

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**1997 Legislative Session**Bill No. CB-85-1997Chapter No. 78Proposed and Presented by The Chairman (by request - County Executive)Introduced by Council Members Bailey and Del Giudice

Co-Sponsors

Date of Introduction October 28, 1997**BILL**

AN ACT concerning

Redevelopment Authority of Prince George's County

For the purpose of establishing the Redevelopment Authority of Prince George's County, providing for its membership, exercise of powers, budget and financial procedures, and ethical matters, providing for the relationship of the Authority with the Maryland-National Capital Park and Planning Commission, and generally relating to the Redevelopment Authority.

BY adding:

SUBTITLE 15B, REDEVELOPMENT AUTHORITY.

Sections 15B-116, 15B-117, 15B-118, 15B-118.01, 15B-119, 15B-120,
15B-121, 15B-122, 15B-123, 15B-124, and 15B-125,

The Prince George's County Code

(1995 Edition, 1996 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 15B-116 through 15B-125, inclusive, of the Prince George's County Code be and the same are hereby added:

SUBTITLE 15B. REDEVELOPMENT AUTHORITY.**DIVISION 2. REDEVELOPMENT AUTHORITY ESTABLISHED.****Sec. 15B-116. Redevelopment Authority established.**

(a) There is hereby created, as a distinct and separate entity, pursuant to Section 15B-104 of this Subtitle, as enacted by Chapter 266 of the Laws of Maryland, 1996, a body

corporate and politic and an instrumentality of the County known as the Redevelopment Authority of Prince George's County, hereinafter referred to as the "Redevelopment Authority". The Redevelopment Authority may exercise all the powers, authority, rights and obligations granted to it by State law and this Subtitle. The Redevelopment Authority is established for the purposes described in Section 15B-101 of this Subtitle.

Sec. 15B-117. Definitions.

(a) The definitions set forth in Section 15B-102 of this Subtitle shall apply to this Division.

Sec. 15B-118. Membership.

(a) The Redevelopment Authority shall consist of five (5) public members and two (2) ex officio members. Three of the five (5) public members shall be residents of the County. All shall be voting members. The ex officio members shall be the Chief Administrative Officer of the County or a Deputy Chief Administrative Officer as designated by the County Executive, and the Director of Housing and Community Development of the County.

(b) All members shall be persons who possess ability, experience, and integrity.

(c) The public members shall be appointed by the County Executive for terms of four (4) years each and confirmed by the County Council. The terms of the appointments shall be staggered in such a manner that the terms of office of no more than two (2) members of the Redevelopment Authority may expire in the same year.

(d) Vacancies shall be filled for the unexpired term in the manner of original appointment. Each member shall serve until a successor is appointed and qualified even though the period of service may extend beyond the four (4) year term. All official acts and votes of any member during the period of extended service shall be valid as if the member were within said four (4) year term. A member of the Redevelopment Authority may be removed by the County Executive for cause.

(e) Two of the public members shall be designated by the County Executive to serve as Chairman and Vice Chairman. Each such officer shall serve until a successor is designated even though the period of service may extend beyond the period originally designated by the

County Executive. All official acts of any such officer during the period of extended office shall be valid as if the officer were within the period of original designation.

(f) The public members shall be entitled to such compensation as is established in the annual operating budget of the Redevelopment Authority, provided that such compensation shall be paid only for meetings actually attended.

Sec. 15B-118.01. Community Advisory Committee.

(a) There shall be a Community Advisory Committee whose purpose shall be to assist and advise the Redevelopment Authority.

(b) Members of the Community Advisory Committee shall be nominated by the County Executive and confirmed by the County Council at the time of the initial appointments to the Redevelopment Authority. Members should represent the communities throughout the County where redevelopment efforts will be directed, and there shall be at least one representative from each Councilmanic District.

(c) The terms of each member shall be for staggered terms of three years each.

Sec. 15B-119. Powers.

(a) Except as may be limited as provided therein, the Redevelopment Authority shall have all the rights and powers as established in Sections 15B-107(a), (b), (c), and (f) and 15B-112 of this Subtitle.

(b) The Redevelopment Authority may appoint, with the consent of the County Executive, an Executive Director, Secretary-Treasurer and General Counsel, who need not be members of the Redevelopment Authority. The Redevelopment Authority may appoint and remove such other employees or agents as the Redevelopment Authority shall deem necessary or desirable.

(c) Until such time as the Redevelopment Authority shall appoint an Executive Director, Secretary-Treasurer and General Counsel for the Redevelopment Authority, the Chief Administrative Officer, Director of Finance and County Attorney of the County shall serve, respectively, in such capacities.

