

**PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 3/4/2003

Reference No.: CR-6-2003

Proposer: Hendershot, Shapiro

Draft No.: 2

Sponsors: Hendershot, Shapiro

Item Title: A Resolution concerning the Review Process for
School Facilities Agreements

Drafter: Steven M. Gilbert
Principal Counsel

Resource Alan Hirsch
Personnel: M-NCPPC

LEGISLATIVE HISTORY:

Date Presented: ___/___/___

Executive Action: ___/___/___ ___

Committee Referral: 2/25/2003 PZED

Effective Date: 3/4/2003

Committee Action: 2/26/2003 FAV(A)

Date Introduced: 2/25/2003

Public Hearing: ___/___/___ ___:___ ___

Council Action: 3/4/2003 ADOPTED

Council Votes: PS:A, MB:A, SHD:A, TD:A, CE:A, DCH:A; TH:-, TK:A, DP:A

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECON. DEV. COMMITTEE REPORT

DATE: 2/26/03

Committee Vote: Favorable with amendments, 5-0 (In favor: Council Members
Harrington, Dernoga, Dean, Exum and Knotts)

Council Resolution 6-2003, referred to as the Review Process Resolution for School Facilities Agreements, was introduced by Council Members Shapiro and Hendershot on 25 February 2003. (The Resolution was prepared for introduction the prior week, but cancellation of all Council proceedings on the 18th required that introduction be rescheduled to the 25th.) In the scheduled Committee of the Whole session of 24 February, it was decided that the Resolution should be introduced, referred to the Planning, Zoning, and Economic Development Committee, and then reviewed and adopted by the District Council on 4 March.

The full PZED Committee reviewed the first draft of CR-6-2003 on 26 February. Mr. Shapiro stated that CR-6-2003 will establish a process for District Council review of and action on school facilities agreements which were not approved before October 2002. He explained that new State legislation, effective 1 October 2002, requires public hearings before Council and Executive approval of school facilities agreements. But the prior Council, whose term ended in December, could not approve procedures for school facilities agreements last year. Mr. Shapiro said that the Review Process Resolution is intended to fill that gap.

The Committee Chair and Vice Chair and Ms. Exum asked staff and Mr. Shapiro how the review process would work. It was explained that the proposed new agreements, coming after 22 school facilities agreements were approved in 2002, fell into three groups: those ready to be approved as of January 2003, those with preliminary plat approval as of the adoption date of CR-6-2003, and all others. Alan Hirsch, supervisor of the M-NCPPC Subdivision Section, showed lists indicating that there were about seven properties in the first group and about 30 in the second group, the exact number depending on owner intentions. (It was noted, for example, that some properties in the second group were due to have their mandated wait periods end in 2003, and those owners might decide not to use the agreement process.) It was further explained that the District Council would hold hearings and take action on applications in the first two groups but that the Planning Board would hear and file recommendations on all future applications.

Mr. Dernoga asked how the review process would work for an individual property. Staff advised that first-group properties already had filed requests and would be eligible for approval after a brief Council hearing, to be held (with 10-day notice) 21 days after adoption of CR-6-2003. Staff advised that second-group properties would require an application process but could be reviewed in a Council hearing two or three weeks after the hearing for the first group. Mr. Dernoga asked whether properties could be pulled from an approval resolution after a hearing, and it was stated that that action could be taken, in an appropriate case.

Mr. Dernoga also pointed out that a new agreement form had not been approved and was not part of the backup materials for this Resolution. The Council Administrator showed copies of all agreements approved in 2002, and staff advised that the new agreement form would be substantially the same as the old form.

Dr. Piret advised the Committee that M-NCPPC staff would suggest language changes in parts of the Resolution, without changing the substance of the legislation. The Committee decided that staff should prepare a Draft 2, with agreed-upon modifications.

For the Maryland-National Capital Building Industry Association, Executive Director F. Hamer Campbell, Jr., spoke in support of the legislation. He stated that M-NCBIA members had been anticipating the new approval process for some time and hoped to see it begin soon. He added that M-NCBIA did not believe that it would be necessary to pull any properties from approval resolutions.

After further discussion, the Committee voted unanimously to approve CR-6-2003, with language changes proposed by staff.

BACKGROUND INFORMATION/FISCAL IMPACT

(Includes reason for proposal, as well as any unique statutory requirements)

Chapter 389 of the Laws of Maryland of 2002 provides for procedures to approve school facilities agreements, which the law calls “development rights and responsibilities agreements,” to advance school facilities capacity in school clusters which are overcrowded. This resolution establishes procedures for the Planning Board and District Council to act on school facilities agreement applications, as Chapter 389 requires.

CODE INDEX TOPICS: