

# COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

## 2006 Legislative Session

Bill No. CB-74-2006

Chapter No. 54

Proposed and Presented by Council Member Dernoga

Introduced by Council Members Dernoga, Dean, Campos

Co-Sponsors \_\_\_\_\_

Date of Introduction July 18, 2006

## CHARTER AMENDMENT

AN ACT concerning

Amendment of Section 819, Charter of Prince George's County

For the purpose of proposing an amendment to Section 819 of the Charter of Prince George's County to provide an approval process for the making of certain contracts providing for the payment of funds at a time beyond the fiscal year in which the contract is made.

BY proposing an amendment to:

Section 819,

Charter of Prince George's County, Maryland.

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that the following amendment to Section 819, Charter of Prince George's County, Maryland, is hereby proposed:

### **Sec. 819. Appropriation Control and Certification of Funds.**

No agency of the County government shall during any fiscal year expend, or contract to expend, any money or incur any liability, or enter into any contract which, by its terms, involves the expenditure of money for any purpose in excess of the amounts appropriated in the budget for such fiscal year, or in any supplemental appropriation as herein provided; and no such payment shall be made nor any obligation or liability incurred, except for purchases in an amount to be fixed by legislative act, unless the Director of Finance or his designee shall first certify that the funds for the designated purpose are available. If any officer, agent or employee of the County government shall knowingly violate this provision, he shall be personally liable and such action shall be cause, after public hearing, for his removal from office by the County Executive

1 or by majority vote of the Council, notwithstanding the provisions of Article IX of this Charter.  
 2 Nothing in this Charter shall [prevent] authorize the making of contracts providing for the  
 3 payment of funds at a time beyond the fiscal year in which such contracts are made for personal  
 4 service contracts exceeding an aggregate of One Hundred Thousand Dollars (\$100,000.00) per  
 5 contractor, or such other sum as may be set by legislative act, and an aggregate of Five Hundred  
 6 Thousand Dollars (\$500,000.00) for all other multiyear contracts, or such other sum as may be  
 7 set by legislative act, provided the nature of such transactions reasonably requires the making of  
 8 such contracts, unless such contracts are approved by legislative act. No language in such  
 9 contract, including language subjecting the contract to further funding availability, shall obviate  
 10 the requirement that all multiyear contracts shall be approved by legislative act. Any contract,  
 11 lease, or other obligation requiring the payment of funds from the appropriations of a later fiscal  
 12 year shall made or approved by legislative act. No contract for the purchase of real property  
 13 shall be made unless the funds therefor are included in the capital budget.

14 SECTION 2. BE IT FURTHER ENACTED that a copy of this Act be transmitted to the  
 15 County Executive for publication and that a copy also be transmitted to the Board of Supervisors  
 16 of Elections for submission of the proposed amendment to the voters of this County at the 2006  
 17 General Election pursuant to Section 1105 of the Charter.

18 SECTION 3. BE IT FURTHER ENACTED that the question of adoption of this proposed  
 19 Charter Amendment shall be submitted to the voters of the County at the General Election  
 20 occurring on November 7, 2006, and shall be placed on the ballot in the following form:

21 PROPOSED CHARTER AMENDMENT

22 To provide an approval process for the making of certain contracts  
 23 providing for the payment of funds at a time beyond the fiscal year in  
 24 which the contract is made.  
 25

1        Adopted this 10th day of August, 2006, by an affirmative vote of two-thirds of the members  
2 of the full County Council.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Thomas E. Dernoga  
Chairman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.

**CB-74-2006 WAS APPROVED AT REFERENDUM ON 11/7/2006**  
**EFFECTIVE DATE: 12/8/2006**