

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2003 Legislative Session

Bill No. CB-6-2003

Chapter No. 2

Proposed and Presented by Council Member Shapiro

Introduced by Council Member Shapiro

Co-Sponsors _____

Date of Introduction February 25, 2003

BILL

1 AN ACT concerning

2 Technical Amendments to the County Code

3 For the purpose of making technical amendments to the County Code to conform to amendments
4 to the County Charter approved at the 2002 General Election.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 10. FINANCE AND TAXATION.

7 Sections 10-103, 10-105, 10-106, 10-107, 10-108, 10-110, 10-182.01,
8 10-248.02, 10-267, and 10-268,

9 SUBTITLE 16. PERSONNEL.

10 Section 16-148

11 SUBTITLE 21. REFUSE.

12 Sections 21-137.04 and 21-137.06

13 The Prince George's County Code

14 (1999 Edition, 2002 Supplement).

15 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
16 Maryland, that Sections 10-103, 10-105, 10-106, 10-107, 10-108, 10-110, 10-182.01, 10-248.02,
17 10-267, 10-268, 16-148, 21-137.04 and 21-137.06 of the Prince George's County Code be and
18 the same are hereby repealed and reenacted with the following amendments:

19 **SUBTITLE 10. FINANCE AND TAXATION.**

20 **DIVISION 1. BUDGET AND AUDIT CONTROL.**

Sec. 10-103. Budget calendar; budget requests.

(a) Each year the County Executive shall determine [a current] an operating budget. The Director of the Budget shall prepare budget instructions, and budget request forms which shall be followed by all County departments and agencies. The departments and agencies shall submit budget requests to the Director of the Budget in accordance with the prescribed calendar, instructions and forms and shall provide such fiscal information as may be determined by the Director of the Budget.

(b) In the event that any County Department or agency does not submit its budget request in accordance with the prescribed budget, the Director of the Budget may prepare a budget request for such department or agency based upon its previous fiscal year expenditures.

Sec. 10-105. Submission of budget to [Finance Director and] Council.

(a) The Director of the Budget, according to the prescribed budget for each fiscal year, shall submit to the County Executive, on forms prescribed by him, a proposed budget for the forthcoming fiscal year. The budget shall contain, in detail for each class of income and expense, and in summary form, actual amounts for the last completed fiscal year, the budget of the current fiscal year, as amended, the latest estimate of actual income and expense for the current fiscal year, and the proposed departmental and agency estimates of the nature, volume, and other factors relating to its functions, its income and the expenses for the forthcoming fiscal year.

(b) The County Executive, after review and revision, if necessary, of the proposed budget, shall not later than March 31 of each fiscal year submit to the Council the proposed budget for the ensuing year. The proposed [current expense] operating budget shall include the number of permanent full-time and part-time employees in the classified service at or above Grades: 30, S-07, L-06, I-16, H-23, R-23, and D-23 for each department or agency. A supplemental report shall accompany the proposed [current expense] operating budget which lists all classes of positions by County department or agency at or above Grades: 30, S-07, L-06, I-16, H-23, R-23 and D-23, including position titles and number of positions, filled and vacant, by job title for the last fiscal year, the currently ending fiscal year, and the budget year.

Sec. 10-106. Public hearings; adoption of budget.

(a) The Council shall consider the proposed budget and set a time and place for two (2) public hearings. [The hearings shall be held not earlier than April 20 and not later than May 10.]

(b) After such hearings and any amendments as authorized by Section [814] 809 of the Charter, the Council shall by ordinance adopt the budget for the forthcoming fiscal year, appropriate the amount of the expense items, and fix the rates of all special taxes. The number of permanent full-time and part-time positions in the classified service, as enumerated in Section 10-105(b), and funded in the budget document for each agency or department, shall constitute the position authorization for those grade levels for that agency or department and shall not be exceeded unless approved in writing by a majority vote of the full Council.

(c) After the budget has been submitted to the Executive for his approval or item veto and returned to the Council, and after appropriate Council action has been taken on an Executive veto, if any, the Council shall set by resolution, the County general property tax levy. The levy shall be set forth in such a manner as to show the total property tax rate and that portion of the rate in dollars and cents per one hundred dollars of assessed valuation attributable to the budget for Prince George's County Public Schools. Each County property tax bill shall show in percentage terms the amount of the County Government's portion of each tax bill that is attributable to the budget for Prince George's County Public Schools. Each tax bill shall also show the total County funding for the Prince George's County Public Schools and the total anticipated County revenue from property taxes for the current fiscal year.