(d) The Redevelopment Authority may delegate to one or more of its members, or to the

officers, agents or employees of the Redevelopment Authority, such powers and duties as the Redevelopment Authority may deem necessary, so long as such delegation is not inconsistent with the provisions of this Subtitle.

Sec 15B-120. Delegation of powers.

(a) All of the powers granted to the County pursuant to Section 15B-103 of this Subtitle, including the power of eminent domain, are hereby delegated to the Redevelopment Authority to be exercised pursuant to the provisions of Section 15B-106 of this Subtitle; provided further that the exercise of the power of eminent domain by the Redevelopment Authority as to any parcel or property must have the prior approval of the County Council by resolution with the concurrence of the County Executive. The delegation of the powers provided for in this Section 15B-120 is non-exclusive and the County shall have the right to exercise such powers in accordance with Section 15B-106 of this Subtitle.

Sec. 15B-121. Fiscal Year of the Redevelopment Authority.

(a) The fiscal year of the Redevelopment Authority shall be from July 1 through June 30.

Sec. 15B-122. Operating budget.

(a) On or before January 15th of each year, the Redevelopment Authority shall prepare and submit to the County Executive a proposed operating budget for the next fiscal year in such format as the County Executive may direct.

(b) The operating budget shall contain a statement of all revenue estimated to be received by the Redevelopment Authority during the ensuing fiscal year, classified so as to show the receipts by funds and sources of income; a statement of any debt service requirements for the ensuing fiscal year; a statement of the estimated cash surplus, if any, available for expenditure during the ensuing fiscal year; a statement of any estimated deficit required to be made up in the ensuing fiscal year; an estimate of the amounts the Redevelopment Authority deems necessary for conducting the business of the Redevelopment Authority to be financed from estimated revenue for the ensuing fiscal year; a statement of the bonded and other indebtedness of the Redevelopment Authority; a statement of any contingency reserve which shall remain unappropriated; a comparative statement of the receipts, amounts budgeted, and

annual expenditures for the last completed fiscal year; a statement of all proposed expenditures for and estimated revenue from leases, subleases and similar real estate transactions; and such additional information as the County Executive may require.

(c) If the proposed operating budget includes any item to be funded from payments (whether by lease payments, grant or otherwise) to be received from Prince George's County, Maryland, the anticipated receipt or receipts shall be identified for each item and a copy of the respective proposed budget shall be submitted to the County Executive and County Council for their review and comment. The Redevelopment Authority may make such modification to the proposed budget as may be deemed appropriate in response to the comments of the County Executive or County Council.

(e) On or before June 1st of each year, the Redevelopment Authority shall adopt the operating budget of the Redevelopment Authority for the next fiscal year. The operating budget of the Redevelopment Authority shall be balanced at all times.

(f) The Redevelopment Authority may amend either of the operating budget at any regular or special meeting. Each member shall receive a copy of the proposed amendment with accompanying justification not less than seventy-two (72) hours prior to the meeting. If a proposed budget amendment includes an increase in any anticipated receipt from Prince George's County, Maryland or the deletion of any facility of which the County is to be a user, copies of the proposed budget amendment shall be submitted to the County Executive and County Council for their review and comment at least thirty (30) days prior to its adoption.

Sec. 15B-123. Capital budget.

(a) For purposes of this Section, the term "capital project" or "project" shall mean:

(1) Any physical public betterment or improvement by the Redevelopment Authority;

(2) The acquisition of property of a permanent nature for use in accordance with the purposes and powers of the Redevelopment Authority; or

(3) The purchase of equipment for any public betterment or improvement when first constructed by the Redevelopment Authority.

(b) The Redevelopment Authority shall not commence any capital project without prior authorization of the County Executive and the County Council as provided in this Section. No capital project shall be proposed unless it is proposed to be commenced within the next succeeding six fiscal years. All capital projects approved under this Section shall constitute the Redevelopment Authority's Capital Improvement Program. The Capital projects and related information for each fiscal year, approved as part of a capital improvement program, shall constitute the capital budget of the Redevelopment Authority for that fiscal year.

(c) The Redevelopment Authority may propose to the County Executive one or more projects for inclusion in the Redevelopment Authority's Capital Improvement Program. Each proposal shall include the following information:

- (1) A description of the project including an identification of the general location of the project;
- (2) Anticipated source of funding for the project;
- (3) Estimated cost of the project;
- (4) A statement of the relationship between the project and any project included in the County's Capital Improvement Program; and
- (5) A schedule of anticipated expenditures of funds by fiscal year.

