

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**1997 Legislative Session**

Bill No. _____ CB-84-1997

Chapter No. _____ 77

Proposed and Presented by _____ The Chairman (by request - County Executive)Introduced by _____ Council Members Del Giudice and Bailey

Co-Sponsors

Date of Introduction _____ October 28, 1997**BILL**

AN ACT concerning

Revenue Authority of Prince George's County

For the purpose of establishing the Revenue Authority of Prince George's County, providing for its membership, exercise of powers, budget and financial procedures, and ethical matters, and generally relating to the Revenue Authority.

BY adding:

SUBTITLE 21A. REVENUE AUTHORITY.

Sections 21A-113, 21A-114, 21A-115, 21A-116, 21A-117,

21A-118, 21A-119, 21A-120, and 21A-121,

The Prince George's County Code

(1995 Edition, 1996 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 21A-113 through 21A-121, inclusive, of the Prince George's County Code be and the same are hereby added:

SUBTITLE 21A. REVENUE AUTHORITY.**DIVISION 2. REVENUE AUTHORITY ESTABLISHED.****Sec. 21A-113. Revenue Authority established; purposes.**

(a) There is hereby created, as a distinct and separate entity, pursuant to Section 21A-102 of this Subtitle, as enacted by Chapter 491 of the Laws of Maryland, 1996, a body corporate and politic and a unit of the County known as the Revenue Authority of Prince

George's County, hereinafter referred to as the "Authority". The Authority may exercise all the powers, authority, rights and obligations granted to it by State law and this Subtitle.

(b) The purposes of the Authority shall be to exercise its powers for projects within the boundary lines of the County devoted wholly or partially for public uses, good, or general welfare, and to stimulate employment and economic growth in the County.

Sec. 21A-114. Definitions.

(a) The definitions set forth in Section 21A-101 of this Subtitle shall apply to this Division.

Sec. 21A-115. Membership.

(a) The Authority shall consist of five (5) public members and two (2) ex officio members. All shall be voting members. The ex officio members shall be the Chief Administrative Officer of the County or a Deputy Chief Administrative Officer, as designated by the County Executive, and the Director of the Office of Management and Budget.

(b) All members shall be persons who possess ability, experience, and integrity.

(c) The public members shall be appointed by the County Executive for terms of four (4) years each and confirmed by the County Council. The terms of the appointments shall be staggered in such a manner that the terms of office of no more than two (2) members of the Authority may expire in the same year.

(d) Vacancies shall be filled for the unexpired term in the manner of original appointment. Each member shall serve until a successor is appointed and qualified even though the period of service may extend beyond the four (4) year term. All official acts and votes of any member during the period of extended service shall be valid as if the member were within said four (4) year term. A member of the Authority may be removed by the County Executive for cause.

(e) Two of the public members shall be designated by the County Executive to serve as Chairman and Vice Chairman. Each such officer shall serve until a successor is designated even though the period of service may extend beyond the period originally designated by the County Executive. All official acts of any such officer during the period of extended office

shall be valid as if the officer were within the period of original designation.

(f) The public members shall be entitled to such compensation as is established in the annual operating budget of the Authority, provided that such compensation shall be paid only for meetings actually attended.

Sec. 21A-116. Powers.

(a) Except as may be limited as provided therein, the Authority shall have all the rights and powers as established in Sections 21A-103, 21A-105 (A), (B), (C) and (D), and 21A-110 of this Subtitle.

(b) The Authority may appoint, with the consent of the County Executive, an Executive Director, Secretary-Treasurer and General Counsel. The Authority may appoint and remove such other employees or agents as the Authority shall deem necessary or desirable.

(c) Until such time as the Authority shall appoint an Executive Director, Secretary-Treasurer and General Counsel for the Authority, the Chief Administrative Officer, Director of Finance and County Attorney of the County shall serve, respectively, in such capacities.

