

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2002 Legislative Session

Bill No. CB-68-2002

Chapter No. 47

Proposed and Presented by Council Member Shapiro

Introduced by Council Members Shapiro, Wilson, Scott and Bailey

Co-Sponsors _____

Date of Introduction July 9, 2002

CHARTER AMENDMENT

1 AN ACT concerning

2 Sections 313, 323, 602, 603, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813,
3 814, 815, 816, 817A, 817B, 817C, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, and 828,

4 Charter of Prince George's County

5 For the purpose of proposing amendments to Sections 313, 323, 602, 603, 801, 802, 803, 804,
6 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817A, 817B, 817C, 818, 819, 820,
7 821, 822, 823, 824, 825, 826, 827, and 828 of the Charter of Prince George's County to revise the
8 duties of the County Auditor and the Purchasing Agent; to amend certain procedures relating to
9 competitive bidding; to remove specific references regarding the Office of Budget and the Office
10 of Finance; to amend and delete certain procedures relating to the formation and adoption of the
11 County budget; and to renumber and make conforming amendments to certain retained sections.

12 BY proposing amendments to:

13 Sections 313, 323, 602, 603, 801, 802, 803, 804,
14 805, 806, 807, 808, 809, 810, 811, 812, 813,
15 814, 815, 816, 817A, 817B, 817C, 818, 819,
16 820, 821, 822, 823, 824, 825, 826, 827, and 828,
17 Charter of Prince George's County, Maryland.

18 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
19 Maryland, , that the following amendments to Sections 313, 323, 602, 603, 801, 802, 803, 804,
20 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817A, 817B, 817C, 818, 819, 820,
21 821, 822, 823, 824, 825, 826, 827, and 828, Charter of Prince George's County, Maryland, are

1 hereby proposed:

2 **Section 313. Office of Audits and Investigations.**

3 There shall be an Office of Audits and Investigations, under the supervision and direction
4 of a County Auditor who shall be appointed by the Council. The County Auditor shall serve at
5 the pleasure of the Council and shall receive such compensation as the Council may determine.
6 The Auditor shall, not later than six months after the close of each fiscal year, prepare and
7 submit to the Council and to the County Executive a complete financial audit for the preceding
8 fiscal year of all agencies that receive or disburse County funds. Upon recommendation by the
9 Auditor that a State audit in a given year is adequate, the Council may, by resolution, exempt
10 from County audit an agency whose entire records, accounts, and affairs are completely audited
11 each year by or with the approval of the State of Maryland or an independent audit by a qualified
12 independent certified public accountant. Any such resolution of exemption from audit shall be
13 limited to a period of not more than one year. In addition to the annual audit, either the Council
14 or the County Executive may at any time order a special audit of the accounts of any agency
15 receiving or disbursing County funds, and upon the death, resignation, removal or expiration of
16 the term of any County administrative officer, the Auditor shall cause a special audit to be made
17 of the accounts maintained by the officer, and by his agency. If, as a result of any audit, an
18 officer shall be found to be indebted to the County, the County Executive shall proceed forthwith
19 to collect the indebtedness. In the event that the County Executive shall be found to be indebted
20 to the County, the Council shall proceed forthwith to collect the indebtedness. The Auditor is
21 also empowered to conduct [performance] necessary audits of any agency which is the recipient
22 of funds appropriated or approved by the Council whenever he deems it appropriate[,and he is
23 hereby directed to conduct a performance audit of each agency at least once every four years].
24 Any audit, including performance audits, special audits, and state audits which form the basis for
25 an exemption by the Council from a County audit, shall be published in suitable form and made
26 available to the public at reasonable hours at the Office of Audits and Investigations. All records
27 and files pertaining to the receipt and expenditure of County funds by all officers, agents, and
28 employees of the County and all agencies thereof, shall at all times be open to the inspection of
29 the County Auditor. The Auditor shall promptly call to the attention of the Council and the
30 County Executive any irregularity or improper procedure which he may discover. The Council
31 shall have the power to implement the provisions of this section and to assign additional

functions, duties, and personnel to the County Auditor.

Section 323. Powers and Duties of the Council.

