

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2021 Legislative Session

Bill No. CB-35-2021

Chapter No. 17

Proposed and Presented by Council Member Hawkins

Introduced by Council Members Hawkins, Taveras, Anderson-Walker, Ivey, Glaros,
Harrison, Turner, Streeter, Franklin, Dernoga and Davis

Date of Introduction May 27, 2021

BILL

1 AN ACT concerning

2 Fiscal Year 2022 Appropriations

3 For the purpose of making appropriations for the support of the County government and for the
4 Prince George's Community College and for the schools, institutions, departments, offices,
5 boards, commissions, and agencies of Prince George's County, and for other purposes, for the
6 fiscal year beginning July 1, 2021, and ending June 30, 2022; adopting the current expense
7 budget, the capital improvement program, and the capital budget prepared according to the
8 Charter of Prince George's County and submitted by the County Executive to the County
9 Council; appropriating the items of expense in said current expense budget; establishing rates of
10 reimbursement for subsistence expenses for employees of the County; providing for the
11 inclusion of all State, Federal and private grants received subsequent to adoption of the current
12 expense budget; imposing the applicable income and special area tax rates under the public
13 general laws and public local laws of Maryland; all to be known as the Annual Budget and
14 Appropriation Ordinance of Prince George's County for Fiscal Year 2022.

15 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
16 Maryland, that subject to and in accordance with the authority of the Charter of Prince George's
17 County, the public general laws and public local laws of Maryland relating to budget
18 procedures, and pursuant to applicable local ordinances heretofore enacted, the several amounts
19 specified in the current expense budget of Prince George's County and of the Board of
20 Education of Prince George's County as submitted by the County Executive to the County
21 Council on or before March 15, 2021, and incorporated in a document entitled "Proposed

1 Current Expense Budget Fiscal Year 2022", an authenticated copy of which is incorporated
 2 herein by reference and made a part hereof as though it were set forth fully herein, is hereby
 3 authorized and appropriated for the several purposes specified in the proposed budget document
 4 under Function/Program/Agency/Activity, financial summary or function in the case of the
 5 Board of Education, to pay salaries, wages, fees and all other current expenses for the Prince
 6 George's Community College and for schools, institutions, departments, boards, commissions,
 7 committees, offices and agencies in and of the said County and for the Board of Education. The
 8 aforementioned budget is hereby adopted and approved, for the fiscal year beginning July 1,
 9 2021 and ending June 30, 2022.

10 SECTION 2. The amount of reimbursement for expenses for subsistence incident to the
 11 performance of official duties of officers or employees of the County shall be at the following
 12 rates:

13 Meals will be reimbursed on the basis of actual costs including gratuities, with the
 14 following limits, unless a greater amount is specifically authorized by the Chief Administrative
 15 Officer for the Executive Branch or Council Administrator for the Legislative Branch on the
 16 facts of each case:

- 17 a. Breakfast \$6.00
- 18 b. Lunch \$10.00
- 19 c. Dinner \$20.00
- 20 d. Conference meals are reimbursed at actual costs.
- 21 e. Mileage reimbursement for use of private vehicles for County business shall be set
 22 at the Federal reimbursement rate set by the Internal Revenue Service (Federal
 23 Calendar Year 2021) in effect as of July 1, 2021.

24 SECTION 3. FEDERAL, STATE AND PRIVATE GRANTS. All Federal, State and
 25 private grants not included in the current expense budget of the County or any agency subject to
 26 control of the County shall upon receipt be included as a part of the current expense budget of
 27 the County or agency's budget for the year received, or for the term of the grant, whichever is of
 28 greater duration, to be expended for the purpose set forth in the grant. Prior to the expenditure
 29 of any monies therefrom the agency shall receive approval from the County Executive and
 30 County Council. Any unexpended funds shall be included in the next annual budget.