(d) The Authority may delegate to one or more of its members, or to the officers, agents or employees of the Authority, such powers and duties as the Authority may deem necessary, so long as such delegation is not inconsistent with the provisions of this Subtitle.

Sec. 21A-117. Fiscal Year of the Authority.

(a) The fiscal year of the Authority shall be from July 1 through June 30.

Sec. 21A-118. Operating budget.

(a) On or before January 15th of each year, the Authority shall prepare and submit to the County Executive a proposed operating budget for the next fiscal year in such format as the County Executive may direct.

(b) The operating budget shall contain a statement of all revenue estimated to be received by the Authority during the ensuing fiscal year, classified so as to show the receipts by funds and sources of income; a statement of any debt service requirements for the ensuing fiscal year; a statement of the estimated cash surplus, if any, available for expenditure during the ensuing fiscal year; a statement of any estimated deficit required to be made up in the ensuing

fiscal year; an estimate of the amounts the Authority deems necessary for conducting the business of the Authority to be financed from estimated revenue for the ensuing fiscal year; a statement of the bonded and other indebtedness of the Authority; a statement of any contingency reserve which shall remain unappropriated; a comparative statement of the receipts, amounts budgeted, and annual expenditures for the last completed fiscal year; a statement of all proposed expenditures for and estimated revenue from leases, subleases and similar real estate transactions; and such additional information as the County Executive may require.

(c) If the proposed operating budget includes any item to be funded from payments (whether by lease payments, grant or otherwise) to be received from Prince George's County, Maryland, the anticipated receipt or receipts shall be identified for each item and a copy of the proposed budget shall be submitted to the County Executive and County Council for their review and comment. The Authority may make such modification to the proposed budget as may be deemed appropriate in response to the comments of the County Executive or County Council.

(d) On or before June 1st of each year, the Authority shall adopt the operating budget of the Authority for the next fiscal year. The operating budget of the Authority shall be balanced at all times.

(f) The Authority may amend its operating budget at any regular or special meeting. Each member shall receive a copy of the proposed amendment with accompanying justification not less than seventy-two (72) hours prior to the meeting. If a proposed budget amendment includes an increase in any anticipated receipt from Prince George's County, Maryland or the deletion of any facility of which the County is to be a user, copies of the proposed budget amendment shall be submitted to the County Executive and County Council for their review and comment at least thirty (30) days prior to its adoption.

Sec. 21A-119. Capital budget.

(a) For purposes of this Section, the term "capital project" or "project" shall mean:

(1) Any physical public betterment or improvement by the Authority;

(2) The acquisition of property of a permanent nature for use in accordance with the purposes and powers of the Authority; or

(3) The purchase of equipment for any public betterment or improvement when first constructed by the Authority.

(b) The Authority shall not commence any capital project without prior authorization of the County Executive and the County Council as provided in this Section. No capital project shall be proposed unless it is proposed to be commenced within the next succeeding six fiscal years. All capital projects approved under this Section shall constitute the Authority's Capital Improvement Program. The Capital projects and related information for each fiscal year, approved as part of a capital improvement program, shall constitute the capital budget of the Authority for that fiscal year.

(c) The Authority may propose to the County Executive one or more projects for inclusion in the Authority's Capital Improvement Program. Each proposal shall include the following information:

(1) A description of the project including an identification of the general location of the project;

(2) Anticipated source of funding for the project;

(3) Estimated cost of the project;

(4) A statement of the relationship between the project and any project included in the County's Capital Improvement Program; and

(5) A schedule of anticipated expenditures of funds by fiscal year.

(d) After reviewing the request of the Authority for the inclusion of one or more capital projects in the Authority's Capital Improvement Program, the County Executive shall transmit any approved project, or any additional project that the County Executive may propose for inclusion in the Authority's Capital Improvement Program, to the County Council for its approval by ordinance or resolution. Any such project proposed by the County Executive shall conform to the requirements of Subsection (b), above.