The Council shall refer to a referendum of the voters of the County, at the ensuing regular congressional primary or general election, any act enabling the County to borrow money to finance capital projects, and any act or resolution pledging the full faith and credit of the County or any other guarantee by the County for any bonds to be issued by or for the benefit of any state or bicounty agency or district except for school construction bonds or obligations. Each such enabling act shall describe, sufficiently for purposes of identification, the specific capital project or projects to be financed by the borrowing authorized by said act, and shall authorize borrowing only for either a single capital project or for a number of capital projects of the same generic class. Unless the act or resolution so referred is approved by a majority of the voters at the referendum, the Council shall have no power to enact an authorizing ordinance pursuant to Section [827] 823 of the Charter to carry into effect the terms of the act or resolution so referred and shall have no power to pledge the full faith and credit of the County or any other guarantee of the County for bonds to be issued by or for the benefit of any state or bicounty agency or district. Any ordinance authorizing the issuance of bonds pursuant to Section [827] 823 of the Charter shall be referred to referendum of the voters as provided in this subsection and shall not be effective unless approved by a majority of the voters, if such authorization is for the purpose of providing for borrowing to finance a capital project authorized by any law enacted prior to the effective date of this amendment which law has not been approved at referendum.

Section 602. Duties of the County Purchasing Agent.

The duties of the County Purchasing Agent shall include responsibility for: (1) the making of all purchases and the contracting for all public work and services for which payment is to be made out of County funds; (2) [the development and operation of a system of property inventory and stores control in accordance with procedures established by the Director of Finance; (3)] the establishment, after consultation with the appropriate County officials, of specifications and standards for all supplies, materials and equipment, and the inspection of all deliveries to insure compliance with such specifications and standards; [(4)] (3) the establishment and maintenance of a system of requisitions and receipts covering the furnishing of supplies, materials, and equipment to the various using agencies; [(5)] (4) the preparation for legislative action thereon by the Council of reasonable rules and regulations governing emergency purchases, contracts,

1 and services or material and equipment of an unusual or noncompetitive nature which shall not
 2 be subject to competitive bidding; [(6)] (5) the sale or other disposition of surplus, old, and waste
 3 supplies, materials, and equipment or the transfer of same between using agencies; and [(7)] (6)
 4 the conduct of programs involving joint or cooperative purchasing with other public
 5 jurisdictions.

6 **Section 603. Competitive Bidding.**

7 Any single purchase or contract under the jurisdiction of the County Purchasing Agent and
 8 involving an expenditure in excess of such amount(s) as may be established by legislative act of
 9 the County Council, except emergency purchases and those involving services or material and
 10 equipment of a noncompetitive nature as may be defined and governed by the rules and
 11 regulations mentioned in Section 602 of this Charter, shall be made from or let by sealed bids or
 12 proposals publicly opened after public notice for such period and in such manner as the County
 13 Purchasing Agent or his authorized deputy shall determine. Such purchases and contracts shall
 14 be made from or awarded to [the lowest responsible bidder who shall give security or bond for
 15 the performance of his contract as determined by the County Purchasing Agent or his deputy.]
 16 the responsive and responsible bid that is most favorable to the County with respect to technical
 17 requirements and costs. A security or bond for the performance of work as determined by the
 18 County's Purchasing Agent may be required for purchases and contracts. No such purchase or
 19 contract shall be made or awarded within a period of one week from the date of the public
 20 opening of bids. In all cases, the County shall reserve the right to reject any and all bids. No
 21 contract or purchase shall be subdivided to avoid the requirements of this section. Anything to
 22 the contrary of this Section 603 notwithstanding, the Council may authorize the County
 23 Purchasing Agent to negotiate extensions of existing contracts for garbage and refuse collection,
 24 without competitive bidding, upon such terms and for such duration as the Council may by law
 25 prescribe; provided, however, that any such law shall require the County Purchasing Agent to
 26 poll the residents of the service area covered by a collection contract, and shall provide that the
 27 County Purchasing Agent not conclude any agreement for an extension unless a certain number
 28 of the residents of the service area, as prescribed by the Council, indicate their concurrence in the
 29 extension.

1 **[Section 801. Office of Finance.]**

2 [There shall be an Office of Finance headed by a Director of Finance. The Director of
3 Finance shall be responsible to the County Executive for the administration of the fiscal policies
4 and procedures established by this Charter or by law.]

