

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

Meeting Date: 4/25/2000

Reference No.: CB-15-2000

Proposer: Scott

Draft No.: 2

Sponsors: Scott

Item Title: An Act establishing a limit on residential refuse system fees

Drafter: Ralph E. Grutzmacher
Legislative Officer

Resource James F. Burton
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 3/14/2000

Executive Action: 5/16/2000 US

Committee Referral: 3/14/2000 THE

Effective Date: 6/30/2001

Committee Action: 3/28/2000 FAV(A)

Date Introduced: 4/4/2000

Public Hearing: 4/25/2000 1:30 P.M.

Council Action: 4/25/2000 ENACTED

Council Votes: DB:A, JE:A, IG:A, TH:A, WM:A, RVR:A, AS:A, PS:A, MW:A

Pass/Fail: P

Remarks: _____

TRANSPORTATION, HOUSING AND ENVIRONMENT COMMITTEE DATE: 3/28/00

Committee Vote: Favorable as amended, 4-1, (In favor: Council Members Shapiro, Hendershot, Maloney and Wilson, Opposed Council Member Gourdine).

Staff gave an overview of the legislation and informed the Committee of referral comments that were received. Currently, only residential properties are charged the landfill access fees. This legislation would reduce the solid waste fee for residential properties from \$50 to \$30 to provide relief to residential property owners. This reduction will create a temporary shortfall in revenues which it is anticipated will be made up from the imposition of a similar charge on non-residential properties. The adjustment would take place in FY 2001.

The Legislative Officer and the Office of Law have reviewed CB-15-2000 and determined that it is in proper legislative form. The Office of Audits and Investigations determined there would be fiscal impact on the County in the amount of approximately \$5.6 million, beginning in Fiscal Year 2001, as a result of enacting CB-15-2000.

The Chamber of Commerce supports and provided written comments indicating that a later effective date would mitigate the fiscal impact on the County. Therese Yewell, Chamber of Commerce, indicated that the fees should be determined easily and should not be an administrative burden on either the County or the business owners. The Chamber offers to work with the County in the creation of a program to accomplish this goal.

The sponsor of CB-15-2000, explained the need for sharing of the cost of operating the County's sanitary landfills between residential and non-residential properties. The sponsor further explained that the County undertook a study to provide a basis for assessing commercial fees, but has not imposed the fee on non-residential properties nor lowered the fee assessed against residential properties.

Due to the passing of Question I, The Legislative Officer and the Office of Law indicated that to establish fees for non-residential owners, it would have to appear on the ballot as a referendum for voter approval prior to implementation. It was also noted that in order to increase the residential fees after reducing them, it would have to appear on the ballot as a referendum for voter approval.

The Office of Law and the Legislative Officer offered the following amendments to CB-15-2000: Page 2, Line 23, change 2001 to 2002, and on Page 2, Line 30, after the words, Act shall take effect, add June 30, 2001 and on Page 2, Line 31, after the words, it becomes law, add, provided however, this Act should be void and of no further effect unless a law imposing a Solid Waste fee upon commercial properties is approved by the voters at the November 7, 2000 general election.

BACKGROUND INFORMATION/FISCAL IMPACT

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

When solid waste fees were first put in place at the beginning of FY 1996, only residential properties were charged the landfill access fees. CB-60-1996 was enacted for the purpose of establishing a limit on residential refuse system fees and providing for the establishment of refuse system fees for commercial properties. CB-60 permitted the sharing of the costs of operating the County's sanitary landfills between residential and non-residential properties, similar to the system of allocation used by Montgomery County. It was expected that a shared fee system would be proposed for FY 1998. The County undertook a study to provide a basis for assessing commercial fees, but has not imposed the fee on non-residential properties nor lowered the fee assessed against residential properties.

The proposed legislation reduces the residential fee from \$50.00 to \$30.00 to provide relief to residential property owners and to help realize the legislative goal of CB-60 to provide for the sharing of the economic burden of operating the County's solid waste system.

CODE INDEX TOPICS: