

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2004 Legislative Session

Bill No. CB-32-2004

Chapter No. _____

Proposed and Presented by Chairman Knotts

Introduced by Council Members Shapiro, Harrington, Dean, Exum, Peters and Dernoga

Co-Sponsors _____

Date of Introduction May 27, 2004

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 2005 for the Maryland-National Capital Park and Planning Commission,
6 pursuant to the provisions of Article 28 of the Annotated Code of Maryland, as amended
7 ("Article 28").

8 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
9 Maryland, that in accordance with Section 2-118 of Article 28, the annual budget transmitted to
10 the County Council by the Maryland-National Capital Park and Planning Commission on
11 January 15, 2004 is approved insofar as it applies to Prince George's County; subject, however,
12 to the additions, deletions, increases or decreases thereto which are contained in Appendix A to
13 this enactment and incorporated herein by reference; that the revenues to be derived from the
14 rates hereinafter established are hereby appropriated and authorized to be disbursed for the
15 purposes specified by the provisions of Article 28, as amended, and for the support and
16 maintenance of the purposes as expressed in the budget.

17 SECTION 2. ADMINISTRATION TAX. Pursuant to Section 6-107 of Article 28, there is
18 hereby imposed and levied for the Fiscal Year 2005 a tax of four and sixty-six hundredths cents
19 (\$0.0466) upon each one hundred dollars (\$100.00) of assessed valuation of real property and
20 eleven and sixty-five hundredths cents (\$0.1165) upon each one hundred dollars (\$100.00) of
21 assessed valuation of personal property and operating real property described in Section 8-109 of

1 the Tax-Property Article for property located in that portion of the Maryland-Washington
 2 Regional District lying within Prince George's County. The proceeds of the collection of such
 3 tax shall be paid to the Maryland-National Capital Park and Planning Commission and shall
 4 constitute the Administration Fund of said Commission. Of the proceeds collected, \$600,000
 5 shall be allocated as a grant to the County Council for the reimbursement of the planning and
 6 zoning functions of the Legislative Branch, as described in the Regional District Act.

7 SECTION 3. ADVANCE LAND ACQUISITION FUND. Pursuant to the provisions of
 8 Section 7-106(e) of Article 28, there is hereby imposed and levied for the Fiscal Year 2005 a tax
 9 of thirteen hundredths cents (\$0.0013) upon each one hundred dollars (\$100.00) of assessed
 10 valuation of real property and thirty-two hundredths cents (\$0.0032) upon each one hundred
 11 dollars (\$100.00) of assessed valuation of personal property and operating real property
 12 described in Section 8-109 of the Tax-Property Article, assessable according to the laws of
 13 Maryland and subject to taxation in Prince George's County, to be utilized for advance land
 14 acquisition in Prince George's County, in accordance with the terms and conditions of the above-
 15 cited statute, as amended. The proceeds from the collection of said tax shall be paid to the
 16 Maryland-National Capital Park and Planning Commission for the purpose of debt service on the
 17 principal and interest on bonds issued for the Commission's land acquisition revolving fund, and
 18 any excess shall be paid into said fund.

19 SECTION 4. METROPOLITAN DISTRICT TAX - MANDATORY. Pursuant to the
 20 provisions of Section 6-106(c) of Article 28, there is hereby imposed and levied for the Fiscal
 21 Year 2005 a tax of four cents (\$0.04) upon each one hundred dollars (\$100.00) of assessed
 22 valuation of real property and ten cents (\$0.10) upon each one hundred dollars (\$100.00) of
 23 assessed valuation of personal property and operating real property described in Section 8-109 of
 24 the Tax-Property Article subject to assessment and taxation by Prince George's County which is
 25 located in that portion of the Maryland-Washington Metropolitan District of Prince George's
 26 County. The proceeds of the collection of such tax shall be paid to the Maryland-National
 27 Capital Park and Planning Commission and shall be applied to the purposes set forth in Section
 28 6-106(c) of Article 28.

29 SECTION 5. METROPOLITAN DISTRICT TAX - DISCRETIONARY. Pursuant to
 30 Section 6-106(d) of Article 28, there is hereby imposed and levied for the Fiscal Year 2005
 31 a tax of thirteen and nineteen hundredths cents (\$0.1319) upon each one hundred dollars

1 (\$100.00) of assessed valuation of real property and thirty-two and ninety-eight hundredths cents
 2 (\$0.3298) upon each one hundred dollars (\$100.00) of assessed valuation of personal property
 3 and operating real property described in Section 8-109 of the Tax-Property Article subject to
 4 assessment and taxation by Prince George's County which is located in that portion of the
 5 Maryland-Washington Metropolitan District within Prince George's County. The proceeds of
 6 the collection of such tax shall be paid to the Maryland-National Capital Park and Planning
 7 Commission and shall be applied to the purposes set forth in Section 6-106(d) of Article 28.