5 **[Section 802. Office of Budget.]**

6 [There shall be an Office of Budget headed by a Director of the Budget. The Director of
7 the Budget shall be responsible to the County Executive for assisting in the preparation of the
8 annual current expense and capital budgets of the County and advising upon any request for
9 County funds and upon revenue needs. He shall review and recommend upon allotment
10 requests. He shall study budget execution and the efficiency of organization, methods, and
11 procedures and prepare reports thereon. He shall have such other duties and responsibilities as
12 may be required by law.]

13 **Section [803] 801. Fiscal Year and Tax Year.**

14 The fiscal or budget year and the tax year of the County shall [begin on the first day of July
15 and shall end on the thirtieth day of June of the succeeding year] be as established by County or
16 State law. If the fiscal or budget year or the tax year is established by law as beginning on any
17 day other than the first day of July, then all related references to dates in this Charter shall be
18 adjusted accordingly.

19 **Section [804] 802. Definition of Terms Used in this Article.**

20 [(a)] (e) The term "County government" shall include all agencies and their officers,
21 agents, and who receive or disburse County funds.

22 [(b)] (d) The term "County funds" shall mean any monies received by the County or
23 appropriated or by the Council or to which the County may at any time have legal or equitable
24 title.

25 (c) The term "capital project" shall mean:

- 26 (1) Any physical public betterment or improvement;
- 27 (2) The acquisition of property of a permanent nature for public use; and
- 28 (3) The purchase of equipment for any public betterment or improvement when first
29 constructed.

30 [(d)] (a) The term "capital budget" shall mean the plan of the County to receive and expend
31 funds for projects scheduled to begin during the first fiscal year included in the capital program.

1 [(e)] (b) The term "capital program" shall mean the plan of the County to receive and
 2 expend funds capital projects during the fiscal year covered by the capital budget and the next
 3 five fiscal years thereafter.

4 [(f)] (g) The term "[current expense] operating budget" shall mean the plan of the County
 5 to receive and funds for charges incurred for operation, maintenance, interest, and other charges
 6 for the ensuing fiscal year.

7 [(g)] (f) The term "general classification of expenditure" shall mean, with respect to the
 8 general fund, compensation, [other current expense] operating expense, [and] capital outlay, and
 9 recoveries for each agency and subagency unit thereof; total debt service costs; and each item
 10 falling within other nonagency expenditure categories; and with respect to all other funds, the
 11 total for each fund.

12 (h) The term "recovery" shall mean the classification used to account for reimbursement of
 13 expenditures incurred by an agency or fund for services it provides to another agency or fund.

14 (i) The term "revenue" shall mean all the funds that the County receives in a fiscal year,
 15 including tax payments, fees for specific services, receipts from other governments, fines,
 16 forfeitures, shared revenues, interest income, and transfers from other funds.

17 **Section [805] 803. Comprehensive Scope of Budget.**

18 * * * * * * * *

19 **[Section 806. Formulation of Capital Budget and Capital Program.]**

20 [Not later than October 1 of each fiscal year, each agency which receives or disburses
 21 County funds shall submit to the County Executive an itemized list of the capital projects which
 22 each agency proposes to undertake in the ensuing fiscal year and the next succeeding five fiscal
 23 years thereafter. The County Executive may amend the capital budget and capital program
 24 proposals and shall cause to be prepared the County budget as set forth in Section 808, 809, and
 25 810 of this Charter. The County Executive may not amend the capital budget and capital
 26 program proposals in violation of obligations imposed by law or by contract.]

27 **[Section 807. Formulation of Current Expense Budget.]**

28 [Not later than March 1 of each fiscal year, the head of each agency which receives or
 29 disburses County funds shall furnish to the County Executive annual work programs setting forth
 30 the nature, volume, cost and other factors concerning the work to be performed and the estimates
 31 of the revenues and expenditures of their several operations for the ensuing fiscal year.

Estimated revenues shall be detailed as to source, and estimated expenditures as to program or project. All such estimates shall be submitted in such form and with such other supporting data as the County Executive may request. The County Executive may amend the budget proposals, except for the budget request of the Legislative Branch, and shall cause to be prepared the County budget as set forth in Sections 808, 809, and 810 of this Charter.]

Section [808] 805. Contents of the Capital Budget and Capital Program.

