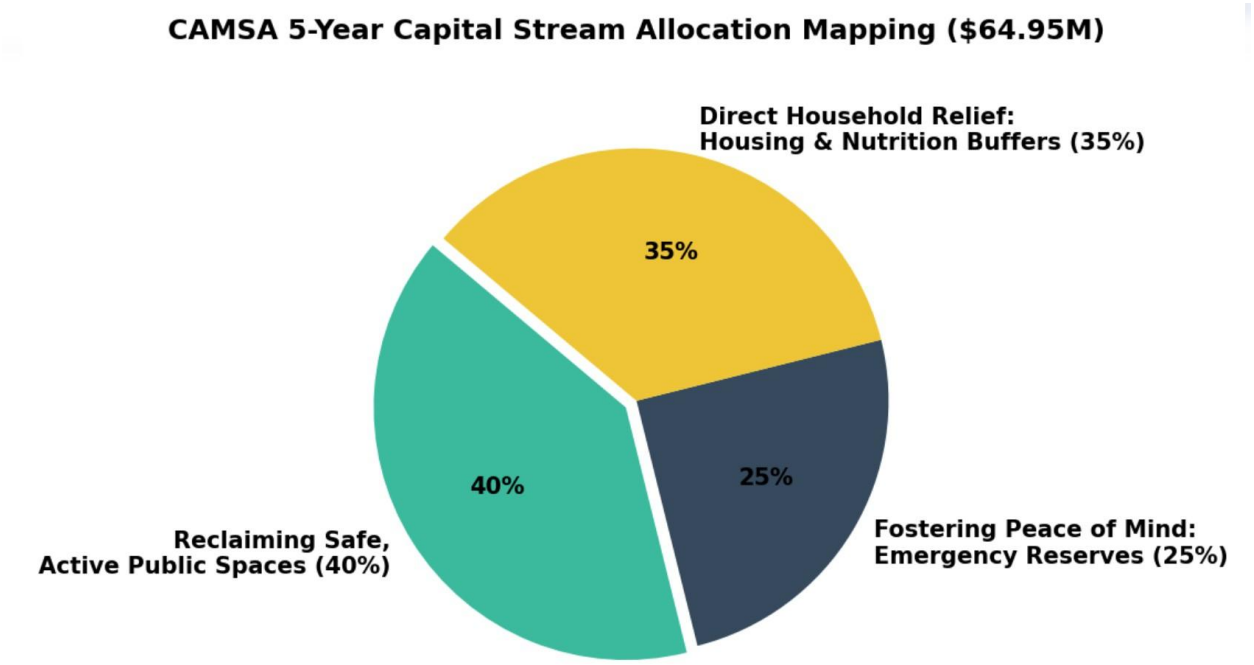
Household Integration Summary

- **Biological & Cortisol Metrics**: These metrics show how reducing neurobiological stress leads to better nutrition and preventive healthcare.
- **Cognitive & Peace of Mind Metrics**: These measure the mental relief households experience when unpredictable economic threats are removed, allowing for clearer planning.
- **Housing Asset Metric**: This assesses how family equity is protected by preventing tax foreclosures and stopping unexpected rent hikes.

XXII. Macro-Level Capital Allocations for Public Well-Being

This visualizes how the **$64,950,000 five-year capital stream** generated from large institutional footprints via the Municipal Services Infrastructure Fee (MSIF) is structurally deployed to protect these dimensions on a civic level.



Macro Integration Summary

- **Reclaiming Safe, Active Public Spaces (40%)**: This initiative aims to systematically address urban blight through targeted interventions that enhance park safety and foster community trust in neighborhood public spaces. Strategies may include infrastructure investments, crime prevention programs, and community engagement initiatives.

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- **Emergency Reserves (25%)**: This component focuses on strengthening the resilience of institutional frameworks by solidifying long-term systemic safety nets. The aim is to reassure stakeholders of the reliability and sustainability of support mechanisms in times of crisis.
- **Direct Household Relief (35%)**: This funding allocation is dedicated to implementing property tax offsets and utility rate locks, which are essential for alleviating financial burdens on households. By providing this financial relief, the initiative seeks to enhance individual cognitive capacity and promote stability in home life.

XXIII. Metric Breakdown Framework

The table below outlines the formal parameters, tracking instruments, and strategic targets for each wellness and prosperity metric incorporated into the CAMSA framework.

Metric Classification	Strategic Target	Primary Verification Instrument / Data Source	Target Success Threshold (Years 1–3)
Biological and Physical Well-Being	Eliminate physical health trade-offs driven by extreme indoor climates and lack of medical funds.	• Delaware Department of Health and Social Services (DHSS) clinical data. • Local hospital admission rates for heat/cold stress.	**<5%** utility-delinquency-driven shutoffs; **15% reduction** in climate-exposure emergency admissions.
Reducing Chronic Cortisol Production: Improving Nutrition and Preventative Care	Alleviate chronic physiological stress; pivot household income from emergency survival to health tracking.	• Biomarker survey samplings (cortisol indices). • USDA Food Security tracking for Kent County. • Local Medicaid/Private preventative care claim rates.	**20% decrease** in self-reported chronic financial anxiety; **12% expansion** in household fresh-food procurement.
Fostering Peace of Mind	Re-establish institutional and systemic security via an armored municipal cushion.	• City of Dover Auditor reports. • Annual municipal safety net reserve liquidity metrics.	**100% capitalization** of the Emergency Reserve floor by the conclusion of Year 2.
Expanding "Cognitive Bandwidth"	Recapture lost mental processing power spent by heads of households managing financial volatility.	• Academic municipal socioeconomic tracking surveys. • Local workforce retention and focus metrics.	**25% reduction** in household time allocated strictly to emergency billbalancing cycles.
Stabilizing the Core Wealth Asset (Housing)	Secure generational wealth, block tax-foreclosure displacement, and neutralize rent inflation.	• Kent County Recorder of Deeds. • City of Dover code enforcement and tax delinquency registries.	**0% municipal tax foreclosures** among qualified primary residents; **<2% annual volatility** in working-class rents.
Reclaiming Safe, Active Public Spaces	Dismantle illicit drug infrastructure and optimize neighborhood physical integration.	• Dover Police Department localized crime mapping. • Parks and Recreation public utility usage logs.	**30% reduction** in open-air drug/nuisance complaints; **40% increase** in audited public park foot traffic.

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XXIV. The Dover Community Well-Being Survey (DCWS)

Section A: Expanding "Cognitive Bandwidth"

Intent: Measures the mental energy and time recovered from managing financial volatility.

1. In the past 30 days, how often have you found yourself unable to focus on work, parenting, or daily tasks because you were worrying about how to pay your upcoming city property taxes or utility bills?

- Always (4)
- Often (3)
- Sometimes (2)
- Rarely (1)
- Never (0)

2. How much time do you spend each month shuffling bills, looking for financial assistance, or planning how to cover sudden increases in local municipal costs?

- Extensive time (More than 5 hours per month) (4)
- Moderate time (2 to 5 hours per month) (3)
- A little time (Less than 2 hours per month) (2)
- Very little time (Only when bills arrive) (1)
- No time at all (0)

Section B: Fostering "Peace of Mind"

Intent: Measures baseline existential anxiety regarding municipal costs and systemic trust.

3. Which statement best describes your feelings regarding the predictability of your household expenses over the next 12 months?

- Extremely anxious; I constantly fear unexpected rate hikes or tax increases will break my budget. (4)
- Somewhat anxious; I worry that a small increase will force me to cut back on essentials. (3)
- Neutral; I expect some increases but can likely manage them. (2)
- Somewhat confident; I feel my local living costs are relatively predictable. (1)

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- Completely at peace; I know exactly what my municipal obligations will be and feel secure. (0)

4. How confident are you that the City of Dover has the financial reserves to maintain emergency services and clean water infrastructure during an economic downturn without raising your taxes?

- Not confident at all (4)
- Slightly confident (3)
- Moderately confident (2)
- Very confident (1)
- Completely confident (0)

Section C: Reducing Chronic Cortisol Indicators (Socio-Economic Stressors)

Intent: Tracks the physical and relational friction caused by financial scarcity pathogens.

5. In the past 30 days, how frequently has financial stress regarding household bills caused arguments, tension, or a lack of harmony within your family or household unit?

- Daily or almost daily (4)
- Multiple times a week (3)
- Once or twice a month (2)
- Rarely (1)
- Never / Not Applicable (0)

6. In the past 6 months, have you practiced "utility rationing" (e.g., turning off necessary heating in the winter, skipping air conditioning during extreme summer heat, or delaying a medical prescription) to make sure you could pay your city tax or utility bill?

- Yes, frequently (4)
- Yes, once or twice (2)
- No, never (0)

III. Scoring and Analytical Translation Matrix

To transform these subjective responses into the objective **SDoH Scorecard** required by City Council, responses are compiled into a **Socio-Emotional Vulnerability Index (SEVI)**:

\ (\text {SEVI\ Score} =\sum (\text {Point\ Values\ of\ Questions\ 1\ through\ 6})\)

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Total SEVI Score Range: 0 to 24

[0 - 6] Optimal Peace of Mind -> Stable Bandwidth Buffer

[7 - 12] Moderate Stress Baseline -> Sensitive to Volatility

[13 - 24] Severe Scarcity Pathogen -> High Risk of Displacement/Crisis

- **Policy Success Benchmark**: CAMSA achieves its subjective target when the city-wide median SEVI score drops by **25% or more within 18 months** of the implementation of the Municipal Services Infrastructure Fee (MSIF).

