

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2022 Legislative Session

Bill No. CB-55-2022

Chapter No. 10

Proposed and Presented by Council Member Hawkins

Introduced by Council Members Hawkins, Dernoga, Ivey, Harrison, turner, Taveras,
Glaros, Medlock, and Burroughs

Date of Introduction June 1, 2022

BILL

1 AN ACT concerning

2 Maryland-National Capital Park and Planning Commission

3 For the purpose of approving the Prince George's County portion of the Maryland-National
 4 Capital Park and Planning Commission budget and making appropriations and levying certain
 5 taxes for Fiscal Year 2023 for the Maryland-National Capital Park and Planning Commission,
 6 pursuant to the provisions of the Land Use Article of the Annotated Code of Maryland, as
 7 amended ("Land Use Article").

8 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 9 Maryland, that, in accordance with Title 18 of the Land Use Article, the annual budget
 10 transmitted to the County Council by the Maryland-National Capital Park and Planning
 11 Commission on January 15, 2022, is approved insofar as it applies to Prince George's County
 12 subject, however, to the additions, deletions, increases or decreases thereto which are contained
 13 in Appendix A to this Act, attached hereto and incorporated as if fully stated herein, and that the
 14 revenues to be derived from the rates herein established be and the same are hereby appropriated
 15 and authorized to be disbursed for the purposes specified by the provisions of the Land Use
 16 Article, as amended, and for the support and maintenance of the purposes as expressed in the
 17 budget.

18 SECTION 2. ADMINISTRATION TAX. Pursuant to Sections 18-302 and 18-307 of the
 19 Land Use Article, there is hereby imposed and levied for the Fiscal Year 2023 a tax of five and

1 sixty-six hundredths cents (\$0.0566) upon each one hundred dollars (\$100.00) of assessed
 2 valuation of real property and fourteen and fifteen and one-half hundredths cents (\$0.14155)
 3 upon each one hundred dollars (\$100.00) of assessed valuation of personal property and
 4 operating real property described in Section 8-109 of the Tax-Property Article for property
 5 located in that portion of the Maryland-Washington Regional District lying within Prince
 6 George's County. The proceeds of the collection of such tax shall be paid to the Maryland-
 7 National Capital Park and Planning Commission and shall constitute the Administration Fund of
 8 said Commission. Of the proceeds collected, \$1,287,300 shall be allocated to the County
 9 Council for the reimbursement of the planning and zoning functions of the Legislative Branch, as
 10 described in the Regional District Act. As such, and pursuant to Sections 18-109, 20-206, 21-
 11 103, and 21-202 of the Land Use Article, as well as Section 10-112.32(d) of the Prince George's
 12 County Code, the Council hereby states, as justification for that portion of the Maryland-
 13 National Capital Park and Planning Commission Fiscal Year 2023 Operating Budget exceeding
 14 the Spending Affordability Commission's recommended overall spending ceiling of \$64.5
 15 million for planning projects by approximately \$376,885, such additional appropriations are the
 16 result of increases to enhance the annual workplan by advancing the pace of comprehensive
 17 planning projects for the benefit of the County.

18 SECTION 3. ADVANCE LAND ACQUISITION FUND. Pursuant to the provisions of
 19 Section 18-401(c) of the Land Use Article, there is hereby imposed and levied for the Fiscal
 20 Year 2023 a tax of zero cents (\$0.00) upon each one hundred dollars (\$100.00) of assessed
 21 valuation of real property and zero cents (\$0.00) upon each one hundred dollars (\$100.00) of
 22 assessed valuation of personal property and operating real property described in Section 8-109 of
 23 the Tax-Property Article, assessable according to the laws of Maryland and subject to taxation in
 24 Prince George's County, to be utilized for advance land acquisition in Prince George's County, in
 25 accordance with the terms and conditions of the above-cited statute, as amended. The proceeds
 26 from the collection of said tax shall be paid to the Maryland-National Capital Park and Planning
 27 Commission for the purpose of debt service on the principal and interest on bonds issued for the
 28 Commission's land acquisition revolving fund, and any excess shall be paid into said fund.