* * * * *

Section [809] 806. Contents of the [Current Expense] Operating Budget.

The proposed [current expense] operating budget shall contain the following information:

(1) a statement of all revenue estimated to be received by the County during the ensuing fiscal year, classified so as to show the receipts by funds and sources of income; (2) a statement of debt service requirements for the ensuing fiscal year; (3) a statement of the estimated surplus if any, available for expenditure during the ensuing fiscal year, and any estimated deficit in any fund required to be made up in the ensuing fiscal year; (3.1) the proposed expenditures of the Legislative Branch as submitted by the Council; (4) an estimate of the [several amounts] expenditures which the County Executive deems necessary for conducting the business of the County to be financed from and not to exceed estimated revenue for the ensuing fiscal year; (5) a statement of the bonded and other indebtedness of the County government and its agencies, including self-liquidating and special taxing district debt and contingent liabilities; (6) a statement of the proposed contingency reserves, subject to appropriation only in accordance with Section [820] 816 of this Charter, which shall equal [one per centum in Fiscal Year 1994, two per centum in Fiscal Year 1995, and thereafter three] five per centum of the general fund, provided, however, that if an emergency results in a depletion of the reserve by more than [sixty] thirty per centum, the reserve deficit [shall] may be refunded within the next two fiscal years; (7) a comparative statement of the [estimated revenues,] actual revenues [, amounts budgeted,] and [actual] expenditures for the last completed fiscal year; the budgeted and estimated revenues and expenditures for the currently ending fiscal year; and the projected revenues and expenditures recommended by the Executive for the ensuing fiscal year [for each project or program, including each Federal or State-aided program, which shall be presented by fund, classified by agency, nonagency categories, and grouped therein according to general classification of expenditures]; and (8) any other material which the County Executive may deem advisable or the

Council may require by resolution.

Section [810] 807. Contents of the Budget Message.

The budget message shall contain supporting summary tables and shall explain the proposed [current expense] operating budget and capital program both in fiscal terms and in terms of work to be done. It shall outline the proposed financial policies of the County for the ensuing fiscal year and describe the important features of the [current expense] operating budget. It shall indicate any major changes in fiscal policies and in expenditures, appropriations, and revenues as compared with the fiscal year currently ending and shall set forth the reasons for such changes.

Section [811] 804. Public Hearings by County Executive and Submission of the County Budget.

The County Executive shall hold [two] one or more advertised public hearings on the proposed budget prior to submission to the Council. [The first hearing shall be during the last two weeks in January for the purpose of receiving public comments on proposed budgetary policies and programs. The second public hearing shall be held within ten (10) days after the proposed County budget is published, but no later than April 10 of each fiscal year.] Not later than March 31 of each fiscal year, the County Executive shall submit to the Council the proposed County budget for the ensuing fiscal year.

Section [812] 808. Filing of Proposed Budget, Copies.

* * * * *

Section [813] 809. Public Budget Hearings and Action on the Budget by the Council .

Upon receipt of the proposed County budget, the Clerk of the Council shall cause to be published a notice of the place and time of at least two public hearings on the budget by the Council. Such public notice shall be published in the County newspapers of record. [Such hearings shall commence not earlier than April 20 and not later than May 10 of each fiscal year.] The Council may hold such other preliminary hearings on the budget for the purpose of obtaining information as it may determine, but no action shall be taken by the Council on the budget except in public session [and after the public budget hearings prescribed in this Section]. After the final public budget hearing, the Council may not add new items but may increase, decrease, or delete any items in the budget except those required by the laws of this state or of this County, and except any provisions for debt service on obligations then outstanding or for

1 estimated cash deficits. The Council shall have no power to change the form of the budget as
 2 submitted by the Executive or to alter the revenue estimates except to correct mathematical
 3 errors. The adoption of the operating budget, the capital budget and the capital program shall be
 4 by the affirmative vote of not less than a majority of the full Council by a law to be known as the
 5 Annual Budget and Appropriation Ordinance of Prince George's County. The Annual Budget
 6 and Appropriation Ordinance shall be adopted by the Council on or before June 1 of each fiscal
 7 year, and if the Council fails to do so, the proposed operating budget submitted by the County
 8 Executive shall stand adopted, and funds for the expenditures proposed in the current expense
 9 budget shall stand appropriated as fully and to the same extent as if favorable action thereon had
 10 been taken by the Council.

