

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2020 Legislative Session

Reference No.: CR-100-2020

Draft No.: 2

Committee: COMMITTEE OF THE WHOLE

Date: 10/15/2020

Action: FAV(A)

REPORT:

Favorable as amended 8-3 (In Favor: Council Members Turner, Davis, Franklin, Glaros, Harrison, Hawkins, Streeter, Taveras) (Oppose: Walker, Dernoga, Ivy)

The Committee of the Whole met on October 15, 2020 to consider CR-100-2020, which had been held in committee on October 13, 2020. Staff gave an overview of the purpose of the Resolution. The Resolution will serve as the County Council's approval of a multi-year Memorandum of Understanding (MOU) accompanying the Resolution as an "Attachment A" between the County Council and County Executive (collectively referred to as the "County") along with the PGCPs to clearly allocate the County's and Prince George's County Public Schools' (PGCPs) roles, rights and responsibilities with respect to funding and oversight for the ACF for the design, construction, financing and maintenance of County Public Schools (Project).

Council Member Franklin had previously expressed concern that the Minority County Based Business (CBB) percentage of 20% of the Minority Business Enterprise (MBE) requirement of 30% was inadequate and proposed an amendment to CR-100 that conditioned approval of the MOU on the Developer being contractually required to spend at least 20% of the Total Contract Value of the Project with County-based Minority Business Enterprises and at least 30% of the Total Contract Value of the Project with Minority Business Enterprises, as defined in Subtitle 10A of the Prince George's County Code. Mr. Franklin was satisfied upon receiving correspondence from the vendor as to their level of commitment to local minority participation. Mr. Franklin subsequently requested that the correspondence be entered into the legislative record. His requested was allowed.

Mr. Sean Dixon from the Office of Law, the drafter of the Resolution, explained

that the provision allowing the County Executive to unilaterally modify the language of the MOU will be removed.

The County Council voted 8-3 to approve CR-100-2020 as amended. Aye: Turner, Hawkins, Harrison, Davis, Franklin, Glaros, Taveras, Streeter. Nay: Anderson-Walker, Ivey, Dernoga.

REPORT: COMMITTEE OF THE WHOLE - 10/13/2020

Vote: Held in Committee 11-0 (In Favor: Council Members Turner, Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivy, Streeter, Taveras)

The Committee of the Whole met on October 13, 2020 to receive a briefing from Prince George's County Public Schools (PGCPS) on the PGCPS Public-Private Partnership (also known as the "Alternative Construction Financing for Public Schools" or "ACF") and to consider CR-100-2020. Staff gave an overview of the purpose of the Resolution. The Resolution will serve as the County Council's approval of a multi-year Memorandum of Understanding (MOU) accompanying the Resolution as an "Attachment A" between the County Council and County Executive (collectively referred to as the "County") along with the PGCPS to clearly allocate the County's and Prince George's County Public Schools' (PGCPS) roles, rights and responsibilities with respect to funding and oversight for the ACF for the design, construction, financing and maintenance of County Public Schools (Project).

PGCPS proceeded to provide a status update on the selection of the vendor to perform the services required under the ACF and the historical and chronological overview of events that preceded the selection.

Council Member Dernoga brought up his concern that the chair of the County Council's role in the MOU may border on unconstitutionality without an express delegation of power from the full Council. The Legislative Officer reminded Mr. Dernoga that Section 2.1(c) of the Council Rules allow for the Chair to engage in administrative matters on behalf of the Council provided they have approval of the majority of the Council.

Council Member Franklin expressed concern that the Minority County Based Business (CBB) percentage of 20% of the Minority Business Enterprise (MBE) requirement of 30% was inadequate and proposed an amendment to CR-100 that

conditioned approval of the MOU on the Developer being contractually required to spend at least 20% of the Total Contract Value of the Project with County-based Minority Business Enterprises and at least 30% of the Total Contract Value of the Project with Minority Business Enterprises, as defined in Subtitle 10A of the Prince George's County Code. The discussion continued with the result of the proposed amendment never being voted upon.

Mr. Sean Dixon from the Office of Law, the drafter of the Resolution, explained That the provision allowing the County Executive to unilaterally modify the language of the MOU was limited to non-substantive changes to allow for finalization of the MOU. The Legislative Officer expressed concern with this provision in the Resolution.

The County Council voted 11-0 to hold CR-100-2020 in Committee.