31 SECTION 4. CAPITAL IMPROVEMENT PROGRAM. Subject to and in accordance

1 with the authority of the Charter of Prince George's County, the public general laws and public
2 local laws of Maryland relating to budget procedures, the several capital improvement projects
3 and amounts specified thereto, contained in the capital program and the capital budget of Prince
4 George's County for the Prince George's Community College and for the various offices,
5 departments, boards, commissions, institutions, corporations and agencies, excluding the
6 Washington Suburban Sanitary Commission, as submitted by the County Executive to the
7 County Council on or before March 15, 2021, and subsequently amended by the County
8 Executive, and incorporated in a document entitled "Fiscal Years 2022 - 2027 Capital
9 Improvement Program - Fiscal Year 2022 Capital Budget", an authenticated copy of which is
10 incorporated herein by reference and made a part hereof as though it were fully set forth herein,
11 is hereby adopted and approved. The capital budget hereby adopted constitutes the total
12 appropriation for projects that are scheduled for implementation in Fiscal Year 2022 and those
13 projects previously authorized. Inclusion of any project in the Capital Improvement Program,
14 with all funding shown in the category "Beyond Six Years", shall mean that this project is not
15 "programmed" for the purpose of evaluating the adequacy of public facilities in accordance with
16 the subdivision regulations and the Zoning Ordinance. The County expects that certain costs of
17 the approved Capital Projects will be paid before the date of issuance of bonds (or other
18 obligations of the County to be issued after the date of adoption of this Act) from a source of
19 funds other than a County borrowing (each, a "Prior Expenditure" and collectively, the "Prior
20 Expenditures"). The County hereby declares, in accordance with Section 1.150-2 of the Income
21 Tax Regulations, its intention to use a portion of the proceeds of bonds (or other obligations of
22 the County to be issued after the date of adoption of this Act) to reimburse itself for Prior
23 Expenditures paid no earlier than 60 days before the date of adoption of this Act. In accordance
24 with Section 1.150-2 of the Income Tax Regulations, the maximum principal amount of
25 obligations expected to be issued for the approved Capital Projects is set forth in the respective
26 Funding Schedules in the Capital Improvement Program. The County recognizes that, under
27 Section 1.150-2 of the Income Tax Regulations, the use of proceeds of bonds to reimburse the
28 County for a Prior Expenditure (other than certain de minimis or preliminary expenditures
29 described in Section 1.150-2(f) of the Income Tax Regulations) generally will be permitted only
30 to the extent that: (i) the Prior Expenditure constitutes a capital expenditure for federal income
31 tax purposes; (ii) the Prior Expenditure was paid not earlier than 60 days before the date of

1 adoption of this Act; and (iii) the allocation of proceeds of the bonds to such reimbursement is
2 made not later than 18 months after the later of (a) the date the Prior Expenditure was paid, or
3 (b) the date the applicable approved Capital Project is placed in service or abandoned, but in no
4 event more than three years after the Prior Expenditure was paid.

5 SECTION 5. COUNTY ENERGY TAX. Pursuant to the County taxing authority
6 conferred by way of public local laws enacted by the Maryland General Assembly, codified at
7 Section 10-205.01(i)(2) of the Prince George's County Code, 2019 Edition, as amended, the
8 following Energy Tax Rates are hereby established, via action upon and approval of this Act by
9 the County Council, for energy bills rendered on or after July 1, 2021:

<u>TYPE OF ENERGY</u>	<u>RATE</u>
Electricity	\$0.009710 per Kilowatt Hour
Natural Gas	\$0.066208 per Therm
Fuel Oil	\$0.208033 per Gallon
Propane	\$0.133973 per Gallon

15 SECTION 6. COUNTY INCOME TAX. Pursuant to Section 10-106, Tax - General
16 Article, Annotated Code of Maryland, as amended, which requires each County to set a county
17 income tax rate equal to at least one percent (1%) but not more than three and two tenths percent
18 (3.2%) of an individual's Maryland taxable income, the County Council has set in CR-22-2008,
19 adopted on May 20, 2008, a County income tax rate of three and two tenths percent (3.2%) of an
20 individual's Maryland taxable income tax for the calendar years beginning January 1, 2009.

21 SECTION 7. EMERGENCY TRANSPORTATION FEE. Pursuant to Section 11-346 of
22 the Prince George's County Code, which requires that the fee for emergency transportation be
23 established in the Annual Budget and Appropriation Ordinance and pursuant to Section 11-347
24 which requires that revenues from the fees imposed for emergency transportation by the County
25 shall be used for operation and capital expenses related to emergency transportation, the
26 following emergency transportation fees are hereby set for emergency transportation services
27 rendered on or after July 1, 2021:

<u>TYPE OF EMERGENCY</u>	<u>FEE</u>
<u>TRANSPORTATION SERVICE</u>	
Basic Life Support	\$500.00
Advanced Life Support 1	\$650.00

Advanced Life Support 2 \$750.00

Mileage fee \$12.00 per mile

SECTION 8. AMENDMENTS TO THE CURRENT EXPENSE BUDGET, THE CAPITAL PROGRAM, AND THE CAPITAL BUDGET. The proposed current expense budget of Prince George's County and of the Board of Education, referred to above in Section 1 of this Act, and the Capital Improvement Program and Capital Budget referred to in Section 4 above, are hereby amended as set forth in Exhibits 1, 2, 3, and 4 attached hereto and made a part hereof:

The amount of the revenue estimates in the current expense budget for all funds as submitted by the County Executive as set forth in the Proposed Budget, Fiscal Year 2022 is hereby set at the sum of \$4,553,308,000 in accordance with the revenue schedule on the ensuing pages.