Sec. 10-107. Instructions and guidelines.

The Director of the Budget shall determine the capital and [expense] operating budget instructions, and guidelines which shall be followed by all County departments and agencies. Department requests shall include all projects in the nature of permanent public improvements, by construction or acquisition, and plans and surveys relative thereto. The department or agency shall itemize the projects deemed necessary for authorization and commencement during the next fiscal year, separating the amounts to be expended in the next and subsequent fiscal years. The request shall also show, separately and as accurately as possible, estimated requirements in the five (5) years succeeding the forthcoming fiscal year.

Sec. 10-108. Budget proposals; tentative approval.

(a) The County Executive shall submit to the Council the [expense] operating and capital [budgets proposal] budget proposals as prescribed in [Section 809] Sections 805 and 806 of the Charter.

(b) If any revenue in the proposed [Current Expense Budget] operating budget is anticipated to be received from a tax or other revenue source which is not authorized by law, or from an increase in the rate of a tax or revenue source which increase requires, but has not yet received, Council approval, the County Executive shall separately identify the amount of revenue anticipated to be received when the additional revenue is authorized by law and recommended contingent appropriation amounts for expenditures proposed to be made if the County Council authorizes the tax or other revenue source or the increased rate in such tax or revenue source.

Sec. 10-110. Budget Appropriation adjustment; supplements.

(a) A Budget appropriation adjustment shall not be made unless the approval of the Finance Director is previously obtained in writing on the prescribed forms. The Council may, by order, direct the Finance Director to notify the head of any department, or the officials of any agency, that its appropriation has been rescinded, revoked, reallocated, or canceled for any particular budget, object or appropriation during the fiscal year.

(b) Supplementary appropriations to any department or agency shall require the approval of the Council [by a recorded order and may be made] upon recommendation of the [Finance Director] County Executive. [The Finance Director shall first certify in writing that unexpended and unencumbered funds are available for such appropriation.]

SUBTITLE 10. FINANCE AND TAXATION.

DIVISION 5A. INTERFUND CASH BORROWINGS

Sec. 10-182.01. Authorization.

(a) Under the provisions of Section [818] 814 of the Charter of Prince George's County, Maryland, and upon the request of the County Executive the Finance Director is hereby authorized to effect interfund cash borrowings not to exceed 22.5 Million Dollars (\$22,500,000) from the Capital Project Fund to the General Fund to meet temporary cash requirements.

(b) Under the provisions of Section [818] 814 of the Charter for Prince George's County and upon the request of the County Executive, the Director of Finance, and his successor in office, is hereby authorized to effect interfund cash borrowings to meet temporary cash requirements and to allow for reimbursements among funds designated in the accounting records of Prince George's County, Maryland.

(c) Interfund cash borrowings to meet temporary cash requirements and to provide for reimbursements among funds, in accordance with the procedures and limitations set forth herein,

may be effected by the Director of Finance regardless whether the services to be provided by the borrowing fund are within the scope of the activities financed by the lending fund; such borrowings, when so effected, shall be considered lawful interfund loans or charges for services rendered by one fund to another and shall not be construed as a diversion of appropriated funds.

SUBTITLE 10. FINANCE AND TAXATION.

DIVISION 9. INTRAGOVERNMENTAL SERVICE FUND, PRINTING, AND REPRODUCTION.

Sec. 10-248.02. Establishment; functions.

(a) There are hereby established and created the following Intragovernmental Service Funds:

(1) The Administrative Services Internal Service Fund for the operation and maintenance of those central services relating to printing and reproduction services;

(2) The Information Technology Internal Service Fund for the provision of computer and communications services to County departments and agencies;

(3) The Fleet Management Internal Service Fund for the management and repair of the County fleet, operation of the motor pool, and shuttle service.