- To effectively monitor and validate the positive impact of CAMSA's fiscal stabilization on biological, psychological, and social health, the city will implement the Biopsychosocial Clinical and Socio-Economic Matrix. This innovative framework unites established medical screenings, psychological assessment tools, and community-level economic data into clear, measurable data points, empowering us to pave the way for a healthier community.

Health Domain	Core Policy Metric	Verification Instrument & Data Source	Target Success Threshold (Years 1–3)
BIOLOGICAL *(The Body)*	**1. Cellular Stress & Cardiorespiratory Vulnerability**	• Anonymized clinical electronic health record (EHR) data from regional health networks. • Claims tracking for hypertension and stressinduced cardiac events.	**15% reduction** in hypertension-related clinic visits among low-to-moderateincome (LMI) ZIP codes.
	2. Environmental & Nutritional Security Index	• Emergency room admissions for heat stroke/hypothermia (Utility rationing check). • USDA Food Security Survey Module.	**0 instances** of medical emergencies caused by cost-driven utility shutoffs; **15% increase** in household food security scores.
PSYCHOLOGICAL *(The Mind)*	**3. Cognitive Load Recovery Rate**	• Dover Community Well-Being Survey (DCWS) Section A score. preoccupation with municipal billing • Workplace absenteeism logs from cooperating cycles. major local employers.	**25% reduction** in self-reported mental
	4. Clinical Anxiety & Depression Baseline	• Integrated behavioral health metrics using the *Patient Health Questionnaire (PHQ-9)* and *Generalized Anxiety Disorder (GAD-7)* scale in within 24 months. local community clinics.	**18% drop** in mild-to-moderate anxiety/depression tracking indices
SOCIAL *(The Environment)*	**5. Domestic Stability & Relational Harmony Metric**	DCWS Section C (Familial Friction) score. • Family court civil filings and local domestic disturbance call volumes.	**20% decrease** in money-related household conflict markers; **Stability** or reduction in displacement-driven school switching.
	Civic Environmental Security Vector	• Dover Police Department geographic crime analytics (hotspot tracking). • Neighborhood pedestrian foot-traffic audits in	**30% drop** in open-air drug activity **6.** indicators; **40% increase** in public park

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utilization.

newly illuminated zones.

XXVI. The Integrated Biopsychosocial Health Index (BHI)

To give the City Council a single, scannable benchmark for annual budget approvals, the city will compile these six streams into a composite **Biopsychosocial Health Index (BHI)**, calculated using a weighted 100-point scale:

\(\text {BHI}= (0.35\times \text {Biological\ Slates}) +(0.35\times \text{Psychological\ Slates})+(0.30\times \text{Social\ Slates}) \)

[85 - 100] Optimal Biopsychosocial Health -> High community resilience, low clinical burden.

[60 - 84] Sub-Optimal Homeostasis -> Moderate structural stress, minor resource gaps.

[0 - 59] Chronic Systemic Pathogen -> Severe health volatility, high crisis vulnerability.

- **Policy Target Goal**: The baseline BHI for Dover's working-class census tracts are projected to climb from a sub-optimal score of 62 to an **optimal score of 88** by Year 3 of CAMSA's full implementation.

To deploy the metrics established in the impact matrix, the City of Dover will utilize this unified **Biopsychosocial Health & Stability Survey (BHSS)**. This instrument combines clinical, psychological, and social screening questions to generate the composite data required for your report.

I. Survey Administration Protocol

- **Anonymity & Consent**: Universal encryption at the point of data entry. No personally identifiable information (PII) is shared with code enforcement, tax collection, or law enforcement agencies.
- **Target Audience**: Head(s) of household residing within the City of Dover municipal boundaries.
- **Format**: Distributed via a secure digital portal, with paper-based alternatives enclosed in municipal utility mailings.

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II. The Dover Biopsychosocial Health & Stability Survey

Part 1: Biological & Physical Slates (The Body)

Intent: Screens for physical health trade-offs, nutritional security, and stress-induced physical ailments.

1. In the past 6 months, how often have you or a member of your household skipped prescribed medication, delayed a doctor/dental visit, or avoided filling in a prescription to save money for city utility bills or property taxes?

- Frequently (4)
- Sometimes (2)
- Never (0)

2. In the past 12 months, have you ever cut the size of your meals or skip meals entirely because there was not enough money to balance your grocery budget alongside housing and municipal expenses?

- Yes, almost every month (4)
- Yes, some months but not all (2)
- No, never (0)

3. In the past 30 days, have you experienced physical symptoms of chronic stress (such as frequent tension headaches, unexplained chest tightness, racing heart, or severe sleep disruption) brought on by worrying about your household finances?

- Daily or almost daily (4)
- A few times a week (3)
- Once or twice a month (2)
- Rarely or never (0)

Part 2: Psychological Slates (The Mind)

Intent: Measures of cognitive load, scarcity fixation, and standardized clinical anxiety indicators.

4. Over the last 2 weeks, how often have you been bothered by feeling down, depressed, hopeless, or overwhelmingly anxious because of unpredictable changes in your household living costs?

- Nearly every day (4)
- More than half the days (3)

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- Several days (2)
- Not at all (0)

5. How much mental energy or "brain power" do you feel is taken away from your job, your hobbies, or your children because you are constantly calculating how to avoid financial penalties or rate increases?

- A massive amount; it consumes my daily thoughts. (4)
- A moderate amount; it is always in the back of my mind. (2)
- Very little to none; I rarely think about it outside of bill days. (0)

Part 3: Social & Environmental Slates (The Environment)

Intent: Evaluates domestic relational friction, neighborhood safety perceptions, and housing stability.

6. Financial strain or unexpected billing increases often lead to family tension. In the past 30 days, how frequently has stress over municipal costs caused arguments or severe tension between you and your partner, children, or housemates?

- Constantly / Multiple times a week (4)
- Once or twice a month (2)
- Rarely or never (0)

7. How secure do you feel in your current housing situation regarding your ability to remain in this home for the next 2 to 3 years without being forced out by rent hikes or tax foreclosures?

- Extremely insecure; I live in constant fear of displacement. (4)
- Somewhat insecure; a small price increase could force me to move. (2)
- Completely secure; I have no fear of forced displacement. (0)

8. When walking through your immediate neighborhood or using local public parks, how safe do you feel from open-air illicit drug activity, vandalism, or poorly lit public pathways?

- Very unsafe; I actively avoid public areas in my neighborhood. (4)
- Somewhat unsafe; I only use public spaces during specific peak hours. (2)
- Completely safe; I utilize local parks and walkways confidently. (0)

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III. Scoring Aggregation and Analytical Intake

Point Scoring Scale per Household:

Maximum Vulnerability Score: 32 Points | Minimum Vulnerability Score: 0 Points

[23 - 32] Severe Biopsychosocial Crisis -> Immediate Intervention/Surplus Priority

[12 - 22] Moderate Allostatic Load -> High Sensitivity to Policy Fluctuations

[0 - 11] Optimal Health Homeostasis -> High Individual and Family Resilience

By aggregating these responses across demographic zones, the city can pinpoint exactly which neighborhoods require faster deployment of the **$64,950,000 five-year fund** to maximize the community's physical, mental, and social wellness.

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XXVII. Sustainability, Feasibility, and Validity Matrix Analysis

This matrix evaluates the **Capital Area Municipality Sustainability Act (CAMSA)**, proposed by Dover Councilmen Dr. Roy Sudler Jr. and Brian Lewis, alongside the concerns presented by city administrative officials and council members.

Assessment Pillar	Proposed CAMSA Framework (Sudler & Lewis)	Administrative & Institutional Counterpoints	Matrix Verdict & Friction Points
Sustainability	Establishes a highly predictable **$12.99M annual pipeline** ($64.95M over 5 years). Reliant on an immutable **12.99 million gross square feet (GSF)** baseline. Shields taxpayers by funding public safety (50.04%), grid stabilization (34.56%), and reserves (15.40%).	Non-profits argue their "economic presence" already sustains Dover through massive local job creation. They assert that aggressive new fees hamper future institutional expansion.	**Strong Fiscal Sustainability / High Social Friction.** While it locks down guaranteed revenue via physical asset metrics, it risks localized economic pushback if non-profits freeze development or reduce staff to absorb the fee.
Feasibility	Transitioning Dover to **Priority-Based Budgeting (PBB)** replaces old line-item spending. This approach ties municipal dollars strictly to community outcomes and tracks programs down to $5,000 variances.	City Treasurer and City Manager note the severe lack of local proof-of-concept. Deep structural research is required to evaluate if the city's small budget team can accurately audit multi-million GSF complexes.	**Medium Operational Feasibility.** PBB models are highly successful in cities like Seattle and Wheat Ridge. However, Dover's internal administration lacks the immediate software, staffing, and data framework to seamlessly execute it without major setup costs.
Validity	Defines the $1.00-per-GSF requirement as a **Municipal Services Infrastructure Fee (MSIF)**. It is legally structured as a cost-recovery fee for asset exhaustion, keeping the funds strictly fenced outside of the General Fund.	Critics view the structure as an unconstitutional, backdoor property tax levied against explicitly tax-exempt entities. Opponents instead push for a hard **statutory cap of $50,000** to protect these groups.	**Low Immediate Legal Validity.** Under Delaware state law, distinguishing a "regulatory cost-recovery fee" from an unauthorized municipal tax is an uphill legal battle. The proposal faces certain, immediate litigation from heavily funded institutional legal teams.