11 **[Section 814. Action on the Budget by the Council.]**

12 [After the public budget hearing, the Council may not add new items but may increase,
 13 decrease, or delete any items in the budget except those required by the laws of this state or of
 14 this County, and except any provisions for debt service on obligations then outstanding or for
 15 estimated cash deficits. The Council shall have no power to change the form of the budget as
 16 submitted by the Executive or to alter the revenue estimates except to correct mathematical
 17 errors. The adoption of the current expense budget, the capital budget and the capital program
 18 shall be by the affirmative vote of not less than a majority of the full Council by a law to be
 19 known as the Annual Budget and Appropriation Ordinance of Prince George's County. Any
 20 borrowing to finance capital projects must be authorized by an existing law of the General
 21 Assembly of Maryland or by a law of the Council adopted in accordance with this Charter. The
 22 Council may adopt from time to time bond issue authorization ordinances pursuant to an
 23 enabling law or laws then in force and in effect to provide the means of financing such capital
 24 projects as are to be financed from borrowing. The Annual Budget and Appropriation Ordinance
 25 shall be adopted by the Council on or before June 1 of each fiscal year, and if the Council fails to
 26 do so, the proposed current expense budget submitted by the County Executive shall stand
 27 adopted, and funds for the expenditures proposed in the current expense budget shall stand
 28 appropriated as fully and to the same extent as if favorable action thereon had been taken by the
 29 Council.]

30 **Section [815] 810. [Reproduction] Public Availability of the Budget.**

31 The budget as adopted shall be [reproduced and] made available to the public upon request.

1 **[Section 816. Effective Date of the Budget.]**

2 [The adopted budget shall take effect on the first day of the fiscal year to which it applies.]

3 **Section [817A] 811. Tax Levy and Balanced Budget.**

4 When the County budget shall have been finally adopted in the Annual Budget and
 5 Appropriations Ordinance, the Council shall thereupon by separate resolution levy and cause to
 6 be raised the amount of taxes required by the budget in the manner provided by law so that the
 7 budget shall be balanced as to proposed income and expenditures. [The Council shall have no
 8 power to levy any tax not required by State law for the support of any agency which has failed to
 9 comply with the provisions of Sections 806 and 807 of this Charter concerning the formulation
 10 of the capital budget, the capital program, and the current expense budget.]

11 **Section [817B] 812. Tax Rate Limitation.**

12 (a) (1) Except as provided in this Section [817B] 812, the Council shall not levy a real
 13 property tax which would result in a total collection of real property taxes greater than the
 14 amount collected in fiscal year 1979;

15 (2) The Council may levy a real property tax which would result in a total collection
 16 of real property taxes greater than the amount collected in fiscal year 1979 if the real property tax
 17 rate does not exceed Two Dollars and forty cents (\$2.40) for each One Hundred Dollars
 18 (\$100.00) of assessed value.

19 (b) In the event that any annual collection of real property taxes exceeds the limits set forth
 20 in this section as estimated in the annual budget projections, said excess shall be placed in the
 21 contingency fund, and, if not used during the current fiscal year, said excess will be included in
 22 the budget estimate for real property taxes in the following fiscal year.

23 (c) In the event the County Council shall establish, pursuant to proper authority, any
 24 separate class of residential real property tax, then, and in that event, all other classes of real
 25 property taxes would be exempt from this section, and the total real property taxes on residential
 26 real property shall not exceed the total amount of taxes collected on residential real property in
 27 fiscal year 1979.

28 (d) In accordance with the provisions of Section 9-105 of the Tax-Property Article of the
 29 Annotated Code of Maryland, on or before January 1 of each year, the County Council shall set,
 30 by law, the homestead credit percentage for the taxable year beginning the following July 1. The
 31 homestead credit percentage shall be no greater than 100% plus the percentage of increase in the

