

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

Bill No. CB-34-2021
 Chapter No. 16
 Proposed and Presented by Council Member Hawkins
 Introduced by Council Members Hawkins, Taveras, Anderson-Walker, Glaros, Ivey,
Harrison, Turner, Streeter, Franklin, Dernoga and Davis
 Date of Introduction May 27, 2021

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 2022 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, 2021, and as amended on May 25, 2021, is approved insofar as it
 12 applies to Prince George's County subject, however, to the additions, deletions, increases or
 13 decreases thereto which are contained in Appendix A to this Act, attached hereto and
 14 incorporated as if fully stated herein, and that the revenues to be derived from the rates herein be
 15 and the same established are hereby appropriated and authorized to be disbursed for the purposes
 16 specified by the provisions of the Land Use Article, as amended, and for the support and
 17 maintenance of the purposes as expressed in the 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 2022 a tax of five and
 20 sixty-six hundredths cents (\$0.0566) upon each one hundred dollars (\$100.00) of assessed

1 valuation of real property and fourteen and fifteen and one-half hundredths cents (\$0.14155)
 2 upon each one hundred dollars (\$100.00) of assessed valuation of personal property and
 3 operating real property described in Section 8-109 of the Tax-Property Article for property
 4 located in that portion of the Maryland-Washington Regional District lying within Prince
 5 George's County. The proceeds of the collection of such tax shall be paid to the Maryland-
 6 National Capital Park and Planning Commission and shall constitute the Administration Fund of
 7 said Commission. Of the proceeds collected, \$1,287,300 shall be allocated to the County
 8 Council for the reimbursement of the planning and zoning functions of the Legislative Branch, as
 9 described in the Regional District Act. As such, and pursuant to Sections 18-109, 20-206, 21-
 10 103, and 21-202 of the Land Use Article, as well as Section 10-112.32(d) of the Prince George's
 11 County Code, the Council hereby states, as justification for that portion of the Maryland-
 12 National Capital Park and Planning Commission Fiscal Year 2022 Operating Budget exceeding
 13 the Spending Affordability Commission's recommended overall spending ceiling of \$57.69
 14 million for planning projects by approximately \$1.07 million, such additional appropriations are
 15 the result of increases to enhance the annual workplan by advancing the pace of comprehensive
 16 planning projects for the benefit of the County.

17 SECTION 3. ADVANCE LAND ACQUISITION FUND. Pursuant to the provisions of
 18 Section 18-401(c) of the Land Use Article, there is hereby imposed and levied for the Fiscal
 19 Year 2022 a tax of zero cents (\$0.00) upon each one hundred dollars (\$100.00) of assessed
 20 valuation of real property and zero cents (\$0.00) upon each one hundred dollars (\$100.00) of
 21 assessed valuation of personal property and operating real property described in Section 8-109 of
 22 the Tax-Property Article, assessable according to the laws of Maryland and subject to taxation in
 23 Prince George's County, to be utilized for advance land acquisition in Prince George's County, in
 24 accordance with the terms and conditions of the above-cited statute, as amended. The proceeds
 25 from the collection of said tax shall be paid to the Maryland-National Capital Park and Planning
 26 Commission for the purpose of debt service on the principal and interest on bonds issued for the
 27 Commission's land acquisition revolving fund, and any excess shall be paid into said fund.

28 SECTION 4. METROPOLITAN DISTRICT TAX-MANDATORY. Pursuant to the
 29 provisions of Sections 18-302 and 18-304(b) of the Land Use Article, there is hereby imposed
 30 and levied for the Fiscal Year 2022 a tax of four cents (\$0.04) upon each one hundred dollars
 31 (\$100.00) of assessed valuation of real property and ten cents (\$0.10) upon each one hundred

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

7 SECTION 5. METROPOLITAN DISTRICT TAX–DISCRETIONARY. Pursuant to
8 Section 18-304(c) of the Land Use Article, there is hereby imposed and levied for Fiscal Year
9 2022 a tax of eleven and ninety-four hundredths cents (\$0.1194) upon each one hundred dollars
10 (\$100.00) of assessed valuation of real property and twenty-nine and eighty-five hundredths
11 cents (\$0.2985) upon each one hundred dollars (\$100.00) of assessed valuation of personal
12 property and operating real property described in Section 8-109 of the Tax-Property Article
13 subject to assessment and taxation by Prince George's County which is located in that portion of
14 the Maryland-Washington Metropolitan District within Prince George's County. The proceeds
15 of the collection of such tax shall be paid to the Maryland-National Capital Park and Planning
16 Commission and shall be applied to the purposes set forth in Section 18-304(c) of the Land Use
17 Article.