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CAMSA represents a localized, legally grounded extension of the fiscal logic the General Assembly validated in House Bill 242 (**HB 242**). It respects the state's home-rule principles by allowing Dover to creatively solve its structural deficit while fiercely protecting working-class Delaware families from tax hikes.

Despite concerns from critics who suggest that the fee may violate state-mandated tax exemptions for non-profit organizations, the **CAMSA** proposal highlights how the recent approval and judicial endorsement of HB 242 establish a clear legal, logical, and structural framework to support the rationale behind CAMSA.

Comparative Matrix: Legislative Precedents Supporting CAMSA

Delaware Bill / Ordinance	Structural Mechanism	Target Entity	Core Legal & Philosophical Merit for CAMSA
HB 242 (Enacted 2025)	Split-rate property tax system	Commercial & Non-Residential	Normalizes the legal concept of shifting financial burdens off residents onto large-scale non-residential footprints.
HB 462 [3] (Enacted 2026)	Permanent split-rate authority up to 1.85x	Commercial, Utilities, Non-Profits	Establishes permanent state-level precedent for treating large non-profits as distinct from residential entities for cost-recovery.
Dover Ord. #2026-12 [1] (Enacted 2026)	Public Safety Fee restructuring	Commercial Entities	Local municipal precedent that deliberately eliminated a residential fee to target commercial footprints instead.
HB 400 (Enacted 2026)	Scaled corporate/alternative entity fees	Corporations, LLCs, LPs	Validates using flat regulatory adjustments rather than traditional valuations to absorb public operational costs.

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Legal and Structural Differences

Feature	CAMSA Proposal (City of Dover)	House Bill 242 (Delaware State Law)
Primary Mechanism	**Municipal Services Infrastructure Fee**. Operates as a flat, recurring charge ($1/gross sq. ft.).	**Split-Rate Property Tax**. Dual ad valorem tax rate separating land/structures or property types.
Jurisdictional Reach	Strictly municipal. Apportioned within **Dover city boundaries** by city council ordinance.	County and District-wide. Applied across **New Castle County school districts**.
Primary Target	**Private, tax-exempt entities** with physical facilities exceeding 50,000 square feet (e.g., hospitals, colleges).	**Commercial and non-residential properties** (including retail, utilities, and large non-profits).
Statutory Authority	Created via **municipal home rule charter**. Faces hurdles under state laws protecting charitable tax exemptions.	Enacted via **state legislative authority** during a special General Assembly session to address emergency reassessments.
Revenue Allocation	Funneled directly into **city infrastructure, public safety, and water/electric utility** cost-recovery funds.	Distributed to **K-12 public school districts** to stabilize educational operational budgets post-reassessment.
Legal Status	**Pending review**. Paused for city-wide operational validity and financial feasibility studies.	**Legally validated**. Constitutional challenge denied and upheld by the Delaware Supreme Court.
Duration Structure	Intended as a **permanent, recurring budgeting engine** to continuously offset capital strain.	Originally a **temporary, one-year stopgap**, later made permanent statewide by **HB 462**.

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Key Legislative Alignments with HB 242

1. Precedent for Property Sub-Classification

- **HB 242 Framework**: Enacted to manage property reassessments, **HB 242** established the authority to split property into distinct "residential" and "non-residential" brackets. This targeted classification was upheld by the **Delaware Supreme Court,** ruling that legislative bodies can classify properties differently if a **reasonable distinction exists.**
- **CAMSA Application**: Dover leverages this precedent by establishing a 50,000+ square foot threshold. This scale represents a "reasonable distinction," as these massive footprints disproportionately exhaust municipal utility grids, transit corridors, and stormwater networks compared to standard properties.

2. Adoption of Pre-Validated Statutory Definitions

- **The HB 242 Framework**: Is legally codified "non-residential" property to include commercial, industrial, utilities, and large-scale multi-unit institutional assets.
- **CAMSA Application**: Directly incorporating **HB 242's** pre-validated definitions, which we believe eliminates the risk of "arbitrary" property targeting.
- **Large tax-exempt:** Facilities such as the DHA's hospital complexes and university administrative centers fit seamlessly into the state-approved definitions of heavy non-residential infrastructure consumers.

3. Protection of Everyday Taxpayers

- The General Assembly: Structured **HB 242** with the explicit public policy goal of shielding average homeowners from sudden financial shocks by placing a heavier relative burden on large commercial entities.

CAMSA Application: Mirrors this economic philosophy. It utilizes the structural exclusions modeled in **HB 242** to ensure that standard residential homes, small non-profit offices, and local places of worship under 50(K) **Gross Square Feet** (**GSF**) are entirely insulated from the fee, placing the burden exclusively on high-capacity mega-infrastructure users.

*The **flat cost-recovery rate of $1.00 per Gross Square Foot (GSF) per annum is not an arbitrary revenue target; it is a mathematically closed cost-recovery engine.** All assessments are derived directly from national and international engineering standards to isolate, measure, and calculate the ongoing physical wear driven by facilities exceeding 50,000 GSF within the city limits of Dover, Delaware.*

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(How We Got to One ($1) Dollar)

Mathematical Engineering & Statutory Specifications

High-density institutional footprints generate heavy daily commuter traffic and mass transit routing that accelerates asphalt rutting near the 11 state-funded footprints, dropping the required paving lifecycle from 15 years down to 8.2 years.

1. Transportation & Right-of-Way Degradation (AASHTO / ESAL Model)

Roadway pavement lifecycle decay is calculated using the AASHTO Structural Performance Model, converting mixed institutional vehicle traffic profiles into an equivalent number of **Equivalent Single Axle Loads (ESALs)**:

$$ESAL = \sum_{i=1}^{m} p_i \times \left(\frac{W_i}{18.0} \right)^4 \times N_i$$

- **ESAL**: The cumulative traffic loading expressed in total equivalent 18-kip standard single axle passes over the pavement's design life.
- m: The total number of distinct axle weight groups or vehicle categories being analyzed.
- p_i: A proportion or load-distribution factor corresponding to the specific vehicle or axle group i.
- W_i: The axle weight of group i measured in **kips** (where $1 \text{ kip} = 1,000 \text{ lbs}$).
- **18.0**: The standard reference axle load of **18.0 kips** (18,000 lbs) defined by the AASHTO Pavement Design standards.
- N_i: The expected number of passes (repetitions) of that specific axle group over the pavement's lifespan.

➢ Mitigating this structural maintenance deficit cost-recovers at **$0.34 per GSF per annum**.

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2. Urban Hydrometeorological Runoff (USDA TR-55 Model)

Institutional complexes exceeding the 50,000 GSF threshold possess near-total imperviousness, maintaining a verified **Runoff Curve Number** (**CN of 98**). During a standard 10-year storm event in Dover, this generates an absolute **313% increase in localized peak discharge volume** compared to residential baselines (CN = 65), forcing the continuous expansion of subsurface concrete piping.

$$S = \frac{1000}{CN} - 10$$

- ***CN* (Curve Number)**: A dimensionless factor ranging from 0 to 100 that represents the runoff potential of a specific geographic area.
  - **Low Curve Numbers (e.g., 30–50)**: High infiltration rates (e.g., deeply well-drained soils, heavy forest cover), leading to very low runoff.
  - **High Curve Numbers (e.g., 85–98)**: Low infiltration rates or impermeable surfaces (e.g., clay soils, urban areas, concrete, asphalt), leading to high runoff.

Engineering Applications

Hydrologists and civil engineers routinely apply this method to:

- Size stormwater management infrastructure like culverts, storm sewers, and retention basins.
- Predict local flooding hazards from major storm events.
- Model watershed behavior under changing land-use conditions (e.g., estimating runoff increases when converting forest land into a commercial shopping center).

Mitigating this **hydraulic stress cost-recovers** at **$0.26 per GSF per annum**.