1 Consumer Price Index for the previous twelve months, rounded to the nearest whole number, but
2 not more than 105%.

3 **Section [817C] 813. Approval of New or Additional Taxes by Referendum.**

4 (a) Notwithstanding the provisions of Section 319 of this Charter, the County Council
5 shall refer to a referendum of the qualified voters of the County, at the ensuing regular general
6 election for members of the House of Representatives of the United States, any ordinance or
7 resolution levying or charging the amount of any tax or fee in excess of the amount levied or
8 charged in the preceding fiscal year. Each such ordinance or resolution shall be subject to a
9 separate ballot question at the referendum. Any ordinance or resolution adopted by the County
10 Council levying or charging any tax or fee which is required to be referred to referendum as
11 provided in this Section shall contain a separate levy or charge in an amount equal to the amount
12 of any tax or fee levied or charged in the preceding fiscal year. Such separate levy or charge
13 shall be effective on the date provided in the ordinance or resolution approving it. Any increase
14 in the amount of any tax or fee over and above the amount levied or charged in the preceding
15 fiscal year shall be of no force or effect unless approved by a simple majority of voters voting on
16 the ballot question at the referendum. Upon the approval of such ordinance or resolution by a
17 simple majority of voters voting on the ballot question at the referendum, such ordinance or
18 resolution shall take effect immediately.

19 (b) The County Executive and the County Council shall inform the general public through
20 public hearings, government media and public print and telecommunication media of the
21 County's intention to levy or charge a tax or fee in excess of the amount levied or charged in the
22 preceding fiscal year, its projected fiscal impact upon taxpayers, and its intended purpose. The
23 County Executive shall budget, and the County Council shall appropriate, the revenue necessary
24 to permit such

25 (2) The amount of such tax or fee during the preceding fiscal year;

26 (3) The amount of any proposed increase; and

27 (4) The purpose for which such additional tax or fee is being levied or charged.

28 (d) (1) Fees relating to licenses and permits for the following shall be exempt from the
29 requirements of this Section: street privileges, liquor, traders, hawkers and peddlers, refuse,
30 taxicabs, solicitors, marriage, dance, bondsmen, animal registration, mechanics, electrical,
31 building and grading, boiler, apartments, single family rental, sign, utility, towing facilities,

1 heating and air conditioning repair, TV/radio repair facilities, palmists, burglar alarms, benefit
 2 performance and casino, sediment control, contractor board of registration, health, and
 3 secondhand dealers.

4 (2) Fees relating to charges for services for the following shall be exempt from the
 5 requirements of this Section: Sheriff's Department, Zoning Appeals Board, tax collection
 6 service, Driving While Intoxicated ("DWI"), inmate commissions, health, appearance and
 7 witness, advance life support transport, tax sale cost recoveries, housing--state prisoners,
 8 housing--federal prisoners, contractual police services, boiler inspection, DWI work release,
 9 County sales, animal control, mosquito control, Circuit Court marriage ceremonies, State's
 10 Attorney incentive payments, casino night levies, cable franchises, and local 911.

11 (e) This Section shall not be construed to amend or otherwise modify Section [817B] 812
 12 hereof.

13 **Section [818] 814. Transfer of Appropriations.**

14 Transfers of appropriations between general classifications of expenditures in the current
 15 expense budget within the same agency and within the same fund may be authorized by the
 16 County Executive. Transfers between agencies of the County government and within the same
 17 fund of the current expense budget may be made [only during the last quarter of the fiscal year
 18 and then only] on the recommendation of the County Executive and with the approval of the
 19 Council. Interproject transfers of appropriations between capital projects in the capital budget
 20 may be authorized by legislative act of the Council upon request of the County Executive, but no
 21 new project shall be created nor any abandoned except in accordance with Section 818 and
 22 Section [824] 820 of this Charter. Nothing contained herein shall be construed to prevent the
 23 Council, upon request of the County Executive, from providing by law for interfund cash
 24 borrowings to meet temporary cash requirements nor to prevent reimbursements among funds for
 25 services rendered.

26 **Section [819] 815. Supplementary Appropriations.**

27 During any fiscal year, the Council, upon recommendation of the County Executive, may,
 28 by resolution, make additional or supplementary appropriations from unexpended and
 29 unencumbered funds set aside for contingencies in the County budget, and from federal, state or
 30 private grants which were not included in the budget for the current fiscal year, and may, by
 31 Legislative Act, make additional or supplementary appropriations from revenue received from

1 anticipated sources but in excess of budget estimates therefor, from revenues received from
 2 sources not anticipated in the budget for the current fiscal year and from any prior year available
 3 and uncommitted fund balance. [The Director of Finance shall first certify in writing that such
 4 funds are available for such appropriation and no supplemental appropriation shall exceed the
 5 amount of the funds so certified.]