18 SECTION 6. RECREATION TAX. Pursuant to Sections 18-302 and 18-306 of the Land
19 Use Article, there is hereby imposed and levied for the Fiscal Year 2022 a tax to support
20 recreational activities in the amount of seven and eighty hundredths cents (\$0.0780) upon each
21 one hundred dollars (\$100.00) of assessed valuation of real property and nineteen and forty-nine
22 and one-half hundredths cents (\$0.19495) upon each one hundred dollars (\$100.00) of assessed
23 valuation of personal property and operating real property described in Section 8-109 of the Tax-
24 Property Article subject to assessment and taxation by Prince George's County. The proceeds of
25 such tax shall be remitted to the Maryland-National Capital Park and Planning Commission and
26 shall be applied to the purposes set forth in Section 18-306(d) of the Land Use Article.

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

30 SECTION 8. OTHER POST EMPLOYMENT BENEFITS (“OPEB”). The budget
31 reflects funding for the annual required contribution (“ARC”) and the pay-as-you-go amount to

1 prefund retiree medical costs.

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

9 SECTION 10. PARK ACQUISITION AND DEVELOPMENT. The Prince George's
10 County portion of the Maryland-National Capital Park and Planning Commission Fiscal Year
11 2022 Capital Budget is hereby adopted and shall consist of all previously approved park
12 acquisition and development projects (as revised) with appropriations in the budget year of the
13 Maryland-National Capital Park and Planning Commission Fiscal Years 2022–2027 Capital
14 Improvement Program as such projects are included in the adopted Prince George's County
15 Fiscal Years 2022–2027 Capital Improvement Program and the new projects listed in Appendix
16 B, which is attached hereto and incorporated herein. As such, and pursuant to Section 18-109 of
17 the Land Use Article, as well as Section 10-112.32(d) of the Prince George's County Code, the
18 Council hereby states, as justification for that portion of the Maryland-National Capital Park and
19 Planning Commission Fiscal Year 2022 Capital Budget exceeding the Spending Affordability
20 Commission's recommended overall spending ceiling of \$59.18 million for capital projects by
21 approximately \$29.42 million, such additional appropriations are the result of updated costs for
22 projects underway; funding approved by the Maryland General Assembly; and increases to
23 support new projects for the benefit of the County.

24 SECTION 11. GUARANTEE OF PRINCIPAL AND INTEREST ON BONDS. Pursuant
25 to the provisions of Section 18-204 of the Land Use Article, the payment of the principal of and
26 interest on any and all bonds sold by the Maryland-National Capital Park and Planning
27 Commission, the proceeds of which are to be used to finance any of the projects adopted by
28 Section 10, are hereby guaranteed by the County as provided in Land Use Article. The guarantee
29 shall be in the form described by Section 18-204 of the Land Use Article and shall be endorsed
30 on the bonds on behalf of the County by the manual or facsimile signature of the County
31 Executive. The full faith and credit of the County is hereby irrevocably pledged to the

1 fulfillment of the guarantee of the payment of interest when due and the principal on maturity
2 and taxes will be levied in accordance with Sections 18-209, 18-302, 18-304(a), 18-304(b), 18-
3 304(c), and 18-304(e) of the Land Use Article, as necessary. The County Executive and the
4 Clerk of the Council are hereby authorized to take all necessary actions to adopt and record their
5 facsimile signatures and to execute all documents required for the sale of the bonds.

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

11 SECTION 13. NON-DEPARTMENTAL – TAX SUPPORTED FUNDING. The
12 Commission is hereby authorized to distribute non-departmental compensation funding to the
13 applicable departments and divisions in accordance with ratified collective bargaining
14 agreements and which does not exceed the amount proposed in the FY 2022 budget.

15 SECTION 14. SEVERABILITY. If the application of this Act or any section, subsection,
16 sentence, clause, phrase, or portion thereof, as it applies in any circumstances, case, or instance
17 to any person, firm, or corporation is, for any reason, found or held to be invalid or
18 unconstitutional by any Court of competent jurisdiction, then such section, subsection, sentence,
19 clause, phrase, or portion and application thereof to such circumstances, case or instance as to
20 any person, firm or corporation, shall be deemed a separate, distinct, and independent act,
21 finding, or holding, and such act, finding or holding shall not affect the validity and application
22 of the remaining portions thereof or the particular portion as it affects other persons, firms, or
23 corporations.

SECTION 14. EFFECTIVE DATE. This Act shall take effect 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 Appendices A & B