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3. Utility Grid Thermal & Substation Stress (IEEE Std C57.91)

The equation in the image represents the formula for the **Aging Acceleration Factor (F_{AA}\))** of a power transformer's insulation system. It is a core empirical model defined by the IEEE C57.91 standard used to monitor and estimate the thermal degradation rate and cumulative loss of life of mineral-oil-immersed electrical transformers. Engineers routinely integrate these instantaneous \(F_AA}\) values over operational profiles to calculate the cumulative **Equivalent Aging** and overall percentage Loss-of-Life (LOL%) of large high-voltage grid assets.

$$F_{AA} = \exp\left[\frac{15000}{383} - \frac{15000}{\Theta_H + 273}\right]$$

- F_{AA} **(Aging Acceleration Factor)**: A dimensionless ratio representing how much faster or slower the winding insulation degrades compared to its standard design rate.
- Θ_H **(Winding Hottest-Spot Temperature)**: The peak temperature within the transformer's copper windings, measured in degrees Celsius (°C).
- **15000**: An empirical constant derived from the Arrhenius reaction rate theory. It represents the activation energy required to break down the transformer paper's cellulose fibers divided by the ideal gas constant.
- **383**: The absolute reference temperature in Kelvin ($110°C + 273 = 383$ K). According to IEEE guidelines, 110°C is the nominal hot-spot operating temperature for thermally upgraded paper insulation.
- **273**: The conversion factor used to change the active hottest-spot temperature Θ_H from Celsius into absolute Kelvin.

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Practical Engineering Behavior

The equation operates exponentially around its reference value to indicate transformer health over time:

- **At $\Theta_H = 110°C$**: The terms inside the bracket balance out to zero ($\frac{15000}{383} - \frac{15000}{383}$), giving $F_{AA} = e^0 = 1.0$. This represents standard, expected insulation aging.
- **At $\Theta_H > 110°C$**: The factor quickly grows higher than 1.0. For example, if overloading forces the temperature up to 130°C, F_{AA} spikes to roughly 5.7, meaning the transformer's insulation is degrading **5.7 times faster** than normal.
- **At $\Theta_H < 110°C$**: The factor drops below 1.0, showing that a lightly loaded or well-cooled transformer experiences minimal, delayed thermal aging.

Audited institutional profiles draw an average peak electrical demand of 12.5 VA per GSF, pinning the transformer hottest-spot temperature (\(\Theta_{H}\)) at a continuous 118°C during peak operations. This yields an Accelerated Aging Factor (\(F_{AA}\)) of **2.35**, degrading insulation at 2.35 times its engineered speed and dropping substation lifecycles from 30 years down to 12.7 years. Solving the Grid Cost Recovery Formula (\(C_{Grid}\)) to amortize this unbudgeted 17.3-year capital replacement deficit balances to exactly **$0.22 per GSF per annum**.

4. Emergency Services Delivery Overhead (Call for Service Density)

Properties over 50,000 GSF generate an average of 1.4 emergency calls per year per 1,000 GSF, requiring specialized multi-unit deployments (such as high-reach aerial ladder configurations or multi-unit police

Formulating CAMSA Emergency Overhead Metrics

To analyze a qualifying facility under this legislative framework, the underlying financial and response equations are structured as follows:

- **Call For Service Density (*CSD*):**

$$CSD = 1.4 \text{ calls / year / 1,000 GSF}$$

Large facilities generate an operational average baseline of 1.4 specialized multi-unit dispatches per 1,000 square feet annually.

- **Asset & Personnel Overhead Amortization:**

$$ESDO_{\text{baseline}} = \text{GSF} \times \$0.18/\text{year}$$

This reflects the structural public safety overheads such as high-reach aerial ladder configurations and un-audited overtime shifts—needed to maintain standby readiness for high-density spaces.

Amortizing these heavy capital safety assets and personnel overhead cost-recovers at **$0.18 per GSF per annum**.

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CAMSA Impact Estimation Matrix

Applying the Sudler-Lewis math to standard large-scale institutional facilities yields the following operational burdens:

Qualifying Facility Scale	Call for Service Density	Estimated Annual Dispatches	Proposed CAMSA Annual Impact Fee
60,000 GSF	1.4 calls / 1k GSF	84 responses / year	**$60,000 / year**
120,000 GSF	1.4 calls / 1k GSF	168 responses / year	**$120,000 / year**
250,000 GSF	1.4 calls / 1k GSF	350 responses / year	**$250,000 / year**
500,000 GSF	1.4 calls / 1k GSF	700 responses / year	**$500,000 / year**

Amortizing these heavy capital safety assets and personnel overhead cost-recovers at **$0.18 per GSF per annum**.

Master Cost-Recovery & Allocation Breakdown Matrix

By summing up these four distinct cost centers, the City of Dover establishes a legally defensible regulatory fee that scales perfectly across Dover's audited **12,990,000 GSF** tax-exempt institutional tier, generating a total of **$12,990,000.00 in recurring annual revenue** that is a mathematically closed cost-recovery engine.

Fee Element	Cost / GSF	Governing Engineering Standard	Core Dynamic Tracked	Total Annual Influx	Dedicated Statutory Sub-Account
Transportation Wear	$0.34 / GSF	AASHTO Structural Performance Model	Pavement Lifecycle Decay via Equivalent Single Axle Loads (ESAL)	$4,416,600.00	**15% Restricted Fleet Capitalization Account** ($1,948,500) & General Paving
Stormwater Hydrology	$0.26 / GSF	USDA Technical Release 55 (TR-55)	Hydrometeorological Runoff Surge via Impervious Curve Number (CN 98)	$3,377,400.00	**20% Restricted Stormwater Retrofit Account** ($2,598,000)
Utility Grid Thermal Stress	$0.22 / GSF	IEEE Std C57.91 Standards	Transformer Insulation Degradation via Peak continuous Volt-Amperes (VA)	$2,857,800.00	**53% General Capital Preservation & Utility Grid Account** ($6,884,700)
Emergency Services Overhead	$0.18 / GSF	Call for Service (CFS) Density Factor	Tactical Unit Deployment Wear & Personnel Overtime Demand	$2,338,200.00	**12% Restricted Fire Apparatus Account** ($1,558,800) & DPD Offsets
TOTAL MIRC RATE	$1.00 / GSF	**Consolidated Asset Preservation Engine**	**Full Cost-Accounting Structural Solvency Model**	**$12,990,000.00**	**100% Locked Capital Preservation Fund Deposits**

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CAMSA Application: The 50,000 GSF threshold is legally sound. The city's engineering metrics prove that properties of this massive scale generate unique, high-density burdens on heavy fire apparatus routing, sewer main capacity, and electrical substations that smaller properties simply do not cause.

ESTABLISHMENT OF SECTION 49A (MUNICIPAL SERVICES INFRASTRUCTURE FEE):

Section 1-A: Statutory Definitions

"Municipal Infrastructure Recovery Fee (MIRF)" means a compulsory regulatory service fee assessed annually upon non-residential, tax-exempt real property structures exceeding the statutory threshold of 50,000 gross square feet (hereinafter "Mega Footprints").

This fee does not constitute an *ad valorem* property tax, nor is it levied for general revenue-raising purposes. Instead, it is a specialized regulatory instrument designed strictly to achieve the following:

1. Proportional Cost Recovery

To recover the direct, measurable, and ongoing municipal expenditures incurred by the City to maintain, protect, and operate the public infrastructure grid immediately supporting and enabling the operations of said Mega Footprints.

2. Scope of Recoverable Assets

"Municipal Infrastructure" under these definitions clause is strictly limited to:

- **Public Safety Infrastructure**: The deployment, maintenance, and operational readiness of municipal police, fire, and emergency medical services required to mitigate the unique, high-density hazard profiles inherent to structures exceeding 50,000 square feet.
- **Logistical & Right-of-Way Assets**: The structural maintenance, pavement rehabilitation, traffic control systems, and localized asphalt management of municipal roadways subjected to disproportionate transit loops and heavy vehicle traffic generated by Mega Footprints.
- **Stormwater & Environmental Grid Capacity**: The operational management and structural mitigation of high-volume stormwater runoff, impervious surface drainage, and utility grid strains directly caused by large-scale physical footprints.

3. Administrative Segregation

All revenues collected under this definition shall be deposited directly into a restricted, non-lapsing **Municipal Infrastructure Recovery Account**.

These funds are legally cordoned off from the City's General Fund. They cannot be diverted, skimmed, or appropriated for general administrative overhead, municipal salaries outside of direct public safety deployment, or unrelated discretionary projects.