29 SECTION 4. METROPOLITAN DISTRICT TAX-MANDATORY. Pursuant to the
 30 provisions of Sections 18-302 and 18-304(b) of the Land Use Article, there is hereby imposed
 31 and levied for the Fiscal Year 2023 a tax of four cents (\$0.04) upon each one hundred dollars

1 (\$100.00) of assessed valuation of real property and ten cents (\$0.10) upon each one hundred
 2 dollars (\$100.00) of assessed valuation of personal property and operating real property
 3 described in Section 8-109 of the Tax-Property Article subject to assessment and taxation by
 4 Prince George's County which is located in that portion of the Maryland-Washington
 5 Metropolitan District lying within Prince George's County. The proceeds of the collection of
 6 such tax shall be paid to the Maryland-National Capital Park and Planning Commission and shall
 7 be applied to the purposes set forth in Section 18-304(b) of the Land Use Article.

8 SECTION 5. METROPOLITAN DISTRICT TAX–DISCRETIONARY. Pursuant to
 9 Section 18-304(c) of the Land Use Article, there is hereby imposed and levied for Fiscal Year
 10 2023 a tax of eleven and ninety-four hundredths cents (\$0.1194) upon each one hundred dollars
 11 (\$100.00) of assessed valuation of real property and twenty-nine and eighty-five hundredths
 12 cents (\$0.2985) upon each one hundred dollars (\$100.00) of assessed valuation of personal
 13 property and operating real property described in Section 8-109 of the Tax-Property Article
 14 subject to assessment and taxation by Prince George's County which is located in that portion of
 15 the Maryland-Washington Metropolitan District within Prince George's County. The proceeds
 16 of the collection of such tax shall be paid to the Maryland-National Capital Park and Planning
 17 Commission and shall be applied to the purposes set forth in Subtitle 3, Title 18 of the Land Use
 18 Article. As such, and pursuant to Sections 18-109, 18-304(c)(2), and 18-304(d)(i)–(ii) of the
 19 Land Use Article, as well as Section 10-112.32(d) of the Prince George's County Code, the
 20 Council hereby states, as justification for that portion of the Maryland-National Capital Park and
 21 Planning Commission Fiscal Year 2023 Operating Budget exceeding the Spending Affordability
 22 Commission's recommended overall spending ceiling of \$239.3 million for the Park Fund by
 23 approximately \$6.8 million, such additional appropriations are the result of increases to enhance
 24 park services for the benefit of the County.

25 SECTION 6. RECREATION TAX. Pursuant to Sections 18-302 and 18-306 of the Land
 26 Use Article, there is hereby imposed and levied for the Fiscal Year 2023 a tax to support
 27 recreational activities in the amount of seven and eighty hundredths cents (\$0.0780) upon each
 28 one hundred dollars (\$100.00) of assessed valuation of real property and nineteen and forty-nine
 29 and one-half hundredths cents (\$0.19495) upon each one hundred dollars (\$100.00) of assessed
 30 valuation of personal property and operating real property described in Section 8-109 of the Tax-
 31 Property Article subject to assessment and taxation by Prince George's County. The proceeds of

1 such tax shall be remitted to the Maryland-National Capital Park and Planning Commission and
2 shall be applied to the purposes set forth in Subtitle 3, Title 18 of the Land Use Article. As such,
3 and pursuant to Sections 18-109, 18-306(b)(2), and 18-306(d) of the Land Use Article, as well as
4 Section 10-112.32(d) of the Prince George's County Code, the Council hereby states, as
5 justification for that portion of the Maryland-National Capital Park and Planning Commission
6 Fiscal Year 2023 Operating Budget exceeding the Spending Affordability Commission's
7 recommended overall spending ceiling of \$131.3 million for recreation projects by
8 approximately \$35.7 million, such additional appropriations are the result of increases to enhance
9 recreation services for the benefit of the County.

10 SECTION 7. The County Council of Prince George's County hereby adopts the schedules
11 "Revenues as to Source" as set forth in Appendix A to this enactment and incorporates said
12 Appendix herein by this reference.

13 SECTION 8. OTHER POST EMPLOYMENT BENEFITS ("OPEB"). The budget
14 reflects funding for the annual required contribution ("ARC") and the pay-as-you-go amount to
15 prefund retiree medical costs.