(e) Prior to the adoption of the ordinance or resolution approving the Authority's Capital

Improvement Program, the County Council may add new projects or amend or delete any proposed project.

(f) The proposed expenditure of funds by the Authority for each fiscal year of an approved capital improvement program shall constitute the Authority's Capital Budget in that fiscal year. Where modifications are required to a capital project, the capital improvement program shall be amended in the same manner as originally approved. Nothing in this Section shall be deemed to authorize the Authority to expend any funds on any capital project beyond the six-year period specified in the Authority's current Capital Improvement Program.

(g) No appropriation for a capital project in the Capital Budget of the Authority shall lapse until the purpose for which the appropriation was made shall have been declared to be accomplished or declared to be abandoned by the Authority. The balances remaining to the credit of the completed or abandoned capital projects being lapsed shall be available for appropriation by the County in accordance with the requirements of this Division.

(h) Transfers of appropriations between capital projects in the Authority's Capital Budget or Capital Improvement Program may be authorized by resolution of the County Council upon request of the Authority and upon concurrence of the County Executive.

Sec. 21A-120. Operating Procedures.

(a) The Authority may adopt by resolution rules and regulations for the operation and use of property and undertakings under its jurisdiction.

(b) The Authority shall adopt by resolution rules and regulations implementing personnel, purchasing and bidding procedures. Such regulations shall encourage minority business participation and may contain reasonable exceptions from competitive bidding requirements as determined by the Authority.

(c) On or before December 1st of each year, the Authority shall submit to the County Executive and County Council a financial statement of its financial condition and results of its operations for the most recently completed fiscal year. This financial statement shall be prepared in accordance with generally accepted accounting principles and shall be audited by an independent certified public accountant.

(d) The Authority shall provide such other reports as the County Executive or County Council may require.

(e) All matters voted upon by the Authority shall require a quorum of four (4) members of the Authority.

(f) Unless otherwise specified by State or local law, the Authority may take action by resolution with respect to all matters within its jurisdiction.

Sec. 21A-121. Conflicts of interest.

(a) The members of the Authority and Authority shall comply with the provisions of Division 17 of Subtitle 2 of this Code with regard to conflicts of interest and ethical considerations.

(b) Members and officers of the Authority shall file financial disclosure statements pursuant to Division 17 of Subtitle 2 of this Code.

SECTION 2. BE IT FURTHER ENACTED that, pursuant to Section 5-401 of Article 28, Annotated Code of Maryland, the consolidation of management and marketing of enterprise operations by the Maryland-National Capital Park and Planning Commission with the Authority, including the assignment of personnel to work with the Authority may be accomplished by agreement between the Prince George's County Planning Board and the County.

SECTION 3. BE IT FURTHER ENACTED that if the timetable for the adoption and approval of the initial budgets of the Authority is not practicable because of the timing of the establishment of the Authority, the procedures set forth herein shall be adjusted accordingly.

SECTION 4. BE IT FURTHER ENACTED that the public hearing on this Act shall be advertised twice by publication in a newspaper of general circulation in the County at least ten (10) days before the hearing.

SECTION 5. BE IT FURTHER ENACTED that the Charter and regulations of the Authority shall be approved by the County Council by resolution and the terms thereof shall not be inconsistent with the provisions of this Subtitle.

SECTION 6. BE IT FURTHER ENACTED that the County Executive is requested to provide a report to the County Council by January 15, 1999, regarding the activities and progress of the Revenue Authority created by this Act.

SECTION 7. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, subparagraph, paragraph, subsection, or section.

SECTION 8. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 25th day of November , 1997.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY:
Dorothy F. Bailey
Chair

ATTEST:

Joyce T. Sweeney
Clerk of the Council

APPROVED:

DATE: _____ BY:
Wayne K. Curry
County Executive

KEY:
Underscoring indicates language added to existing law.