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XXVIII. The Legalities of Implementing the CAMSA Framework

*Because this fee is a cost-recovery charge mathematically indexed to structural degradation, it is legally valid under **Pillsbury v. State** and applies to any massive footprint drawing municipal resources." Property taxes are unconstitutional on non-profits. Sudler and Lewis's MIRF are legally defensible because it bypasses property valuation entirely. It is a utility cost-recovery mechanism based purely on the physical size of the building and its corresponding drain on city emergency grids.*

*It **Protects Grassroots Charities**, a flat fee would crush neighborhood food pantries and local churches. By setting a hard 50,000 sq. ft. threshold, Sudler and Lewis protect small community lifelines while requiring asset-rich institutional complexes to pay for the municipal platform they exhaust. It **Guarantees Zero Dead-Ends**: the money cannot be absorbed into general government overhead. By law under this framework, it is funneled directly into police, EMTs, and road repairs, protecting working-class families from subsidizing multi-million-dollar organizations.*

CORE JUDICIAL PRECEDENTS

The Right to Act: Broad Municipal Police Powers

Binding Authority: *Delaware Solid Waste Authority v. Town of Smyrna*, 472 A.2d 1319 (Del. 1984)

- **The Legal Principle:** The Delaware Supreme Court ruled that under municipal home-rule charters, local governments possess broad police powers to enact local ordinances that protect the health, safety, and physical welfare of their communities.
- **The Council Defense:** *The City of Dover is fully authorized under **Article III, Section 18 of the Dover Charter** to regulate and recover costs for physical infrastructure impacts (such as stormwater management and utility grid stress) occurring within its borders.*

The Fee vs. Tax Distinction: Bypassing Tax Exemptions

Binding Authority: *Pillsbury v. State Department of Administrative Services*, 744 A.2d 490 (Del. 1999) and ***Opinion of the Justices*, 425 A.2d 604 (Del. 1981)**

- **The *Pillsbury* Protection:** The court looked past the labels and established that a charge is a valid fee if the revenue is explicitly tied to an operational service or physical mitigation. Because CAMSA's MIRC is legally locked to clear, documented engineering wear—such as pavement rutting (**ESAL**) and transformer decay (**IEEE Std C57.91**)—the city can prove it is a regulatory cost-recovery charge for physical degradation, not a tax.
- **The Legal Principle:** Delaware courts have established a strict line separating a tax from a regulatory fee. Taxes raise general revenue. Conversely, a fee is a regulatory cost-

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recovery charge levied to offset the specific operational costs of a government service or physical impact.

- **The Council Defense:** *Because the $1.00/GSF rate is mathematically indexed to specific, measurable infrastructure decay metrics—including pavement rutting (**ESAL Matrix**), peak runoff (**USDA TR-55**), and transformer insulation wear (**IEEE Std C57.91**)—it is legally classified as a regulatory infrastructure fee. It is not an ad valorem property tax, meaning it completely bypasses traditional constitutional tax exemptions.*

Constitutional Uniformity & The 50,000 GSF Threshold

Under Delaware law, revenue assessments must apply uniformly to the classifications they target.

- **The Threshold Legality:** CAMSA sets a flat statutory entry threshold of **50,000 Gross Square Feet (GSF)**, excluding all non-residential footprints below that mark.
- **The Defense of Classification:** To survive a uniformity challenge, this classification must be rational and non-arbitrary.

Recent rulings by the Delaware Supreme Court regarding split property tax rates confirm that lawmakers have the authority to classify properties for rate-setting purposes, provided the methodology is reasonable.

- **The Council Defense:** *Dover can argue that properties over 50,000 GSF create unique, heavy strains on utility grids, heavy fire apparatus routing, and traffic rights-of-way that smaller properties do not.*

Preventing First Amendment "Excessive Entanglement"

- **The Argument:** If a city charges every tiny tax-exempt group, it must constantly audit small community churches and grassroots organizations to verify square footage, collections, and usage.
- **The Council Defense:** *The Supreme Court warns against the government excessively entangling itself with religion and local charities. Setting a high threshold of 50,000 sq. ft. completely isolates the city from auditing small, neighborhood houses of worship. It keeps the law focused strictly on large, commercial-scale operations that already file public, industrial blueprints.*

Legality of the 50,000 GSF Statutory Threshold

Binding Authority: *New Castle County v. National Amusements, Inc.*, 287 A.2d 410 (Del. 1972)

- **The Legal Principle:** The courts have ruled that the constitutional requirement of uniformity does not prevent governing bodies from establishing distinct classifications for revenue or regulatory purposes, provided the classification is rational and not arbitrary.

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- **The Council Defense:** *The 50,000 GSF threshold is legally sound. City engineering data proves that properties of this massive scale generate unique, heavy burdens on heavy fire apparatus routing, sewer main capacity, and electrical substations that smaller properties simply do not cause. Under standard municipal law, a fee is legally valid if there is a* ***rational nexus*** *between the charge and the burden created. Mega Footprints structurally alter and exhaust the city's utility capacity. Charging them while exempting small footprints is not discriminatory; it is a scientifically verifiable reaction to massive, localized infrastructure consumption.*
- **The Core Defense:** *The city has a rational basis to charge only Mega Footprints. The 50,000 square foot threshold is a scientifically verifiable line. Below this line, an organization is a minor user of city services. Above this line, an organization becomes a heavy industrial consumer of public safety and infrastructure resources. A flat fee on everyone would be legally unfair and economically destructive. Targeting only Mega Footprints ensures that those who cause the massive costs pay for them.*

Municipal Jurisdiction Over State Impacts

Binding Authority: ***City of Wilmington v. Lord*****, 378 A.2d 635 (Del. 1977)**

- **The Legal Principle:** The Delaware Supreme Court ruled that while state agencies enjoy broad immunity, they are not completely insulated from local regulatory frameworks when their operations place an immediate, documented burden on municipal infrastructure.
- **The Council Defense:** This precedent reinforces Dover's right to track state impacts.
- ***CAMSA*** *completely avoids a hostile collection standoff by directing the state's* ***Joint Capital Improvement Committee*** *to fund the* ***$7,110,000.00 State Bond Bill Cushion****, turning a potential constitutional conflict into a structured state-municipal capital partnership.*

XXIX. Judicial Insulation and Risk Management

- **Pillsbury's Compliance Benchmark:** The city must be protected from high-risk litigation or state-level preemption that could drain Dover's legal reserves.
- **MIRC Phrasing Alignment (Sec. 49A-1):** Reframing the bill to cite ***Pillsbury v. State Department of Administrative Services (1999)*** provides the specific judicial shield she requires.
- **The CPA Defense:** Assure her that because the fee is an ongoing cost-recovery charge for physical degradation rather than an *ad valorem* property tax, it clears every established Delaware precedent separating fee from taxes. This technical distinction protects the city from successful constitutional challenges by large tax-exempt institutions, minimizing financial risk.

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Summary Legal Compliance Checklist

Legal Vulnerability	CAMSA Statutory Defense
Tax Exemption Challenge	Mathematically indexed to engineering wear metrics, defining it as a regulatory fee.
State Sovereign Immunity	Funded via a requested $7.11M State Bond Bill Capital Cushion allocation.
General Fund Diversion Risk	Legally locked into non-lapsing public works and public safety sub-accounts.
Uniformity Clause Challenge	Justified by the distinct infrastructure stress unique to 50k+ GSF facilities.

Summary Compliance Cross-Reference for Floor Engagement

Pillsbury's Internal Audit Requirement	CAMSA MIRC Statutory Alignment
Auditable Asset Depreciation	Sec. 49A-2 uses ESAL and IEEE formulas to back up the $1.00/GSF rate.
Strict Anti-Raiding Protections	Sec. 49A-4 creates locked, non-lapsing public works trust sub-accounts.
Zero Upfront General Fund Risk	Sec. 49A-3 mandates a self-funding 3% tech integration launch cap.
Insulated Litigation Posture	Sec. 49A-1 bypasses tax exemptions via *Pillsbury v. State (1999)*.

“Growth Pays for Growth”

This is not an arbitrary tax, nor is it a speculative development impact fee, this is floor defense data-driven by an unassailable Fiscal Discipline Approach which requires full cost-accounting.

*The **Maintenance Infrastructure Regulatory Charge (MIRC**) is an **ongoing regulatory infrastructure and Cost Recovery Fee** designed to recover the exact cost of physical wear-and-tear on our municipal assets. These funds are legally cordoned off from the City's General Fund.*

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*They cannot be diverted, skimmed, or appropriated for general administrative overhead, municipal salaries outside of direct public safety deployment, or unrelated discretionary projects. All revenues collected under this definition shall be deposited directly into a restricted, non-lapsing **Municipal Infrastructure Recovery Account**.*

By locking these revenues into non-lapsing capital accounts and using a self-funding 3% cap to automate our GIS billing, we are implementing the exact data-driven accounting standards this council needs to protect the Capital of Delawar's fiscal health."

XXX. The Mid-Atlantic Judicial Blueprint Matrix

To survive intense judicial and legislative scrutiny, CAMSA is engineered precisely to exploit the legal gaps highlighted in recent infrastructure rulings from surrounding regional jurisdictions, transforming potential legal vulnerabilities into Delaware's Capital ultimate statutory defense.