16 SECTION 9. GRANT AND SPECIAL FUNDING. All grants and Land Reclamation
17 revenue received by the Maryland-National Capital Park and Planning Commission shall be
18 considered as additions to, and automatic amendments of, the Commission's Operating and CIP
19 Budgets and work programs, provided that the Commission shall have advised the County
20 Council of such revenue at the time the revenue was being sought, whether by grant application
21 or by other applicable special funding application procedures. This section does not, in any way,
22 affect the process for legislative appropriation of tax revenue to the Commission.

23 SECTION 10. PARK ACQUISITION AND DEVELOPMENT. The Prince George's
24 County portion of the Maryland-National Capital Park and Planning Commission Fiscal Year
25 2023 Capital Budget is hereby adopted and shall consist of all previously approved park
26 acquisition and development projects (as revised) with appropriations in the budget year of the
27 Maryland-National Capital Park and Planning Commission Fiscal Years 2023–2028 Capital
28 Improvement Program as such projects are included in the adopted Prince George's County
29 Fiscal Years 2023–2028 Capital Improvement Program and the new projects listed in Appendix
30 B, which is attached hereto and incorporated herein. As such, and pursuant to Section 18-109 of
31 the Land Use Article, as well as Section 10-112.32(d) of the Prince George's County Code, the

1 Council hereby states, as justification for that portion of the Maryland-National Capital Park and
2 Planning Commission Fiscal Year 2023 Capital Budget exceeding the Spending Affordability
3 Commission’s recommended overall spending ceiling of \$123.88 million for capital projects by
4 approximately \$29.63 million, such additional appropriations are the result of updated costs for
5 projects underway; funding approved by the Maryland General Assembly; and increases to
6 support new projects for the benefit of the County.

7 SECTION 11. GUARANTEE OF PRINCIPAL AND INTEREST ON BONDS. Pursuant
8 to the provisions of Section 18-204 of the Land Use Article, the payment of the principal of and
9 interest on any and all bonds sold by the Maryland-National Capital Park and Planning
10 Commission, the proceeds of which are to be used to finance any of the projects adopted by
11 Section 10, are hereby guaranteed by the County as provided in Land Use Article. The guarantee
12 shall be in the form described by Section 18-204 of the Land Use Article and shall be endorsed
13 on the bonds on behalf of the County by the manual or facsimile signature of the County
14 Executive. The full faith and credit of the County is hereby irrevocably pledged to the
15 fulfillment of the guarantee of the payment of interest when due and the principal on maturity
16 and taxes will be levied in accordance with Sections 18-209, 18-302, 18-304(a), 18-304(b), 18-
17 304(c), and 18-304(e) of the Land Use Article, as necessary. The County Executive and the
18 Clerk of the Council are hereby authorized to take all necessary actions to adopt and record their
19 facsimile signatures and to execute all documents required for the sale of the bonds.

20 SECTION 12. PROJECT CHARGES AND PROGRAM SUPPORT. Any revenue from
21 Maryland-National Capital Park and Planning Commission (“M-NCPPC”) funds used for project
22 charges or program support of County programs shall be based on quarterly invoices submitted
23 by the County to M-NCPPC or such other methods as the County and M-NCPPC shall mutually
24 agree upon.

25 SECTION 13. NON-DEPARTMENTAL – TAX SUPPORTED FUNDING. The
26 Commission is hereby authorized to distribute non-departmental compensation funding to the
27 applicable departments and divisions in accordance with ratified collective bargaining
28 agreements and which does not exceed the amount proposed in the FY 2023 budget.

29 SECTION 14. SEVERABILITY. If the application of this Act or any section, subsection,
30 sentence, clause, phrase, or portion thereof, as it applies in any circumstances, case, or instance
31 to any person, firm, or corporation is, for any reason, found or held to be invalid or

1 unconstitutional by any Court of competent jurisdiction, then such section, subsection, sentence,
2 clause, phrase, or portion and application thereof to such circumstances, case or instance as to
3 any person, firm or corporation, shall be deemed a separate, distinct, and independent act,
4 finding, or holding, and such act, finding or holding shall not affect the validity and application
5 of the remaining portions thereof or the particular portion as it affects other persons, firms, or
6 corporations.

SECTION 14. EFFECTIVE DATE. This Act shall take effect July 1, 2022.

Adopted this 1st day of June, 2022.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Calvin S. Hawkins, II
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive

Note: See Appendices A & B