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PRINCE GEORGE'S COUNTY
FISCAL YEAR 2022
REVENUE

REVENUE ITEM	PROPOSED FY 2022	COUNCIL APPROVED FY 2022
PROPERTY TAXES	\$ 946,265,400	\$ 946,265,400
(Including Personal Property Taxes)		
BOARD of EDUCATION – Tax Increase	39,427,700	39,427,700
INCOME TAXES	647,736,400	669,792,100
TRANSFER & RECORDATION TAXES	174,420,000	174,420,000
OTHER LOCAL TAXES	107,605,000	104,605,000
STATE SHARED TAXES	7,254,200	7,254,200
LICENSES & PERMITS	66,430,500	70,512,100
USE OF MONEY & PROPERTY	8,530,000	8,530,000
CHARGES FOR SERVICES	61,409,100	59,909,100
INTERGOVERNMENTAL REVENUES	43,851,500	40,374,200
MISCELLANEOUS REVENUES	13,160,100	13,160,100
OTHER FINANCING SOURCES	48,978,300	43,300,400
BOARD OF EDUCATION AID	1,526,285,100	1,526,285,100
COMMUNITY COLLEGE AID	77,363,200	81,468,600
LIBRARY AID	<u>9,331,800</u>	<u>9,331,800</u>
TOTAL GENERAL FUND	\$ 3,778,048,700	\$ 3,794,635,800
INTERNAL SERVICE FUNDS	64,344,400	64,344,400
ENTERPRISE FUNDS	216,019,100	220,149,100
SPECIAL REVENUE FUNDS	244,465,000	244,615,000
GRANT PROGRAMS	<u>229,563,700</u>	<u>230,476,200</u>
TOTAL ALL FUNDS	\$ 4,532,440,900	\$ 4,553,308,000

1 The following amendments to the revenue estimates in the FY 2022 current expense
2 budget were made and submitted by the County Executive and are reflected in amendments
3 made by the State of Maryland or are a result of adjustments made by the County Council.

4 GENERAL FUND

5 Income Taxes

6 Increase revenue by \$22,055,700 to reflect revised projections current collections and more
7 optimistic outlook for average unemployment levels for FY 2022 plus additional State Disparity
8 Grant aid based on final action on the State budget. (Income tax receipts increase
9 \$17,600,000 and the State Income Disparity Grant rises \$4,455,700, as a result of adjustments
10 made by the County Executive on May 25, 2021.)

11 Other Local Taxes

12 Decrease revenue by \$3,000,000 to reflect revised forecast as a result of adjustments made
13 by the County Executive on May 25, 2021. Admissions and amusement tax collections were
14 reduced as the effects of the pandemic on live events is not expected to be fully restored to pre-
15 pandemic levels by the start of the fiscal year.

16 Licenses and Permits

17 Increase revenue by \$4,081,600 to reflect revised gaming forecast based on passage of
18 legislation modifying the hold harmless provision to be paid from State revenues, and revised
19 forecast based on actual collections through April 2021. (Video Lottery Terminal revenue
20 increases by \$4,349,100 and table game revenue decreases by \$267,500, as a result of
21 adjustments made by the County Executive on May 25, 2021.)

22 Charges for Services

23 Decrease revenue by \$1,500,000 for miscellaneous service charges to reflect revised
24 projections, as a result of adjustments made by the County Executive on May 25, 2021.

25 Intergovernmental Revenues

26 Decrease revenue by \$3,477,300 as a result of a decrease in State Aid for Police Protection
27 to reflect the amount to be credited only to the County General Fund exclusive of the amount
28 provided to municipalities, as a result of adjustments made by the County Executive on May 25,
29 2021.

30 Other Financing Sources

31 Decrease revenue by \$5,678,300 to reflect a decrease in the use of fund balance, as a result

1 of adjustments made by the County Executive on May 25, 2021.

