

**PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 6/27/95

Reference No.: CB-21-1995

Proposer: County Executive

Draft No.: 2

Sponsors: McKinnon, Bailey, Del Giudice, Estep, Gourdin,
Maloney, Russell, Scott, and Wilson

Item Title: Emergency Act to provide for establishment of urban areas, including incorporated towns and cities, and providing for special assessments therein for certain municipal functions relating to recyclables, garbage, and trash

Drafter: Barbara L. Holtz
Office of Law

Resource Personnel: Samuel Wynkoop
DER

LEGISLATIVE HISTORY:

Date Presented: 4/4/95

Executive Action: 6/30/95 S

Committee Referral:(1) 4/4/95 THE

Effective Date: 6/30/95

Committee Action:(1) 4/20/95 HELD

(2) 5/5/95 FAV(A)

Date Introduced: 5/16/95

Pub. Hearing Date:(1) 6/27/95 1:30 PM

Council Action: (1) 6/27/95 Enacted

Council Votes: AMc: A, DB: A, SDG: A, JE: A, IG: A, WM: A, RVR:A, AS:A, MW:A

Pass/Fail: P

Remarks: _____

TRANSPORTATION, HOUSING & ENVIRONMENT COMMITTEE

DATE: 5/5/95

Committee Vote: Favorable, as amended, 5-0 (In favor: Council Members Del Giudice, Estep, Gourdin, Scott and Wilson).

Under current law, the County Executive is authorized to create urban areas for the purpose of

assessing fees for services provided by the County government. This authority does not apply to municipalities. In FY1996, the Executive proposes to assess fees for solid waste and recycling services on the entire County, including municipalities. CB-21-1995 proposes to include municipalities in the definition of urban area, authorizing the Executive to assess the aforementioned fees in municipalities.

The Department of Environmental Resources indicated that the proposed fees are part of the overall strategy to address the deficit in the Solid Waste fund (estimated at \$5.1 million for FY1995). The FY1996 budget includes revenue from: a \$50 per unit "base benefit" fee to cover capital costs and debt service associated with landfill activities; a \$55.50 per unit recycling charge and an \$18.00 bulky trash collection fee to cover program costs which will be charged County-wide, excluding municipalities which provide their own services. The Department of Environmental Resources indicated that approximately \$25.9 million will be generated from these fees in FY1996.

During the Transportation, Housing and Environment Committee worksession on April 20, 1995, several municipal officials and representatives raised concerns regarding the broad scope of the bill and the equitable application of the fees. As a result of these and other concerns, the Committee directed the Department of Environmental Resources to meet with the Prince George's Municipal Association representatives and address their concerns. As a result of these discussions, draft 2 of CB-21-1995 was presented to the Committee on May 5, 1995. Draft 2 specifies that the Executive may include municipalities in urban areas only for the purpose of providing recycling services and landfill operations and site acquisition. The enabling language in CB-21-1995 (page 4, line 1) indicates that "... the County Executive may establish..." urban areas, with the legal interpretation of this sentence being that municipalities already providing their own recycling services will not be charged this fee and that municipalities originally participating in the County recycling program may choose to "opt out" and provide their own services without being charged this fee. Concerns were also raised regarding certain components of the recycling charge that may not be applicable in certain municipalities (i.e. yard waste collections, tire recycling, office paper, etc.). The department agreed to evaluate these components, which will result in a reduced recycling charge for municipalities when the fee structure is finalized by the Executive.

The municipal representatives also raised several issues which may not be resolved prior to the start of the new fiscal year. The Committee recommended that a resolution be sent to the County Executive requesting a response to the municipal concerns including the application of the base benefit fee to commercial properties and providing an exemption for senior citizens who qualify for energy tax exemption. The resolution should also state that if these concerns cannot be addressed immediately, that a study group should be established to study these and any other relevant issues, with recommendations to be provided by January 15, 1996. This study group should include representatives from municipalities and the business community.

BACKGROUND INFORMATION/FISCAL IMPACT

(Includes reason for proposal, as well as any unique statutory requirements)

This emergency act will enable the County to assess fees in municipalities for solid waste and recycling services supplied by the County.

CODE INDEX TOPICS:

Urban Area

Definitions	2-366
Establishment of; notice.....	<u>2-367, 2-384.03</u>
<u>Method of establishing; levying special assessments</u>	<u>2-384.04</u>