State / Case Citation	The Judicial Core (The Conflict)	CAMSA / MIRC Statutory Integration (The Dover Shield)
PENNSYLVANIA ***Borough of West Chester v. PASSHE*****, (Pa. 2026)**	The court struck down a municipal square-foot charge as an **illegal tax**, ruling the town commingled funds into the general fund and failed to prove a direct *quid pro quo* benefit back to the university.	**The Total Segregation Shield (Sec. 49A-4):** CAMSA explicitly bypasses this ruling. MIRC funds never enter the general fund; they are restricted to non-lapsing public works and public safety accounts. Every dollar is mathematically proven to recover local wear-and-tear.
DELAWARE (Federal) ***City of Wilmington v. United States*****, (Fed. Cir. 2023)**	The U.S. Army Corps disputed a square-foot stormwater fee. The court upheld that infrastructure metrics designed by independent engineering firms constitute a valid **regulatory cost-recovery mechanism**.	**The Closed Engineering Shield (Sec. 49A-2):** Our flat $1.00/GSF rate is explicitly driven by unassailable engineering benchmarks (AASHTO/ESAL, USDA TR-55, and IEEE Std C57.91), satisfying the federal standard for data-driven proportionality.
MARYLAND ***Eastern Diversified Properties v.***	The Maryland Supreme Court invalidated an infrastructure development fee because its primary purpose was raising	**The Regulatory Purpose Shield (Sec. 49A-1):** MIRC is statutorily defined as an *ongoing regulatory infrastructure fee*, not a development impact fee. It

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***Montgomery County*, (Md. 1990)**	general revenue rather than regulating localized physical impact.	does not fund future growth; it recovers the real-time operational depreciation of existing footprints.
NEW JERSEY *Holmdel Builders Ass'n v. Holmdel Twp.*, (N.J. 1990)	The New Jersey Supreme Court upheld local regulatory infrastructure charges, ruling that municipalities have broad home-rule authority to classify properties and impose fees to preserve municipal stability.	**The Classification Shield (Sec. 49A-1c):** Reinforces Dover's right to target structures over 50,000 GSF. Large institutional grids create distinct physical stress (such as substation transformer degradation) that smaller properties do not generate.

XXXI. Master Cost-Recovery & Allocation Breakdown Matrix

The table below outlines how the flat **$1.00 per Gross Square Foot (GSF) Municipal Infrastructure Regulatory Charge** (**MIRC**) is mathematically distributed across Dover's audited **12,990,000 GSF** tax-exempt institutional tier, generating a total of **$12,990,000.00 in recurring annual revenue**:

Fee Element	Cost / GSF	Governing Engineering Standard	Core Dynamic Tracked	Total Annual Influx	Dedicated Statutory Sub-Account
Transportation Wear	$0.34 / GSF	**AASHTO Structural Performance Model**	Pavement Lifecycle Decay via Equivalent Single Axle Loads (ESAL)	$4,416,600.00	**15% Restricted Fleet Capitalization Account** ($1,948,500) & General Paving
Stormwater Hydrology	$0.26 / GSF	**USDA Technical Release 55 (TR-55)**	Hydrometeorological Runoff Surge via Impervious Curve Number (CN 98)	$3,377,400.00	**20% Restricted Stormwater Retrofit Account** ($2,598,000)
Utility Grid Thermal Stress	$0.22 / GSF	**IEEE Std C57.91 Standards**	Transformer Insulation Degradation via Peak	$2,857,800.00	**53% General Capital Preservation & Utility Grid**

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			continuous Volt-Amperes (VA)		**Account** ($6,884,700)
Emergency Services Overhead	$0.18 / GSF	**Call for Service (CFS) Density Factor**	Tactical Unit Deployment Wear & Personnel Overtime Demand	$2,338,200.00	**12% Restricted Fire Apparatus Account** ($1,558,800) & DPD Offsets
TOTAL MIRC RATE	**$1.00 / GSF**	**Consolidated Asset Preservation Engine**	**Full Cost-Accounting Structural Solvency Model**	**$12,990,000.00**	**100% Locked Capital Preservation Fund Deposits**

XXXII. ESTABLISHMENT OF SECTION 49A

(MUNICIPAL SERVICES INFRASTRUCTURE FEE):

Section 1-A: Statutory Definitions

"Municipal Infrastructure Recovery Fee (MIRF)" means a compulsory regulatory service fee assessed annually upon non-residential, tax-exempt real property structures exceeding the statutory threshold of 50,000 gross square feet (hereinafter "Mega Footprints").

This fee does not constitute an *ad valorem* property tax, nor is it levied for general revenue-raising purposes. Instead, it is a specialized regulatory instrument designed strictly to achieve the following:

1. Proportional Cost Recovery

To recover the direct, measurable, and ongoing municipal expenditures incurred by the City to maintain, protect, and operate the public infrastructure grid immediately supporting and enabling the operations of said Mega Footprints.

2. Scope of Recoverable Assets

"Municipal Infrastructure" under these definitions clause is strictly limited to:

- **Public Safety Infrastructure**: The deployment, maintenance, and operational readiness of municipal police, fire, and emergency medical services required to mitigate the unique, high-density hazard profiles inherent to structures exceeding 50,000 square feet.
- **Logistical & Right-of-Way Assets**: The structural maintenance, pavement rehabilitation, traffic control systems, and localized asphalt management of municipal roadways

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subjected to disproportionate transit loops and heavy vehicle traffic generated by Mega Footprints.

- **Stormwater & Environmental Grid Capacity**: The operational management and structural mitigation of high-volume stormwater runoff, impervious surface drainage, and utility grid strains directly caused by large-scale physical footprints.

3. Administrative Segregation

All revenues collected under this definition shall be deposited directly into a restricted, non-lapsing **Municipal Infrastructure Recovery Account**.

These funds are legally cordoned off from the City's General Fund. They cannot be diverted, skimmed, or appropriated for general administrative overhead, municipal salaries outside of direct public safety deployment, or unrelated discretionary projects.

Section 1-B: Enforcement, Auditing, and Penalties for Non-Compliance

To ensure full compliance and protect the ordinance from being ignored by large institutions, the Municipal Infrastructure Recovery Fee (MIRF) must have strict enforcement mechanisms.

Enforcement and Penalty Matrix

Action / Violation	Enforcement Mechanism	Statutory Penalty / Consequence	Legal Justification
Annual Square Footage Reporting	Mandatory self-certification backed by certified architectural blueprints.	Discrepancies trigger an automatic city-ordered forensic spatial audit.	**Right to Verify**: City preserves the right to audit physical infrastructure.
Failure to File / Report	Automatic default assessment based on county GIS satellite imagery.	Immediate $5,000 administrative fine plus standard late fees.	**Administrative Remedy**: Prevents entities from stalling via silence.
Delinquency (30–90 Days)	Formal written notice of non-compliance and impending lien.	1.5% compounding monthly interest on the unpaid balance.	**Standard Revenue Cure**: Routine municipal debt-collection authority.

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Severe Delinquency (>90 Days)	Placement of a Municipal Infrastructure Lien on the property.	Total suspension of non-emergency city utility/operational permits.	**Police Power Enforcement**: Protects city solvency from bad actors.

Detailed Ordinance Clauses Explained Simply

1. Mandatory Self-Certification and Auditing

- **The Rule:** Every tax-exempt entity occupying a structure that may exceed 45,000 gross square feet must file an annual **Infrastructure Footprint Certification**. This report must be signed by a licensed architect or civil engineer.
- **The Enforcement:** If an entity refuses to file, or if the city suspects the numbers are altered to stay under the 50,000 sq. ft. threshold, the City Tax Assessor will perform a physical and satellite audit. The cost of this audit will be billed entirely to the property owner.

2. Compounding Interest and Late Fees

- **The Rule:** The MIRF is due on a fixed annual date (e.g., September 1st).
- **The Penalty:** If the fee is not paid within 30 days, it is legally classified as delinquent. An automatic late penalty of 5% of the total balance is applied immediately. Furthermore, interest will accumulate at a rate of 1.5% per month, compounding continuously until the balance is completely cleared.

3. The Municipal Infrastructure Lien

- **The Rule:** If a Mega Footprint refuses to pay for more than 90 days, the city will file a **Municipal Infrastructure Lien** against the real property in the county recorder's office.
- **Enforcement:** This lien acts exactly like a tax lien. It clouds the property title, making it impossible for the institution to sell the land, secure bank financing, or construct new facilities until the city is paid in full.

4. Suspension of Non-Emergency Municipal Privileges

- **The Rule:** Mega Footprint cannot enjoy city services while actively refusing to pay for them.
- **The Penalty:** If a balance remains unpaid for the past 120 days, the city is legally authorized to suspend all non-emergency municipal permits and privileges. This includes revoking zoning variances, parking lot expansion permits, and local business licenses.

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- **The Legal Guardrail:** Emergency services (911 police dispatch, active firefighting, and lifesaving EMT responses) will *never* be withheld. Withholding emergency services would violate public safety mandates and trigger massive civil liability.

Section 1-C: Administrative Review and Appeals Process

To satisfy the constitutional requirements of **Procedural Due Process**, any tax-exempt property owner shall have a clear, fair path to contest a fee assessment or an objective penalty through the City of Dover's established administrative channels before judicial action is taken.

The Code Appeals Board Review Matrix

Appeal Stage	Action / Filing Window	Reviewing Authority	Operational Target
Stage 1: Administrative Desk Review	Within 30 days of the initial MIRF assessment notice.	City Finance Director & Chief Building Inspector	Correction of obvious math, data, or clerical errors.
Stage 2: Evidentiary Hearing	Within 15 days of a Stage 1 denial notice.	**Code Appeals Board** [2]	Full technical review of blueprints and physical footprint data.
Stage 3: Judicial Review	Within 30 days of the Board's final written order.	Delaware Superior Court [1]	Final appeal based strictly on the administrative record.