6 **Section [820] 816. Emergency Appropriations.**

7 To meet a public emergency, which constitutes a sudden, unexpected or unforeseen
 8 condition or occurrence, creating an imminent hazard to life, health or property and requiring an
 9 immediate action, the Council may, by resolution approved by a two thirds affirmative vote of
 10 the full County Council and upon the recommendation of the County Executive, make
 11 emergency appropriations from contingent funds, from revenue received from anticipated
 12 sources but in excess of the budget estimates therefore, from revenues received from sources not
 13 anticipated in the budget for the current fiscal year, or from any prior year available and
 14 uncommitted fund balance. To the extent that there may be no available unappropriated
 15 revenues to meet such emergency appropriations, the Council may, by legislative act approved
 16 by a two-thirds affirmative vote of the full County Council, authorize the issuance of emergency
 17 notes which may be renewed from time to time. Such notes and renewals shall be paid not later
 18 than the last day of the fiscal year next succeeding that in which the emergency appropriation
 19 was made. [The total of emergency appropriations in any fiscal year shall not exceed five per
 20 centum of all appropriations made in the budget for such year.]

21 **Section [821] 818. Lapsed Appropriations.**

22 Unless otherwise provided by law, all unexpended and unencumbered appropriations in the
 23 [current expense] operating budget remaining at the end of the fiscal year shall lapse into the
 24 County treasury. No appropriation for a capital project in the capital budget shall lapse until the
 25 purpose for which the appropriation was made shall have been accomplished or abandoned;
 26 provided that any capital project shall stand abandoned if three fiscal years elapse without any
 27 expenditure from or encumbrance of the appropriation made therefor. The balances remaining to
 28 the credit of the completed or abandoned capital projects shall be available for appropriation in
 29 subsequent capital budgets

30 **Section [822] 817. [Work Programs and Allotments] Appropriation Reduction.**

31 [After the adoption of the budget, the head of each agency of the County government, with

the exception of the Legislative Branch, shall submit a work program to the County Executive and Council if so required by the County Executive. Such program shall include all appropriations included in the current expense and capital budgets for construction, operation, maintenance, and purchasing of equipment and shall show the requested allotments of appropriations for such agency by fiscal periods within the fiscal year. The aggregate of such allotments shall not exceed the total appropriation available to such agency for the fiscal year. A copy of the allotment as finally approved by the County Executive shall be filed with the Council upon request and with the Director of Finance. The Director of Finance shall approve all expenditures for the various agencies of the County government to be made from the appropriations on the basis of the allotments and not otherwise.] If at any time during the fiscal year, the County Executive shall ascertain that the available [income, plus unexpended balances,] revenue for the year may be less than the total appropriations, he shall reconsider the [work programs and allotments of such] appropriations for all agencies, and [shall] may revise them so as to forestall expenditures in excess of the income and fund balances. Any [work program and allotments] reduction in appropriations of the Legislative Branch shall be reviewed and approved by the Council, and a copy transmitted to the County Executive.

Section [823] 819. Appropriation Control and Certification of Funds.

No agency of the County government shall during any fiscal year expend, or contract to expend, any money or incur any liability, or enter into any contract which, by its terms, involves the expenditure of money for any purpose in excess of the amounts appropriated [or allotted] in the budget for such fiscal year, or in any supplemental appropriation as herein provided; and no such payment shall be made nor any obligation or liability incurred, except for purchases in an amount to be fixed by legislative act, unless [the Director of Finance or his designee shall first certify that the] funds for the designated purpose are available. If any officer, agent or employee of the County government shall knowingly violate this provision, he shall be personally liable and such action shall be cause, after public hearing, for his removal from office by the County Executive or by majority vote of the Council, notwithstanding the provisions of Article IX of this Charter. Nothing in this Charter shall prevent the making of contracts providing for the payment of funds at a time beyond the fiscal year in which such contracts are made, provided the nature of such transactions reasonably requires the making of such contracts. Any contract, lease, or other obligation requiring the payment of funds from the appropriations of a later fiscal year shall be

made or approved by legislative act. No contract for the purchase of real [or lease-hold] property shall be made unless the funds therefor are included in the capital budget.

