

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2015 Legislative Session

Bill No. CB-31-2015

Chapter No. 11

Proposed and Presented by Council Member Franklin

Introduced by Council Members Franklin, Turner and Davis

Date of Introduction May 28, 2015

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-
4 National Capital Park and Planning Commission budget and making appropriations and
5 levying certain taxes for Fiscal Year 2016 for the Maryland-National Capital Park and
6 Planning Commission, pursuant to the provisions of the Land Use Article of the
7 Annotated Code of Maryland, as 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 9, 2015, is approved insofar as it applies to Prince George's
12 County subject, however, to the additions, deletions, increases or decreases thereto which
13 are contained in Appendix A to this Act, attached hereto and incorporated as if fully
14 stated herein and incorporated 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
16 purposes specified by the provisions of Land Use Article, as amended, and for the
17 support and maintenance of the purposes as expressed in the budget.

18 SECTION 2. ADMINISTRATION TAX. Pursuant to Sections 18-302 and 18-307
19 of the Land Use Article, there is hereby imposed and levied for the Fiscal Year 2016 a tax
20 of five and sixty-six hundredths cents (\$0.0566) upon each one hundred dollars (\$100.00)
21 of assessed valuation of real property and fourteen and fifteen and one-half hundredths

1 cents (\$0.14155) upon each one hundred dollars (\$100.00) of assessed valuation of
2 personal property and operating real property described in Section 8-109 of the Tax-
3 Property Article for property located in that portion of the Maryland-Washington
4 Regional 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
6 and shall constitute the Administration Fund of said Commission. Of the proceeds
7 collected, \$1,137,300 shall be allocated as a grant to the County Council for the
8 reimbursement of the planning and zoning functions of the Legislative Branch, as
9 described in the Regional District Act.

10 SECTION 3. ADVANCE LAND ACQUISITION FUND. Pursuant to the
11 provisions of Section 18-401(c) of the Land Use Article, there is hereby imposed and
12 levied for the Fiscal Year 2016 a tax of zero cents (\$0.00) upon each one hundred dollars
13 (\$100.00) of assessed valuation of real property and zero cents (\$0.00) upon each one
14 hundred dollars (\$100.00) of assessed valuation of personal property and operating real
15 property described in Section 8-109 of the Tax-Property Article, assessable according to
16 the laws of Maryland and subject to taxation in Prince George's County, to be utilized for
17 advance land acquisition in Prince George's County, in accordance with the terms and
18 conditions of the above-cited statute, as amended. The proceeds from the collection of
19 said tax shall be paid to the Maryland-National Capital Park and Planning Commission
20 for the purpose of debt service on the principal and interest on bonds issued for the
21 Commission's land acquisition revolving fund, and any excess shall be paid into said
22 fund.

23 SECTION 4. METROPOLITAN DISTRICT TAX-MANDATORY. Pursuant to
24 the provisions of Sections 18-302 and 18-304(b) of the Land Use Article, there is hereby
25 imposed and levied for the Fiscal Year 2016 a tax of four cents (\$0.04) upon each one
26 hundred dollars (\$100.00) of assessed valuation of real property and ten cents (\$0.10)
27 upon each one hundred dollars (\$100.00) of assessed valuation of personal property and
28 operating real property described in Section 8-109 of the Tax-Property Article subject to
29 assessment and taxation by Prince George's County which is located in that portion of the
30 Maryland-Washington Metropolitan District lying within Prince George's County. The
31 proceeds of the collection of such tax shall be paid to the Maryland-National Capital Park

1 and Planning Commission and shall be applied to the purposes set forth in Section 18-
2 304(b) of the Land Use Article.

3 SECTION 5. METROPOLITAN DISTRICT TAX-DISCRETIONARY. Pursuant
4 to Section 18-304(c) of the Land Use Article, there is hereby imposed and levied for
5 Fiscal Year 2016 a tax of eleven and ninety-four hundredths cents (\$0.1194) upon each
6 one hundred dollars (\$100.00) of assessed valuation of real property and twenty-nine and
7 eighty-five hundredths cents (\$0.2985) upon each one hundred dollars (\$100.00) of
8 assessed valuation of personal property and operating real property described in Section
9 8-109 of the Tax-Property Article subject to assessment and taxation by Prince George's
10 County which is located in that portion of the Maryland-Washington Metropolitan
11 District within Prince George's County. The proceeds of the collection of such tax shall
12 be paid to the Maryland-National Capital Park and Planning Commission and shall be
13 applied to the purposes set forth in Section 18-304(c) of the Land Use Article.

14 SECTION 6. RECREATION TAX. Pursuant to Section 18-302 of the Land Use
15 Article, there is hereby imposed and levied for the Fiscal Year 2016 a tax to support
16 recreational activities in the amount of seven and eighty hundredths cents (\$0.0780) upon
17 each one hundred dollars (\$100.00) of assessed valuation of real property and nineteen
18 and forty-nine and one-half hundredths cents (\$0.19495) upon each one hundred dollars
19 (\$100.00) of assessed valuation of personal property and operating real property
20 described in Section 8-109 of the Tax-Property Article subject to assessment and taxation
21 by Prince George's County. The proceeds of such tax shall be remitted to the Maryland-
22 National Capital Park and Planning Commission, and shall be applied to the purposes set
23 forth in Section 18-302 of the Land Use Article.