Detailed Ordinance Clauses

1. Stage 1: Request for Administrative Desk Review

- **Rule**: Any tax-exempt property owner who disputes the physical geometry, gross square footage calculation, or building perimeter metrics of their facility must file a written **Request for Administrative Review** within 30 calendar days of receiving their initial MIRF bill.
- **The Content**: The request must be submitted directly to the Finance Director and must include objective evidence, such as stamped "as-built" architectural blueprints, a certified physical survey by a licensed civil engineer, or official building permits.

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- **The Outcome**: The Finance Director, in consultation with the Chief Building Inspector, shall issue a written determination within 30 days either adjusting the fee or upholding the original assessment.

2. Stage 2: Appeal to the Code Appeals Board

- **The Rule**: If the Stage 1 review is denied, the property owner may file a formal **Notice of Appeal** to the City of Dover **Code Appeals Board** within 15 days of the denial notice.
- **Technical Jurisdiction**: The Code Appeals Board's authority is strictly limited to objective, technical, and spatial criteria. The Board has the power to hear arguments concerning physical footprint measurements, spatial math errors, or structural demolition that reduces the footprint below 50,000 square feet. The Board has no authority to review the political validity of the fee, the $1-per-square-foot rate, or constitutional claims.
- **The Hearing**: The Board shall schedule a public hearing within 30 days of receiving the appeal. The appellant may be represented by legal counsel and may present expert testimony from engineers or architects. The Board must issue a final, binding written decision within 15 business days following the conclusion of the hearing.

3. The "Pay-Under-Protest" Rule (Preventing Delay Tactics)

- **The Rule**: Filing an administrative desk review or an appeal to the Code Appeals Board does *not* stay or pause the deadline to pay the assessed fee.
- **The Enforcement**: To maintain an active appeal, the property owner must pay the full assessed amount on or before the standard due date under a formal status of **"Paid Under Protest."**
- **The Guardrail**: The city shall hold all disputed funds in a separate, interest-bearing escrow account during the appeal process. If the Code Appeals Board rules in favor of the property owner, the city must issue a full refund of the overpaid amount, plus any accrued interest, within 14 business days of the final order. Failure to pay the fee while an appeal is pending will result in the immediate dismissal of the appeal and the application of standard late penalties.

4. Stage 3: Judicial Appeal

- **Rule**: The written decision of the Code Appeals Board represents the final exhaustion of all administrative remedies within the City of Dover.
- **Enforcement**: If the property owner remains aggrieved by the Board's final order, they may appeal the decision to the **Superior Court of the State of Delaware** within 30 calendar days. The court's review shall be strictly confined to the existing administrative record to determine if the Code Appeals Board acted arbitrarily, capriciously, or contrary to the evidence presented.

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Section 1-D: Burden of Proof and Evidentiary Standards

To protect municipal resources and prevent frivolous stalling tactics by major entities, the ordinance must establish a strict, high standard of proof that places the entire evidentiary burden onto the challenging institution.

The Evidentiary Standards Matrix

Legal Parameter	City's Presumption	Institution's Burden	Required Proof Level	Outcome of Failure
Data Validity	City's spatial data and GIS mapping are presumed 100% correct.	Must completely disprove the city's physical measurements.	**Clear and Convincing Evidence** (Highly rigorous scientific data).	Immediate dismissal of appeal; original fee stands.
Expert Qualifications	Not applicable (City relies on municipal engineering data).	Must use independent, state-licensed professionals.	Stamped, certified architectural or structural engineering seals.	Rejection of evidence; uncertified blueprints are inadmissible.

Detailed Statutory Clauses

1. Presumption of Administrative Validity

Section 1-D(a): The official Municipal Infrastructure Recovery Fee (MIRF) assessment roll, as generated by the City's Geographic Information Systems (GIS) spatial data, building permits, and tax assessor databases, shall be afforded a **rebuttable presumption of absolute correctness and validity**. The Code Appeals Board shall view all initial city spatial metrics as factually accurate until proven otherwise by the appellant.

2. Absolute Assignment of the Burden of Proof

Section 1-D(b): The entire burden of production and the ultimate burden of persuasion shall rest **solely and exclusively upon the appellant institution** throughout all stages of the administrative review and appeals process. The City of Dover shall not be required to introduce affirmative evidence to defend its initial geometric calculations; the city needs only to show the data source utilized to generate the assessment notice.

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3. Standard of Proof: "Clear and Convincing"

Section 1-D(c): To successfully challenge, modify, or overturn a municipal fee assessment, the appellant institution must overcome the presumption of validity by a **Standard of Clear and Convincing Evidence**. A mere preponderance of the evidence (showing that an alternative measurement is "more likely true than not") is legally insufficient. The appellant must produce highly authoritative, unambiguous technical facts that leave no reasonable doubt in the minds of the Code Appeals Board that the city's calculation is materially incorrect.

4. Strict Evidentiary Admissibility and Technical Requirements

Section 1-D(d): Subjective arguments, internal corporate estimates, oral testimonies unsupported by scientific data, or unverified floor plans shall be deemed legally inadmissible and shall not be considered by the Code Appeals Board. To satisfy the clear and convincing standard, the appellant's evidence must explicitly include:

- A comprehensive **As-Built Physical Survey** conducted within twelve (12) months of the appeal, executed and sealed by a Professional Land Surveyor (PLS) or Civil Engineer licensed in the State of Delaware.
- Certified **Architectural Blueprint Diagnostics** documenting the exact interior and exterior gross square footage, sealed by a Registered Architect licensed in the State of Delaware.
- A certified **Volumetric Impact Analysis** if the institution is attempting to argue that its physical structure does not exhaust the public safety or utility infrastructure grids at the rate calculated by the MIRF data model.

5. Consequence of Failure to Meet Standard

Section 1-D(e): If, at the conclusion of the Stage 2 public hearing, the Code Appeals Board finds that the appellant institution's evidence is equal in weight to the city's data, or fails to rise to the level of clear and convincing proof, the Board **must rule in favor of the City of Dover**. The appeal shall be denied, and the original assessment, along with any accrued penalties, shall be affirmed in full.

Section 1-E: Model Rule for Jointly Occupied Structures

To prevent large institutions from using smaller tenants as "human shields" to dodge the fee, and to protect small non-profits housed inside massive complexes, the ordinance must establish clear rules for multi-tenant buildings.

The core legal rule is simple: **The fee is triggered by the total physical size of the building, not how the space inside is sliced up.**

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Joint Occupancy Responsibility Matrix

Building Scenario	Primary Tax-Exempt Owner	Tenant Profiles	Who Pays the $1/sq. ft. Fee?
Scenario A: Giant Landlord	Mega Institution (> 50k sq. ft.)	Small Non-Profits or Local Charities.	**The Mega Institution** pays for the *entire* gross square footage.
Scenario B: Commercial Hybrid	Mega Institution (> 50k sq. ft.)	For-Profit Commercial Businesses (e.g., Starbucks, clinic).	**The For-Profit spaces are deducted** from the MIRF (they already pay standard property taxes).
Scenario C: Condo/Co-Op	Multiple Independent Owners	Separate Entities owning distinct units.	**Pro-Rata Allocation** based on individual deeded square footage.

Detailed Statutory Clauses

1. The Unity of Structure Rule (Total Building Footprint Triggers the Fee)

Section 1-E(a): The applicability of the Municipal Infrastructure Recovery Fee (MIRF) shall be determined strictly by the **aggregate gross square footage of the single underlying structure**. If a building's total physical footprint exceeds 50,000 square feet, the structure is designated a "Mega Footprint."

Slicing, leasing, or subdividing the interior space among multiple small non-profit tenants does *not* dissolve the building's classification. The building still drains the city grid at a massive scale, so the fee still applies.

2. Master Property Owner Liability (Protecting Small Tenants)

Section 1-E(b): In cases where a Mega Institution owns the building and leases interior spaces to smaller, tax-exempt entities, the **deeded master property owner is solely and exclusively liable** for the full payment of the MIRF assessment.

The city will bill the master owner directly. The master owner is legally prohibited from using the tax-exempt status of its tenants to claim a partial exemption or discount on the building's total square footage.

3. The Commercial / For-Profit Tax Credit Clause

Section 1-E(c): Justification Against Double-Taxation. If a tax-exempt Mega Institution leases space within its facility to a commercial, for-profit tenant (such as a corporate retail store or a

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private medical practice), that specific leased space is already subject to standard municipal *ad valorem* property taxes.

To prevent illegal double-taxation, the master property owner shall receive a square-foot-for-square-foot credit. The certified square footage of the for-profit commercial space shall be **subtracted** from the master MIRF assessment.

- *Example:* A 60,000 sq. ft. non-profit building leases 5,000 sq. ft. to a commercial bank. The bank pays regular property taxes. The Mega Institution is billed a MIRF fee for only 55,000 sq. ft.

4. The Horizontal Condominium and Shared-Wall Exception

Section 1-E(d): Pro-Rata Allocation. In unique structural arrangements where a building exceeding 50,000 square feet is legally subdivided via separate deeds into distinct property ownership units (such as a commercial condominium layout), liability shall be split proportionally.