2 Outside Aid – Community College

3 Increase revenue by \$4,105,400 due to an increase in State Aid based on the approved
4 State budget.

5 SUBTOTAL GENERAL FUNDS – \$16,587,100

6 ENTERPRISE FUNDS

7 Stormwater Management Enterprise Fund

8 Increase revenue by \$4,130,000 in the Stormwater Management Enterprise Fund as a result
9 of an increase in the use of fund balance, based on adjustments made by the County Executive
10 on May 25, 2021.

11 SUBTOTAL ENTERPRISE FUNDS – \$4,130,000

12 SPECIAL REVENUE FUNDS

13 Transportation Services Improvement Fund

14 Increase revenue by \$150,000 as a result of an increase in the use of fund balance, based
15 on adjustments made by the County Executive on May 25, 2021.

16 SUBTOTAL SPECIAL REVENUE FUNDS – \$150,000

17 GRANTS

18 Net increase in grant revenue by \$912,500 due to changes to the Office of the State’s
19 Attorney and the Health Department, as a result of adjustments made by the County Executive
20 on May 25, 2021.

21 SUBTOTAL GRANTS – \$912,500

22 TOTAL ALL FUNDS - \$21,779,600

23 SECTION 9. TRANSFER TAX. Pursuant to Section 10-187(e) of the Prince George's
24 County Code, all transfer tax revenue collected by Prince George's County in Fiscal Year 2022
25 shall be used for funding the Instructional Salaries, Instructional Materials and Related Costs,
26 Special Education, and Fixed Charges Categories of the Board of Education approved Fiscal
27 Year 2022 Budget.

28 SECTION 10. BE IT FURTHER ENACTED that, notwithstanding the provisions of
29 Section 10-261 of the Prince George's County Code, the County Executive may identify
30 vehicles forfeited to the County, which vehicles may be sold with the proceeds thereof
31 benefiting local charitable organizations.

1 SECTION 11. BE IT FURTHER ENACTED that it is the intent of the County Council in
2 enacting the Capital Improvement Program pertaining to the Watershed Implementation Plan
3 (WIP II) that the following conditions shall attach and apply to the project:

4 A. Department of the Environment's present plans require that 22% of the stormwater
5 retrofits utilize Environmental Site Design (ESD), pursuant to Chapter 5 of the 2009
6 Maryland Stormwater Manual and Subtitle 32 of the County Code, and 78% use
7 conventional stormwater management retrofits.

8 B. It is the intention of the Council that the County must use these funds to implement
9 the proposed ESD first before either performing ESD or conventional retrofits, that
10 the Department of the Environment continue to research and develop ways to reduce
11 the cost of ESD, initiate and complete an evaluation of the costs and economic
12 benefits of the two approaches and provide the Council with a report.

13 SECTION 12. BE IT FURTHER ENACTED that it is the intent of the County Council
14 that \$250,000 reflected in the approved Fiscal Year 2022 budget for the Department of
15 Corrections shall be used to fund a study on the necessity and feasibility of the construction of a
16 new County Correctional Facility.

17 SECTION 13. BE IT FURTHER ENACTED that the Fire Chief, the Chief of Police, and
18 the Director of Corrections shall provide reports to the County Council within 30 days of the
19 end of each month concerning the level of expenditures within the Fire/Emergency Medical
20 Services Department, the Police Department, and the Department of Corrections, respectively,
21 for overtime compensation, including paid time off in lieu of overtime compensation, and the
22 deviation from the amount authorized for the payment of overtime compensation in the adopted
23 budget, and that the Director of Management and Budget shall provide a report to the County
24 Council not later than January 30, 2022, of the level of expenditures for overtime compensation
25 for each agency and department as of December 31, 2021.

26 SECTION 14. BE IT FURTHER ENACTED that the Director of Management and
27 Budget and the Director of Finance shall provide reports to the County Executive and the
28 County Council within 15 days of the end of each bi-monthly period, beginning on September
29 30, 2021, for the months of July and August, concerning the level of revenues received and the
30 level of expenditures made or encumbered to determine whether the anticipated level of
31 revenues and expenditures that formed the basis for the adoption of this Annual Budget and

1 Appropriation Ordinance are being realized during the course of the fiscal year.

2 SECTION 15. BE IT FURTHER ENACTED that the Director of the Department of
3 Public Works and Transportation shall provide a report to the County Executive and the County
4 Council by September 30, 2021, concerning the status of the road resurfacing needs in the
5 County to assist the County Council in their development of a road resurfacing priority funding
6 list to be expended as provided in the Curb and Road Rehabilitation 2 (4.66.0002) capital
7 improvement program project; and such road resurfacing projects shall have a goal of at least
8 51% of those related jobs being held by County residents. The Department of Public Works and
9 Transportation will work with the County Council on identifying projects in the council districts
10 for the apportioned funds.

