

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2016 Legislative Session

Bill No. CB-32-2016

Chapter No. 11

Proposed and Presented by Council Member Davis

Introduced by Council Members Davis, Turner, Glaros, Franklin and Taveras

Date of Introduction May 26, 2016

BILL

1 AN ACT concerning

2 Fiscal Year 2017 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, 2016, and ending June 30, 2017; 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 2017.

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, 2016, and incorporated in a document entitled "Proposed
22 Current Expense Budget Fiscal Year 2017", an authenticated copy of which is incorporated

1 herein by reference and made a part hereof as though it were set forth fully herein, is hereby
 2 authorized and appropriated for the several purposes specified in the proposed budget document
 3 under Function/Program/Agency/Activity, financial summary or function in the case of the
 4 Board of Education, to pay salaries, wages, fees and all other current expenses for the Prince
 5 George's Community College and for schools, institutions, departments, boards, commissions,
 6 committees, offices and agencies in and of the said County and for the Board of Education. The
 7 aforementioned budget is hereby adopted and approved, for the fiscal year beginning July 1,
 8 2016 and ending June 30, 2017.

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

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

- 16 a. Breakfast \$6.00
- 17 b. Lunch \$10.00
- 18 c. Dinner \$20.00
- 19 d. Conference meals are reimbursed at actual costs.
- 20 e. Mileage reimbursement for use of private vehicles for County business shall be
 21 \$0.36 per mile.

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

29 SECTION 4. CAPITAL IMPROVEMENT PROGRAM. Subject to and in accordance
 30 with the authority of the Charter of Prince George's County, the public general laws and public
 31 local laws of Maryland relating to budget procedures, the several capital improvement projects

1 and amounts specified thereto, contained in the capital program and the capital budget of Prince
2 George's County for the Prince George's Community College and for the various offices,
3 departments, boards, commissions, institutions, corporations and agencies, excluding the
4 Washington Suburban Sanitary Commission, as submitted by the County Executive to the
5 County Council on or before March 15, 2016, and subsequently amended by the County
6 Executive, and incorporated in a document entitled "Fiscal Years 2017 - 2022 Capital
7 Improvement Program - Fiscal Year 2017 Capital Budget", an authenticated copy of which is
8 incorporated herein by reference and made a part hereof as though it were fully set forth herein,
9 is hereby adopted and approved. The capital budget hereby adopted constitutes the total
10 appropriation for projects that are scheduled for implementation in Fiscal Year 2017 and those
11 projects previously authorized. Inclusion of any project in the Capital Improvement Program,
12 with all funding shown in the category "Beyond Six Years", shall mean that this project is not
13 "programmed" for the purpose of evaluating the adequacy of public facilities in accordance with
14 the subdivision regulations and the Zoning Ordinance. The County expects that certain costs of
15 the approved Capital Projects will be paid before the date of issuance of bonds (or other
16 obligations of the County to be issued after the date of adoption of this Act) from a source of
17 funds other than a County borrowing (each, a "Prior Expenditure" and collectively, the "Prior
18 Expenditures"). The County hereby declares, in accordance with Section 1.150-2 of the Income
19 Tax Regulations, its intention to use a portion of the proceeds of bonds (or other obligations of
20 the County to be issued after the date of adoption of this Act) to reimburse itself for Prior
21 Expenditures paid no earlier than 60 days before the date of adoption of this Act. In accordance
22 with Section 1.150-2 of the Income Tax Regulations, the maximum principal amount of
23 obligations expected to be issued for the approved Capital Projects is set forth in the respective
24 Funding Schedules in the Capital Improvement Program. The County recognizes that, under
25 Section 1.150-2 of the Income Tax Regulations, the use of proceeds of bonds to reimburse the
26 County for a Prior Expenditure (other than certain de minimis or preliminary expenditures
27 described in Section 1.150-2(f) of the Income Tax Regulations) generally will be permitted only
28 to the extent that: (i) the Prior Expenditure constitutes a capital expenditure for federal income
29 tax purposes; (ii) the Prior Expenditure was paid not earlier than 60 days before the date of
30 adoption of this Act; and (iii) the allocation of proceeds of the bonds to such reimbursement is
31 made not later than 18 months after the later of (a) the date the Prior Expenditure was paid, or

(b) the date the applicable approved Capital Project is placed in service or abandoned, but in no event more than three years after the Prior Expenditure was paid.