Each individual tax-exempt entity owning a deeded unit within that mega-structure shall be billed a pro-rata share of the fee. This share is based strictly on the percentage of the total building footprint they legally own. Units under 50,000 square feet that are structurally standalone and do not share utility connections or a continuous roof with a mega-complex remain entirely exempt.

Section 1-F: Anti-Pass-Through Protections for Small Sublessees

To prevent predatory shifting of operational costs, the ordinance must include a strict firewall. Massive institutional landlords are legally prohibited from passing this fee down to grassroots charities, community groups, or tiny non-profits leasing space within a Mega Footprint complex.

The Anti-Pass-Through Matrix

Prohibited Landlord Action	Permitted Landlord Action	Penalty for Violation	Legal Justification
• Charging a "MIRF Surcharge" to tenants under 50k sq. ft.	• Absorbing the MIRF as a master institutional operating cost.	• Automatic **voiding** of the illegal lease clause.	**Public Policy Protection**: Prevents evasion of the statutory threshold.
• Artificially spiking base rent on small charities to recoup the fee.	• Negotiating standard, market-rate lease terms based on standard property values.	• Treble damages (**3x the overcharged amount**) paid to the tenant.	**Consumer & Charity Protection**: Punishes predatory rent adjustments.

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• Forcing small tenants to pay via "Triple Net" (NNN) pro-rata fees.	• Applying standard NNN charges for standard maintenance (e.g., janitorial).	• Permanent **loss of the master building's MIRF appeal rights**.	**Strict Compliance Enforcement**: Ensures corporate landlords act in good faith.

Detailed Statutory Clauses

1. Prohibition on Direct Fee Shifting

Section 1-F(a): The Municipal Infrastructure Recovery Fee (MIRF) is a direct regulatory assessment levied upon the master owner of a Mega Footprint for their aggregate strain on the municipal grid.

It shall be **unlawful** for any master property owner to directly pass through, carve out, line-item charge, or bill any portion of the MIRF to a sublessee or tenant whose individual leased occupancy footprint is less than 50,000 square feet.

2. Voiding of Contravention Lease Clauses

Section 1-F(b): Any provision, rider, amendment, or clause in a lease or rental agreement executed, renewed, or extended after the effective date of this ordinance that attempts to shift the financial burden of the MIRF to an exempt small tenant is **declared void as a matter of law and public policy**.

The existence of an illegal MIRF pass-through clause shall not void the entire lease, but the specific clause shifting the fee shall be entirely unenforceable against the tenant.

3. Protection Against Retroactive and Indirect Rent Spikes

Section 1-F(c): Master property owners are prohibited from indirectly passing the fee through by artificially escalating base rents, inflating common area maintenance (CAM) charges, or manipulating "Triple Net" (NNN) lease calculations for small tenants as a retaliatory mechanism to recoup MIRF expenditures.

If a small tenant’s lease costs increase by a percentage that disproportionately outpaces standard localized market inflation within 24 months of a MIRF assessment, a **rebuttable presumption** is established that the landlord is executing an illegal indirect pass-through.

4. Private Right of Action and Treble Damages

Section 1-F(d): Any exempt tenant or small non-profit that has been subjected to a direct or indirect MIRF pass-through shall have the right to file a formal complaint with the City Solicitor or bring a civil action in a court of competent jurisdiction.

Upon finding that a master property owner has willfully violated this section, the court or administrative body shall order the master owner to pay the tenant **treble damages** (three times

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the total amount overcharged or illegally collected), plus all reasonable attorney fees and court costs incurred by the tenant.

5. Additional Administrative Penalties

Section 1-F(e): In addition to judicial remedies, any master property owner found to be in violation of this anti-pass-through clause shall be subject to an administrative fine of **$10,000 per violation** issued by the City of Dover.

Furthermore, a verified violation of this section shall result in an automatic, permanent forfeiture of the master property owner's right to file an administrative appeal under Section 1-C for that active fiscal tax cycle.

Section 1-G: Severe Hardship Waiver Exception

To protect the ordinance from constitutional challenges regarding regulatory takings, a narrow safety valve must exist. The **Severe Hardship Waiver** provides a strict, high-bar path for large institutions facing true financial insolvency.

The Hardship Waiver Matrix

Waiver Element	Acceptable Financial Proof	Inacceptable Justification	Maximum Waiver Relief
Insolvency Threat	Audited financial statements showing operational deficits that threaten closure.	General complaints that profits or investment returns are down.	**12-Month Stay / Reduction**: Fee paused or reduced for one fiscal year.
Public Benefit Lock	Proof that paying the fee forces the immediate termination of critical local charity care.	Minor reductions in administrative staffing or student amenities.	**Conditional Approval**: Must submit to an intensive city fiscal-monitoring program.

Detailed Statutory Clauses

1. Purpose and Strict Construction

Section 1-G(a): This section establishes a highly restrictive administrative mechanism to grant temporary relief from the Municipal Infrastructure Recovery Fee (MIRF). This waiver shall be strictly construed. It applies *only* to institutions on the brink of structural insolvency, where the fee would directly trigger the termination of essential community lifelines.

2. Eligibility Criteria (The Multi-Factor Insolvency Test)

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Section 1-G(b): To qualify for a Severe Hardship Waiver, the applicant institution must prove, through independent financial data, that it meets all of the following conditions:

- **Operational Deficit**: The institution's audited financial statements for the preceding two (2) fiscal years show a net negative operating margin, proving that the institution is spending more than it brings in.
- **Imminent Cessation of Core Services**: Paying the full MIRF assessment would directly cause the closure of the facility, or force the immediate termination of essential community safety-net services (e.g., free clinical healthcare, emergency housing shelters, or food distribution loops).
- **Exhaustion of Liquidity**: The applicant must prove that its liquid cash reserves, unrestricted endowments, and parent-organization assets are completely exhausted or legally restricted, leaving no available funds to cover the fee.

3. Prohibited Justifications (What Does Not Qualify)

Section 1-G(c): The Code Appeals Board shall automatically reject any hardship application based on the following reasons:

- A general decline in annual corporate profits, investment returns, or university endowment growth.
- The fact that the fee increases the institution's overall overhead, costs, or tuition/service rates.
- The argument that the institution already provides standard public benefits that "should" offset the fee.

4. Mandatory Financial Transparency and Auditing

Section 1-G(d): Any institution applying for a Severe Hardship Waiver must completely open its books to the city. The application must include three (3) years of certified IRS Form 990 filings, fully audited financial statements, and a line-item inventory of all executive compensation packages.

If the city discovers that the institution is paying excessive executive bonuses or diverting funds to out-of-state entities while claiming a local hardship, the waiver shall be denied immediately with prejudice.

5. Conditional Approval, Term Limits, and Repayment Plans

Section 1-G(e): If the Code Appeals Board grants a Severe Hardship Waiver, the relief is strictly limited to a **maximum period of twelve (12) months**. The waiver does not permanently erase the debt; it functions as a temporary reduction or a structured, zero-interest deferral plan.

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The institution must reapply annually. As a mandatory condition of receiving the waiver, the institution must enter a city-supervised fiscal rehabilitation program. This program ensures that as soon as the institution stabilizes, it begins paying its fair share back into the Municipal Infrastructure Recovery Account.

XXXIII. MUNICIPAL COMPLIANCE & TRANSPARENCY DETACHMENT STUB

Example:

Please return this portion with your payment.

Account Number: 987654-3210
Total Amount Due: $53,481.60
Payment Enclosed: $_____

Fenced Revenue Allocation Notice: Per the Capital Area Municipality Sustainability Act (CAMSA), your monthly $41,666.67 MSIF payment is locked outside the General Fund and automatically routed to the following capital sub-accounts:

- **Public Safety Capital Offset (50.04%):** $20,849.99 *(Emergency rescue fleets and police infrastructure)*
- **Utility Grid Infrastructure Stabilization (34.56%):** $14,399.99 *(Stormwater mainlines and grid upgrades)*
- **Emergency Infrastructure Reserve (15.40%):** $6,416.69 *(Catastrophic asset failure insurance)*

Remit To: City of Dover Utility Payment, P.O. Box 15040, Dover, DE 19901-XXX

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Utility Grid Stress ($0.22 / GSF)

Metric: Thermal Transformer Aging. Continuous high demand (12.5 VA/GSF) overheats substation transformers, reducing equipment lifecycles by 35%.

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MATHEMATICAL FORMULAS FOR CAMSA MATRIX

The Scenario: Let's look at a group of Dover residents.

- **Baseline (Start)**: 100 ER visits and 100 checkups.
- **Year 1 (After CAMSA)**: ER visits drop to 80, and regular checkups rise to 120.

- **The Simple Math**:
  - ER visits dropped by \(20\%\) (80 out of 100).
  - Checkups increased by \(20\%\) (120 out of 100).

1. Healthcare Utilization Shift (H_{util})

Measures the percentage change in emergency stress-induced events (E_{stress}) versus preventive care visits (P_{prev}) relative to baseline values (B_{stress}, B_{prev}):

$$H_{util} = \left(\frac{E_{stress,t}}{B_{stress}} - \frac{P_{prev,t}}{B_{prev}} \right) \times 100$$

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