11 SECTION 16. BE IT FURTHER ENACTED that there is a General Fund operating
12 reserve, equal to two percent of the General Fund budget, subject to appropriation only in
13 accordance with Section 816 of the Charter for Prince George's County, Maryland, to meet a
14 public emergency, which constitutes a sudden, unexpected or unforeseen condition or
15 occurrence, creating an imminent hazard to life, health or property and requiring immediate
16 action.

17 SECTION 17. BE IT FURTHER ENACTED that there is a three-person committee to
18 assign fund balance in the General Fund consisting of (1) the Director of the Office of
19 Management and Budget, or his or her designee; (2) the Director of Finance of the County, or
20 his or her designee; and (3) the County Council Administrator, or his or her designee.

21 SECTION 18. BE IT FURTHER ENACTED that if any person holding an office of profit
22 within the meaning of Article 35 of the Declaration of Rights, Constitution of Maryland, is
23 appointed to a second office within the meaning of Article 35 of the Declaration of Rights,
24 Constitution of Maryland, in the opinion of the County Attorney, then no compensation or other
25 emolument, except expenses incurred in connection with attendance at hearings, meetings, field
26 trips, and working sessions, shall be paid from any funds appropriated by this budget to that
27 person for any services in connection with the second office.

28 SECTION 19. BE IT FURTHER ENACTED that, in accordance with Section 815 of the
29 Charter, the County Executive has submitted a proposed listing of positions for each agency of
30 the County, a copy of which is attached as Exhibit 6, and the County Council has delineated a
31 proposed listing of positions for the County Council, a copy of which is attached as Exhibit 5,

1 the County Council approves the number of positions contained in Exhibit 5 and Exhibit 6 for
 2 Fiscal Year 2022.

3 SECTION 20. BE IT FURTHER ENACTED that, in accordance with Section 819 of the
 4 County Charter, the County Council has considered and hereby approves certain multi-year
 5 contracts for Fiscal Year 2022, attached hereto as Exhibit 7 and incorporated as if set forth fully
 6 herein, as follows:

7 A. Exhibit 7 contains an itemized listing of:

8 (1.) Personal service contracts exceeding an aggregate of One Hundred Thousand
 9 Dollars (\$100,000) per contractor and all other multiyear contracts with an aggregate
 10 of Five Hundred Thousand Dollars (\$500,000), the nature of such transactions
 11 reasonably requires the making of such contracts, by agency, vendor, services, term
 12 and amount; and

13 (2.) Multiyear contracts for which the County Council hereby approves limited
 14 executory authority for the making of personal service contracts and multiyear
 15 contracts for goods and services anticipated for execution in Fiscal Year 2022;
 16 authority for such contracts is conditioned upon written submission of vendor,
 17 contract term, and final contract award amount for each contract by the County
 18 Executive to the County Council.

19 SECTION 21. BE IT FURTHER ENACTED that prior to any expenditure of MGM
 20 National Harbor local impact grant funds for services and improvements consistent with
 21 infrastructure, facilities, public safety, sanitation, economic and community development,
 22 including housing, and other public services and improvements, and subsequent to the local
 23 development council’s review, comment and recommendations on the multiyear plan for the
 24 expenditure of the MGM National Harbor local impact grants for services and improvement, the
 25 County Executive, pursuant to Section 10-309.2 (b) of the Prince George’s County Code, shall
 26 transmit the multiyear plan to the Council for review and approval by resolution. A published
 27 notice and a public hearing shall be required prior to adoption of the resolution.

28 SECTION 22. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 29 declared to be severable; and, in the event that any section, subsection, paragraph,
 30 subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or
 31 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall

1 | not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs,
2 | subsections, or sections of this Act, since the same would have been enacted without the
3 | incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence,
4 | subparagraph, subsection, or section.

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SECTION 23. EFFECTIVE DATE. This Act shall take effect on July 1, 2021.

Adopted this 27th day of May, 2021.

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 Exhibits 1, 2, 3, 4, 4A, 4B, 5, 6, and 7.