8 **SECTION 6. RECREATION TAX.** Pursuant to Section 6-106(e) of Article 28, there is
 9 hereby imposed and levied for the Fiscal Year 2005 a tax to support recreational activities in the
 10 amount of five and ninety-two hundredths cents (\$0.0592) upon each one hundred dollars
 11 (\$100.00) of assessed valuation of real property and fourteen and eighty hundredths cents
 12 (\$0.1480) upon each one hundred dollars (\$100.00) of assessed valuation of personal property
 13 and operating real property described in Section 8-109 of the Tax-Property Article subject to
 14 assessment and taxation by Prince George's County. The proceeds of such tax shall be remitted
 15 to the Maryland-National Capital Park and Planning Commission, and shall be applied to the
 16 purposes set forth in Section 6-106(e) of Article 28.

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

20 **SECTION 8. GRANT AND SPECIAL FUNDING.** All grants and Land Reclamation
 21 revenue received by the Maryland-National Capital Park and Planning Commission shall be
 22 considered as additions to, and automatic amendments of, the Commission's Operating and CIP
 23 Budgets and work programs, provided that the Commission shall have advised the County
 24 Council of such revenue at the time the revenue was being sought, whether by grant application
 25 or by other applicable special funding application procedures. This section does not, in any way,
 26 affect the process for legislative appropriation of tax revenue to the Commission.

27 **SECTION 9. PARK ACQUISITION AND DEVELOPMENT.** The Prince George's
 28 County portion of the Maryland-National Capital Park and Planning Commission Fiscal Year
 29 2005 Capital Budget is hereby adopted and shall consist of all previously approved park
 30 acquisition and development projects (as revised) with appropriations in the budget year of the
 31 Maryland-National Capital Park and Planning Commission Fiscal Years 2005-2010 Capital

1 Improvement Program as such projects are included in the adopted Prince George's County
2 Fiscal Years 2005-2010 Capital Improvement Program and the new projects listed in Appendix
3 B, which is attached hereto and incorporated herein.

4 SECTION 10. GUARANTEE OF PRINCIPAL AND INTEREST ON BONDS. Pursuant
5 to the provisions of Section 6-101(d) of Article 28, as amended, the payment of the principal of
6 and interest on any and all bonds sold by the Maryland-National Capital Park and Planning
7 Commission, the proceeds of which are to be used to finance any of the projects adopted by
8 Section 9, are hereby guaranteed by the County as provided in Article 28. The guarantee shall be
9 in the form described by Section 6-101(d), Article 28, and shall be endorsed on the bonds on
10 behalf of the County by the manual or facsimile signature of the County Executive. The full
11 faith and credit of the County is hereby irrevocably pledged to the fulfillment of the guarantee of
12 the payment of interest when due and the principal on maturity and taxes will be levied in
13 accordance with Sections 6-102 and 6-106 of Article 28, as necessary. The County Executive
14 and the Clerk of the Council are hereby authorized to take all necessary actions to adopt and
15 record their facsimile signatures and to execute all documents required for the sale of the bonds.

16 SECTION 11. RESTRICTED CONTINGENCY RESERVE. The County Council of
17 Prince George's County in adopting this Fiscal Year 2005 budget has included \$11,589,600 in
18 the Park Fund as restricted contingency reserve. This reserve is set aside to offset future tax rate
19 increases and is to be utilized for the exclusive purpose of funding the debt service and operation
20 and maintenance costs associated with approved capital projects in the Park Fund. No portion of
21 this reserve is to be utilized or expended in Fiscal Year 2005 without the prior express approval
22 of the Prince George's County Council.

23 SECTION 12. SEVERABILITY. If the application of this Act or any section, subsection,
24 sentence, clause, phrase, or portion thereof, as it applies in any circumstances, case or instance to
25 any person, firm, or corporation, is for any reason found or held to be invalid or unconstitutional
26 by any Court of competent jurisdiction, such section, subsection, sentence, clause, phrase, or
27 portion and application thereof to such circumstances, case or instance as to any person, firm or
28 corporation, shall be deemed a separate, distinct, and independent act, finding, or holding, and
29 such act, finding or holding shall not affect the validity and application of the remaining portions
30 thereof or the particular portion as it affects other persons, firms or corporations.

31 SECTION 13. EFFECTIVE DATE. This Act shall take effect July 1, 2004.

Adopted this 27th day of May, 2004.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Tony Knotts
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Jack B. Johnson
County Executive