(d) After reviewing the request of the Redevelopment Authority for the inclusion of one or more capital projects in the Redevelopment Authority's Capital Improvement Program, the County Executive shall transmit any approved project, or any additional project that the County Executive may propose for inclusion in the Redevelopment Authority's Capital Improvement Program, to the County Council for its approval by ordinance or resolution. Any such project proposed by the County Executive shall conform to the requirements of Subsection (b), above.

(e) Prior to the adoption of the ordinance or resolution approving the Redevelopment Authority's Capital Improvement Program, the County Council may add new projects or amend or delete any proposed project.

(f) The proposed expenditure of funds by the Redevelopment Authority for each fiscal

year of an approved capital improvement program shall constitute the Redevelopment Authority's Capital Budget in that fiscal year. Where modifications are required to a capital project, the capital improvement program shall be amended in the same manner as originally approved. Nothing in this Section shall be deemed to authorize the Redevelopment Authority to expend any funds on any capital project beyond the six-year period specified in the Redevelopment Authority's current Capital Improvement Program.

(g) No appropriation for a capital project in the Capital Budget of the Redevelopment Authority shall lapse until the purpose for which the appropriation was made shall have been declared to be accomplished or declared to be abandoned by the Redevelopment Authority. The balances remaining to the credit of the completed or abandoned capital projects being lapsed shall be available for appropriation by the County in accordance with the requirements of this Division.

(h) Transfers of appropriations between capital projects in the Redevelopment Authority's Capital Budget or Capital Improvement Program may be authorized by resolution of the County Council upon request of the Redevelopment Authority and upon concurrence of the County Executive.

Sec. 15B-124. Operating Procedures.

(a) The Redevelopment Authority may adopt by resolution rules and regulations for the operation and use of property and undertakings under its jurisdiction.

(b) The Redevelopment Authority shall adopt by resolution rules and regulations implementing personnel, purchasing and bidding procedures. Such regulations shall encourage minority business participation and may contain reasonable exceptions from any competitive bidding requirements as determined by the Redevelopment Authority.

(c) On or before December 1st of each year, the Redevelopment Authority shall submit to the County Executive and County Council a financial statement of its financial condition and results of its operations for the most recently completed fiscal year. This financial statement shall be prepared in accordance with generally accepted accounting principles and shall be audited by an independent certified public accountant.

(d) The Redevelopment Authority shall provide such other reports as the County Executive or County Council may require.

(e) All matters voted upon by the Redevelopment Authority shall require a quorum of four (4) members of the Redevelopment Authority.

(f) Unless otherwise specified by statute or local law, the Redevelopment Authority may take action by resolution with respect to any matters within its jurisdiction.

Sec. 15B-125. Conflicts of interest.

(a) The Redevelopment Authority shall comply with the provisions of Division 17 of Subtitle 2 of this Code with regard to conflicts of interest and ethical considerations.

(b) Members and officers of the Redevelopment Authority shall file financial disclosure statements pursuant to Division 17 of this Code.

SECTION 2. BE IT FURTHER ENACTED that, pursuant to Section 5-401 of Article 28, Annotated Code of Maryland, the consolidation of revitalization and redevelopment activities of the Maryland-National Capital Park and Planning Commission with the Redevelopment Authority, including the assignment of personnel to work with the Redevelopment Authority may be accomplished by agreement between the Prince George's County Planning Board and the County.

SECTION 3. BE IT FURTHER ENACTED that if the timetable for the adoption and approval of the initial budgets of the Redevelopment Authority is not practicable because of the timing of the establishment of the Redevelopment Authority, the procedures set forth herein shall be adjusted accordingly.

SECTION 4. BE IT FURTHER ENACTED that the Charter and regulations of the Redevelopment Authority shall be approved by the County Council by resolution and the terms thereof shall not be inconsistent with the provisions of this Subtitle.

SECTION 5. BE IT FURTHER ENACTED that the County Executive is requested to provide a report to the County Council by January 15, 1999, regarding the activities and progress of the Redevelopment Authority created by this Act.

SECTION 6. BE IT FURTHER ENACTED that the provisions of this Act are hereby

declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, subparagraph, paragraph, subsection, or section.

SECTION 7. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 25th day of November , 1997.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY:
Dorothy F. Bailey
Chair

ATTEST:

Joyce T. Sweeney
Clerk of the Council

APPROVED:

DATE: _____ BY:
Wayne K. Curry
County Executive

KEY:
Underscoring indicates language added to existing law.