



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

## Office of Audits and Investigations

May 27, 2022

### FISCAL AND POLICY NOTE

TO: Robert J. Williams, Jr.  
Council Administrator

William M. Hunt  
Deputy Council Administrator

FROM: Josh Hamlin   
Director of Budget and Policy Analysis

RE: Policy Analysis and Fiscal Statement  
CB-037-2022 Charter Amendment – Compensation  
CB-038-2022 Charter Amendment – Gender Neutral Language  
CB-039-2022 Charter Amendment – Support of Local and Minority Businesses  
CB-040-2022 Charter Amendment – Competitive Bidding – Notice; Best Value

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**CB-038-2022** (*Proposed and presented by: Council Chair Hawkins*)  
**CB-038-2022** (*Proposed and presented by: Council Chair Hawkins*)  
**CB-039-2022** (*Proposed and presented by: Council Chair Hawkins*)  
**CB-040-2022** (*Proposed and presented by: Council Chair Hawkins*)

Assigned to the Committee of the Whole

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### Fiscal Summary

#### Direct Impact:

*Expenditures:* None likely (CB-037, CB-038, CB-039); additional expenditures possible (CB-040).

*Revenues:* None.

#### Indirect Impact:

None likely (CB-037, CB-038, CB-039); Potentially positive (CB-040).

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## **Legislative Summary**

CB-037-2022, CB-038-2022, CB-039-2022, and CB-040-2022, proposed by Council Chair Hawkins, were presented on May 17, 2022 and referred to the Committee of the Whole. All four Bills are proposed amendments to the County Charter that were proposed by the Charter Review Commission in its 2021-2022 Report.<sup>1</sup>

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## **Current Law/Background**

Amendments to the County Charter are made pursuant to Charter Section 1105.<sup>2</sup> A Council-initiated Charter amendment must be in the form of an act of the Council approved by not less than two-thirds of the members of the full Council, which is exempt from executive veto. Once enacted by the Council, the proposed amendment is summarized in the form of a question which is then submitted to County voters at the next general election. If a majority of votes cast on the question are in favor of the proposed amendment, the amendment stands adopted from and after the thirtieth day following the election.

Proposed Charter amendments must be published by the County Executive in the County newspapers of record and in media for public notice as defined in Charter Section 1008 for five successive weeks prior to the election at which the question is on the ballot.

As noted above, the four Bills that are the subject of this memorandum are amendments recommended by the County's Charter Review Commission. Review of the County Charter is conducted quadrennially pursuant to Charter Section 1106, which provides as follows:

Establishing not later than one year prior to the beginning of each fourth year of a term, the County Council and the County Executive shall appoint, by resolution, a Charter Review Commission for the purpose of undertaking a comprehensive study of the Charter and recommending changes, where appropriate. The Charter Review Commission shall commence its work at the discretion of the Chair of the Commission.

The 2021-2022 Charter Review Commission was established by CR-003-2021 and CR-032-2021, and identified 10 recommended Charter amendments in its Report, including the four discussed herein.

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## **Resource Personnel**

Kathy Canning, Legislative Officer.

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<sup>1</sup> [Prince George's County Charter Review Commission, 2021-2022 Report](#)

<sup>2</sup> [Prince George's County Charter, Sec. 1105](#)

## **Discussion/Policy Analysis**

### *CB-037-2022*

CB-037-2022 would amend Charter sections 308 and 406, dealing with compensation for members of the Council and Executive, respectively. The amendments are recommended in order to make the Charter provisions in this regard mirror the State law provisions on the matter.<sup>3</sup> Currently, both sections require that “[n]ot later than December 15 of the last year of each term, a compensation review board shall be appointed by the Council and the County Executive to study the rate of current compensation for the Council and the County Executive and make a recommendation regarding the amount of compensation.” The compensation review board’s recommendation is due to the Council by “the following February 15.” If within 90 days of receipt the Council has not amended the recommendation by a two-thirds vote of the full Council, the recommendation stands approved. Any change in compensation does not take effect until the next term.

The proposed amendments would require the establishment of the commission to review compensation “by ordinance” and “not later than one year prior to the beginning of each fourth year of a term.” The commission’s report to the Council would be “by resolution,” due “[w]ithin 15 days after the beginning of the fourth year of the term.” The amendment would also limit the Council’s discretion regarding the recommendation to “accept, reduce, or reject but may not increase any item of the recommendation” by the same two-thirds vote of the full Council, and Council changes to the recommendation would be “by ordinance.” Finally, as amended, the sections would require that “[a]ny change in the compensation and allowances for members of the Council [or Executive] shall be enacted by ordinance before the election for the members of the next succeeding Council and take effect only for the members of the next succeeding Council, and would prohibit the compensation of the Council members and Executive from being “less than provided in the Charter.”