SECTION 5. COUNTY ENERGY TAX. Pursuant to Section 10-205.01, paragraph (i)(2) of the County Code, 2011 Edition, 2014 Supplement, as amended, the following Energy Tax Rates are established for energy bills rendered on or after July 1, 2016:

<u>TYPE OF ENERGY</u>	<u>RATE</u>
Electricity	\$0.009366 per Kilowatt Hour
Natural Gas	\$0.059196 per Therm
Fuel Oil	\$0.212812 per Gallon
Propane	\$0.419655 per Gallon

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

SECTION 7. EMERGENCY TRANSPORTATION FEE. Pursuant to Section 11-346 of the Prince George’s County Code, which requires that the fee for emergency transportation be established in the Annual Budget and Appropriation Ordinance and pursuant to Section 11-347 which requires that revenues from the fees imposed for emergency transportation by the County shall be used for operation and capital expenses related to emergency transportation, the following emergency transportation fees are hereby set for emergency transportation services rendered on or after July 1, 2016:

<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	\$5.00 per mile

SECTION 8. AMENDMENTS TO THE CURRENT EXPENSE BUDGET, THE CAPITAL PROGRAM, AND THE CAPITAL BUDGET. The proposed current expense

1 budget of Prince George's County and of the Board of Education, referred to above in Section 1
2 of this Act, and the Capital Improvement Program and Capital Budget referred to in Section 4
3 above, are hereby amended as set forth in Exhibits 1, 2, 3, and 4 attached hereto and made a part
4 hereof:

5 The amount of the revenue estimates in the current expense budget for all funds as
6 submitted by the County Executive as set forth in the Proposed Budget, Fiscal Year 2017 is
7 hereby set at the sum of \$3,712,441,900 in accordance with the revenue schedule on the ensuing
8 pages.

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PRINCE GEORGE'S COUNTY

FISCAL YEAR 2017

REVENUE

REVENUE ITEM	PROPOSED FY 2017	COUNCIL APPROVED FY 2017
PROPERTY TAXES	\$ 753,031,300	\$ 753,731,300
(Including Personal Property Taxes)		
BOARD of EDUCATION – Tax Increase	34,314,200	34,314,200
INCOME TAXES	584,867,300	591,492,100
TRANSFER & RECORDATION TAXES	150,798,200	150,798,200
OTHER LOCAL TAXES	131,152,900	131,152,900
STATE SHARED TAXES	3,731,500	3,731,500
LICENSES & PERMITS	42,473,300	44,434,300
USE OF MONEY & PROPERTY	4,791,900	4,974,400
CHARGES FOR SERVICES	41,656,800	41,831,800
INTERGOVERNMENTAL REVENUES	39,192,500	39,192,500
MISCELLANEOUS REVENUES	14,218,800	14,218,800
OTHER FINANCING SOURCES	1,111,600	111,600
BOARD OF EDUCATION AID	1,225,531,000	1,223,031,000
COMMUNITY COLLEGE AID	73,120,900	74,920,900
LIBRARY AID	<u>8,298,700</u>	<u>8,998,700</u>
TOTAL GENERAL FUND	\$ 3,108,290,900	\$ 3,116,934,200
INTERNAL SERVICE FUNDS	44,121,900	44,121,900
ENTERPRISE FUNDS	185,605,900	179,964,300
SPECIAL REVENUE FUNDS	164,899,900	164,899,900
GRANT PROGRAMS	<u>194,908,600</u>	<u>206,521,600</u>
TOTAL ALL FUNDS	<u>\$ 3,697,827,200</u>	<u>\$ 3,712,441,900</u>

1 The following amendments to the revenue estimates in the FY 2017 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 Property Taxes

6 Increase revenue by \$700,000 to reflect increased collections based on current year
7 experience as a result of adjustments made by the County Executive on May 26, 2016.

8 Income Taxes

9 Increase revenue by \$6,624,800 to reflect increased collections due to the growth in the
10 labor market and current year collections as a result of adjustments made by the County
11 Executive on May 26, 2016.

12 Licenses and Permits

13 Increase revenue by \$361,000 to reflect increased collections and activity as a result of
14 adjustments made by the County Executive on May 26, 2016.

15 Increase revenue by \$1,600,000 to reflect the use of Public Safety Surcharge revenue for
16 public safety purposes as a result of adjustments made by the County Executive on May 26,
17 2016.

18 Use of Money and Property

19 Increase revenue by \$182,500 to reflect increased collections based on current year
20 experience as a result of adjustments made by the County Executive on May 26, 2016.

21 Charges for Services

22 Increase revenue by \$175,000 to reflect increased Community Service program fees
23 collected by the Department of Corrections as a result of adjustments made by the County
24 Executive on May 26, 2016.

25 Other Financing Sources

26 Decrease revenue by \$1,000,000 to reflect a decrease in the use of fund balance for
27 Rosecroft grant funds that will be expended in Fiscal Year 2016 as a result of adjustments made
28 by the County Executive on May 26, 2016.

29 SUBTOTAL GENERAL FUNDS – (\$8,643,300)

30 ENTERPRISE FUNDS

31 Decrease revenue by \$2,162,500 in the Solid Waste Management Enterprise Fund to

1 reflect a decline in income generated through the sale of recyclables from the Material
 2 Recycling Facility and Western Composting Facility.

3 Decrease revenue by \$3,479,100 in the Solid Waste Management Enterprise Fund to
 4 reduce the fund balance appropriation as a result of adjustments made by the County Executive
 5 on May 26, 2016.

6 SUBTOTAL ENTERPRISE FUNDS – (-\$5,641,600)

7 GRANTS

8 Net increase in grant revenue by \$11,613,000 due to changes to the Office of Community
 9 Relations, Office of Central Services, Circuit Court, Police Department, Office of Homeland
 10 Security, Department of the Environment, Department of Family Services, Department of Social
 11 Services, Department of Public Works and Transportation, Department of Housing and
 12 Community Development, Office of the Sheriff and the Health Department.