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

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

30 SECTION 9. GRANT AND SPECIAL FUNDING. All grants and Land
31 Reclamation revenue received by the Maryland-National Capital Park and Planning

1 Commission shall be considered as additions to, and automatic amendments of, the
2 Commission's Operating and CIP Budgets and work programs, provided that the
3 Commission shall have advised the County Council of such revenue at the time the
4 revenue was being sought, whether by grant application or by other applicable special
5 funding application procedures. This section does not, in any way, affect the process for
6 legislative appropriation of tax revenue to the Commission.

7 SECTION 10. PARK ACQUISITION AND DEVELOPMENT. The Prince
8 George's County portion of the Maryland-National Capital Park and Planning
9 Commission Fiscal Year 2016 Capital Budget is hereby adopted and shall consist of all
10 previously approved park acquisition and development projects (as revised) with
11 appropriations in the budget year of the Maryland-National Capital Park and Planning
12 Commission Fiscal Years 2016-2021 Capital Improvement Program as such projects are
13 included in the adopted Prince George's County Fiscal Years 2016-2021 Capital
14 Improvement Program and the new projects listed in Appendix B, which is attached
15 hereto and incorporated herein.

16 SECTION 11. GUARANTEE OF PRINCIPAL AND INTEREST ON BONDS.
17 Pursuant to the provisions of Section 18-204 of the Land Use Article, the payment of the
18 principal of and interest on any and all bonds sold by the Maryland-National Capital Park
19 and Planning Commission, the proceeds of which are to be used to finance any of the
20 projects adopted by Section 10, are hereby guaranteed by the County as provided in Land
21 Use Article. The guarantee shall be in the form described by Section 18-20 of the Land
22 Use Article, and shall be endorsed on the bonds on behalf of the County by the manual or
23 facsimile signature of the County Executive. The full faith and credit of the County is
24 hereby irrevocably pledged to the fulfillment of the guarantee of the payment of interest
25 when due and the principal on maturity and taxes will be levied in accordance with
26 Sections 18-209, 18-302, 18-304(a), 18-304(b), 18-304(c), and 18-304(e) of the Land Use
27 Article, as necessary. The County Executive and the Clerk of the Council are hereby
28 authorized to take all necessary actions to adopt and record their facsimile signatures and
29 to execute all documents required for the sale of the bonds.

30 SECTION 12. UPDATES TO SUITLAND MIXED USE – TOWN CENTER
31 DEVELOPMENT PLAN. Be it further enacted that it is the mutual intent and

1 understanding of the District Council and the Planning Department of the Maryland-
2 National Park and Planning Commission that certain modifications to the Approved
3 Suitland Mixed Use - Town Center Development District Plan are needed during the
4 Fiscal Year 2016 to reflect certain Funding designations by the State and to take notice of
5 updated County development policies, including transit-oriented development priorities
6 for the area since approval of the Suitland MU-TC in 2006.

7 SECTION 13. PROJECT CHARGES AND PROGRAM SUPPORT. Any revenue
8 from Maryland-National Capital Park and Planning Commission (“M-NCPPC”) funds
9 used for project charges or program support of County programs shall be based on
10 quarterly invoices submitted by the County to M-NCPPC or such other methods as the
11 County and M-NCPPC shall mutually agree upon.

12 SECTION 14. COUNCIL AMENDMENT TO APPROVED ANNUAL BUDGET
13 OF COMMISSION. Pursuant to Section 18-108 of the Land Use Article, the County
14 Council is authorized to amend the Commission’s budgets by resolution, and the County
15 Council may exercise its authority to review, revise and amend the Commission’s FY
16 2016 approved work program and expenditures adopted pursuant to this Act. The County
17 Council expects that any revisions or amendments to the Commission’s FY2016
18 approved work program and expenditures adopted pursuant to this Act will be completed
19 within the first quarter of FY2016.

20 SECTION 15. COUNCIL AMENDMENT TO APPROVED CAPITAL
21 IMPROVEMENTS PROGRAM OF COMMISSION. Pursuant to Section 18-117(b)(2)
22 of the Land Use Article, the County Council is authorized to amend the Commission’s
23 capital program and budgets by resolution, and the County Council may exercise its
24 authority to review, revise and amend the Commission’s FY 2016 – FY 2021 approved
25 capital improvement program and the FY 2016 capital budget expenditures adopted
26 pursuant to this Act. The County Council expects that any revisions or amendments to the
27 Commission’s FY2016-FY2021 approved capital improvement program and the FY2016
28 capital budget expenditures adopted pursuant to this Act will be completed within the
29 first quarter of FY2016.

30 SECTION 16. SEVERABILITY. If the application of this Act or any section,
31 subsection, sentence, clause, phrase, or portion thereof, as it applies in any circumstances,

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

8 SECTION 17. EFFECTIVE DATE. This Act shall take effect July 1, 2015.

Adopted this 28th day of May, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Mel Franklin
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

VETOED:

DATE: June 8, 2015 BY: _____
Rushern L. Baker, III
County Executive

NOTE: Appendices A & B available in hard copy and as an Inclusion File in LIS

VETO OVERRIDDEN BY AN AFFIRMATIVE VOTE OF TWO THIRDS OF THE MEMBERS OF THE FULL COUNTY COUNCIL ON JUNE 9, 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Mel Franklin
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council