The proposed changes are not expected to have any operational or fiscal impact, but more closely align the County Charter with State law.

### *CB-038-2022*

CB-038-2022 would amend numerous sections of the Charter to make gender-specific terminology gender neutral throughout the Charter. The Charter Review Commission identified ninety-seven instances of gender-specific language in the Charter, as well as numerous other instances of implied gender. This proposal is similar to that in CB-042-2018<sup>4</sup>, which was not enacted. The amendments are not expected to have any operational or fiscal impact.

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<sup>3</sup> [Annotated Code of Maryland, Local Government, §10-302](#)

<sup>4</sup> [CB-042-2018](#)

*CB-039-2022*

CB-039-2022 would amend Section 607 of the Charter to expressly provide that the County is committed to “the encouragement and support of local and minority businesses consistent with requirements of Federal, State, *and County* law.” Currently, the section only references Federal and State law. The proposed amendment is not expected to have any operational or fiscal impact.

*CB-040-2022*

CB-040-2022 would make two amendments to Section 603 of the Charter, “Competitive Bidding,” relating to notice and factors in the decision to make a purchase or award a contract. Section 603 currently imposes a general requirement that County purchases be “made from or let by sealed bids or proposals publicly opened after public notice for such period and in such manner as the County Purchasing Agent or his authorized deputy shall determine.” It further requires that “purchases and contracts shall be made from or awarded to the responsive and responsible bid that is most favorable to the County with respect to technical requirements and costs.”

As noted above, current Section 603 only requires consideration of technical requirements and cost in making a purchase or awarding a contract. Additionally, the Section does not require that Request for Proposals (RFP) be advertised in any particular way. How the RFPs are advertised are at the discretion of the County Purchasing Agent. The amendments recommended by the Charter Review Commission would require purchases and contracts “be advertised in the County’s newspapers of record,” and would replace “cost” with “best value.”

“Best Value Procurement” is a procurement method that emphasizes value over price. The best value might not be the lowest cost, but includes consideration of costs *and benefits* of a particular purchase or contract. A basic illustration of this approach, using an office chair as an example, is as follows:

If the agency is quoted \$300, \$500 and \$800 for an office chair, for example, things like condition, style, design, thread count, stitch quality, and warranty will come into play. If this chair will be placed in the municipality’s main lobby for daily use, the \$800 chair that’s well-made and comes with a 3-year ‘wear-and-tear’ warranty would be a better value. If it’s to be used in a temporary office, spending anything more than \$300 would likely be a waste.<sup>5</sup>

Under County Code Section 10A.101, “Best Value” is defined as:

“[T]he basis for awarding contracts which optimizes weighted factors such as quality, cost, diversity, and performance, among responsive and responsible offerors. Such basis shall reflect, whenever possible, objective, and quantifiable analysis and “best value” criteria shall be prescribed and predetermined in the Request for Proposals.”

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<sup>5</sup> Govspend.com: *‘Lowest Price’ vs. ‘Best Value’: Why money really ‘isn’t everything’*

**Fiscal Impact:**

*Direct Impact*

Enactment and approval of CB-037-2022, CB-038-2022, and CB-039-2022 should not have any direct fiscal impact on the County. Enactment and approval of CB-040-2022 may result in an increase in expenditures upfront, but under the “best value” principle, this increase should be more than offset by a favorable indirect fiscal impact.

*Indirect Impact*

Enactment and approval of CB-037-2022, CB-038-2022, and CB-039-2022 should not have any indirect fiscal impact on the County. As noted above, enactment and approval of CB-040-2022 is likely to have a favorable indirect economic impact that more than offsets any adverse direct impact.

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**Appropriated in the Current Fiscal Year Budget**

N/A

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**Effective Date of Proposed Legislation**

The proposed Acts, if enacted, shall be presented as a question for voters during the County General Election occurring on November 8, 2022, and if the majority of votes cast on the respective questions shall be in favor of the proposed amendments, such amendments shall stand adopted from and after the thirtieth day following said election.

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If you require additional information, or have questions about this fiscal impact statement, please call me.