(b) As authorized by Sections [825] 821 and [828] 824 of the Charter for Prince George's County, Maryland, it is the function and purpose of these funds to provide a means whereby there shall be a recovery of costs from other departments and agencies of County government so that all costs incident to the operation of services common to the agencies of the County, including depreciation of equipment, shall be borne equitably by using departments and agencies and to provide a means whereby such intragovernmental services may be financed on a sound basis.

SUBTITLE 10. FINANCE AND TAXATION.

DIVISION 13. REVENUE RESERVE ACCOUNT FUND.

Sec. 10-267. Revenue Reserve Account Fund; accumulation of funds.

(a) The County Executive shall include in the submission of the proposed operating [current expense] budget of the County an appropriation to maintain the Revenue Reserve Account Fund at an amount equal to one percent (1%) in Fiscal Year 1994, two percent (2%) in Fiscal Year 1995, [and] three percent (3%) in Fiscal Year 1996, and five percent (5%) for Fiscal Year 2004 and each subsequent fiscal year of the general fund.

(b) In the event that funds from the Revenue Reserve Account Fund are required to pay an approved appropriation for which anticipated sources of funds have failed to be received by the County and the amount required results in the use of more than [sixty percent (60%)] thirty percent (30%) of the balance of the Fund, additional appropriations sufficient to refund one half of the deficit shall be proposed by the County Executive in each of the succeeding two fiscal years.

Sec. 10-268. Revenue Reserve Account Fund; use of funds.

(a) If at any time during the fiscal year the County Executive shall ascertain that available [income] revenue for the fiscal year may be less than the total appropriations, the County Executive shall reconsider the [work programs and allotments] appropriations for all of County agencies developed pursuant to Section [822] 817 of the Charter and submit a proposed supplementary appropriation for use of funds from the Revenue Reserve Account Fund to the Council in accordance with Section [819] 815 of the Charter.

(b) All interest income attributable to the Fund shall be retained in the Fund.

SUBTITLE 16. PERSONNEL.

DIVISION 5. METHODS OF FILLING POSITIONS.

Sec. 16-148. Noncompetitive methods of filling vacant positions.

* * * * *

(b) Subject to the approval of the County Executive by Executive Order, an appointing authority may noncompetitively appoint an individual to a vacant position in the classified service of the County:

(1) When the County, as the result of a governmental reorganization under Section 503 of the Charter, has assumed the functions of another governmental agency or office which employs the individual and the position is comparable to the individual's former position with that agency or office; or

(2) When such position requires the performance of job duties, tasks, and responsibilities substantially the same as, or identical to, the individual's current job description and was performed by the individual as an employee of an existing or former governmental agency or office which provides services related to the operation of a County agency; or

(3) When the County, pursuant to Section [822] 817 of the Charter, has revised a department or agency work program by reducing the appropriation to such department or agency

and reorganizing the assignment of functions, powers, and duties of such department or agency such that the Personnel Officer determines that the classification and/or status of an incumbent or incumbents should be appropriately reallocated, in accordance with the mission, goals, and objectives included in the written revised work program submitted by the County Executive and transmitted to the County Council; and

(4) When, in either of the above circumstances, the Personnel Officer determines that the individual meets all other requirements for the vacant position.

* * * * *

SUBTITLE 21. REFUSE.

DIVISION 3. COUNTY COLLECTION, RECYCLING, OR DISPOSAL FACILITIES -- CHARGES, CREDIT SYSTEM, AND FINANCING.

SUBDIVISION 1. SOLID WASTE DISPOSAL AND RECYCLING CHARGES; FUNDS; CONTRACTS.

Sec. 21-137.04. Contracts; appropriations.

Pursuant to Section [823] 819 of the County Charter, the County may enter into any trust agreement as provided in Section 21-137.06.

SUBDIVISION 2. REVENUE BONDS.

Sec. 21-137.06. Trust agreements.

(a) The County may enter into one or more trust agreements securing revenue bonds and any multiyear solid waste or recycling contracts approved by the County Council in accordance with Section [823] 819 of the County Charter. The trust agreement shall be approved by resolution adopted by the County Council and approved by the County Executive and may include, among others, the following provisions:

* * * * *

1 SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
2 calendar days after it becomes law.

Adopted this 18th day of March, 2003.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Peter A. Shapiro
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Jack B. Johnson
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.