13 SUBTOTAL GRANTS – (\$11,613,000)

14 TOTAL ALL FUNDS - (\$14,614,700)

15 SECTION 9. TRANSFER TAX. Pursuant to Section 10-187(e) of the Prince George's
 16 County Code, all transfer tax revenue collected by Prince George's County in Fiscal Year 2017
 17 shall be used for funding the Instructional Salaries, Instructional Materials and Related Costs,
 18 Special Education, and Fixed Charges Categories of the Board of Education approved Fiscal
 19 Year 2017 Budget.

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

24 SECTION 11. BE IT FURTHER ENACTED that, in accordance with Section 819 of the
 25 County Charter, the County Council has considered and hereby approves certain multi-year
 26 contracts for Fiscal Year 2017, attached hereto as Exhibit 7 and incorporated as if set forth fully
 27 herein, as follows:

28 A. Exhibit 7 contains an itemized listing of:

29 (1.) Personal service contracts exceeding an aggregate of One Hundred Thousand Dollars
 30 (\$100,000.00) per contractor and all other multiyear contracts with an aggregate of Five

31 Hundred Thousand Dollars (\$500,000.00), the nature of such transactions reasonably requires

1 the making of such contracts, by agency, vendor, services, term and amount; and

2 (2.) An itemized listing of multiyear contracts for which the County Council hereby approves
3 limited executory authority for the making of personal service contracts and multiyear contracts
4 for goods and services anticipated for execution in Fiscal Year 2017; authority for such
5 contracts is conditioned upon written submission of vendor, contract term, and final contract
6 award amount for each contract by the County Executive to the County Council.

7 SECTION 12. BE IT FURTHER ENACTED that it is the intent of the County Council in
8 enacting the Capital Improvement Program pertaining to the Watershed Implementation Plan
9 (WIP II) that the following conditions shall attach and apply to the project:

10 A. Department of Environmental Resources present plans require that 22% of the
11 stormwater retrofits utilize Environmental Site Design (ESD), pursuant to Chapter 5
12 of the 2009 Maryland Stormwater Manual and Subtitle 32 of the County Code, and
13 78% use conventional stormwater management retrofits.

14 B. It is the intention of the Council that the County must use these funds to implement
15 the proposed ESD first before either performing ESD or conventional retrofits, that
16 the Department of Environmental Resources continue to research and develop ways
17 to reduce the cost of ESD, initiate and complete an evaluation of the costs and
18 economic benefits of the two approaches and provide the Council with a report by
19 December 31, 2016.

20 SECTION 13. BE IT FURTHER ENACTED that the Fire Chief, the Chief of Police, and
21 the Director of Corrections shall provide reports to the County Council within 30 days of the
22 end of each month concerning the level of expenditures within the Fire/Emergency Medical
23 Services Department, the Police Department, and the Department of Corrections, respectively,
24 for overtime compensation, including paid time off in lieu of overtime compensation, and the
25 deviation from the amount authorized for the payment of overtime compensation in the adopted
26 budget, and that the Director of Management and Budget shall provide a report to the County
27 Council not later than January 30, 2017, of the level of expenditures for overtime compensation
28 for each agency and department as of December 31, 2016.

29 SECTION 14. BE IT FURTHER ENACTED that the Director of Management and
30 Budget and the Director of Finance shall provide reports to the County Executive and the
31 County Council within 15 days of the end of each bi-monthly period, beginning on September

1 30, 2016, for the months of July and August, concerning the level of revenues received and the
2 level of expenditures made or encumbered to determine whether the anticipated level of
3 revenues and expenditures that formed the basis for the adoption of this Annual Budget and
4 Appropriation Ordinance are being realized during the course of the fiscal year.

5 SECTION 15. BE IT FURTHER ENACTED that the Director of the Department of
6 Public Works and Transportation shall provide a report to the County Executive and the County
7 Council by September 30, 2016, concerning the status of the road resurfacing needs in the
8 County to assist the County Council in their development of a road resurfacing priority funding
9 list to be expended as provided in the Curb and Road Rehabilitation 2 (FD661021) capital
10 improvement program project; and such road resurfacing projects shall have a goal of at least
11 51% of those related jobs being held by County residents.

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

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

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

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

1 proposed listing of positions for the County Council, a copy of which is attached as Exhibit 5,
2 the County Council approves the number of positions contained in Exhibit 5 and Exhibit 6 for
3 Fiscal Year 2017.

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

13 SECTION 21. BE IT FURTHER ENACTED that the provisions of this Act are hereby
14 declared to be severable; and, in the event that any section, subsection, paragraph,
15 subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or
16 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall
17 not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs,
18 subsections, or sections of this Act, since the same would have been enacted without the
19 incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence,
20 subparagraph, subsection, or section.

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SECTION 22. EFFECTIVE DATE. This Act shall take effect on July 1, 2016.

Adopted this 26th day of May, 2016.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Derrick Leon Davis
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

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

Note: See Exhibits 1, 2, 3, 4, 4A, 4B, 5, 6, and 7