Section [824] 820. Restrictions on Capital Projects: Amendment to Capital Budget after Adoption of Budget.

No obligations of the County shall be authorized in any fiscal year for or on account of any capital project not included in the County budget as finally adopted for such year; provided that upon receipt of a recommendation in writing from the County Executive, the Council may, after public hearing and with the affirmative vote of two-thirds of its members, amend the County budget in accordance with such recommendation [without increasing the total amount of appropriations therefor].

Section [825] 821. Composition and Limitation upon County Funds.

* * * * *

Section [826] 822. Form and Term of Bonds.

All general obligation bonds shall be in serial form and payable as consecutively numbered, in annual installments, the first of which shall be payable not more than two years from the day of issue. Bonds shall be properly authenticated. [Bonds may be registerable or nonregisterable as to principal or interest. All interest coupons transferable by delivery shall be attached to the bonds and shall be properly authenticated.] All bonds shall be made payable within the probable useful life of the improvement or undertaking with respect to which they are to be issued, or, if the bonds are to be issued for several improvements or undertakings, then within the average probable useful life of all such improvements or undertakings. [In the case of a bond issue for improvements or undertakings having different probable useful lives, the Council shall determine the average of said lives, taking into consideration the amount of bonds to be issued on account of each such improvement or undertaking, and the period so determined shall be the average period of useful life. The determination of the Council as to the probable useful life of any such improvement or undertaking shall be conclusive.] No bonds shall mature and be payable more than [thirty] forty years after their date of issuance.

Section [827] 823. Contents of Bond Issue Authorization Ordinances.

Any borrowing to finance capital projects must be authorized by an existing law of the General Assembly of Maryland or by a law of the Council adopted in accordance with this Charter. The Council may adopt from time to time bond issue authorization ordinances pursuant

1 to an enabling law or laws then in force and in effect to provide the means of financing such
2 capital projects as are to be financed from borrowing. Each Bond Issue Authorization Ordinance
3 [as referred to in Section 814 of this Charter] shall include a statement of the purpose or purposes
4 of the issue, and if the purpose is to finance one or more capital projects, it shall describe each of
5 them sufficiently for purposes of identification, but no capital project shall be included unless the
6 amount included therein shall be deemed sufficient to complete at least a usable portion of such
7 project. The Ordinance shall estimate the cost of the project or projects and the portion thereof
8 to be defrayed from sources, specifically named, other than the proposed bond issues. The
9 Ordinance shall also include the amount of the proposed issue; a statement showing that the
10 proposed issue is within the legal limitation on the indebtedness of the County; the probable
11 useful life of the project or average probable useful life of the projects to be financed; a
12 statement of the tax or other revenues of the County pledged to the payment of the principal of,
13 and interest on, the bonds; and that the full faith and credit of the County are pledged to such
14 payments. [The Ordinance shall also recite the procedure for the public sale of the proposed
15 issue and shall contain such other matters relating to the authorization, issuance or sale of the
16 issue, as the Council shall deem desirable.]

17 **Section [828] 824. Furthering Legislation.**

18 * * * * *

19 SECTION 2. BE IT FURTHER ENACTED that a copy of this Act be transmitted to the
20 County Executive for publication and that a copy also be transmitted to the Board of Supervisors
21 of Elections for submission of the proposed amendment to the voters of this County at the 2002
22 General Election pursuant to Section 1105 of the Charter.

23 SECTION 3. BE IT FURTHER ENACTED that the question of adoption of this proposed
24 Charter Amendment shall be submitted to the voters of the County at the General Election
25 occurring on November 5, 2002, and shall be placed on the ballot in the following form:

26 PROPOSED CHARTER AMENDMENT

27 To revise the duties of the County Auditor and the Purchasing Agent; to amend certain
28 procedures relating to competitive bidding; to remove specific references regarding the
29 Office of Budget and the Office of Finance; to amend and delete certain procedures relating
30 to the formation and adoption of the County budget; and to renumber and make conforming
31 amendments to certain retained sections.

1 Adopted this 30th day of July, 2002, by an affirmative vote of two-thirds of the members of
2 the full County Council.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Peter A. Shapiro
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.

NOTE: CB-68-2002 WAS APPROVED AT REFERENDUM ON 11/5/2002