

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2022 Legislative Session

Bill No. CB-56-2022

Chapter No. 11

Proposed and Presented by Council Member Hawkins

Introduced by Council Members Hawkins, Dernoga, Ivey, Harrison, Streeter, Medlock,
Glaros, Turner, Franklin, and Taveras

Date of Introduction June 1, 2022

BILL

1 AN ACT concerning

2 Fiscal Year 2023 Appropriations

3 For the purpose of making appropriations for the support of the County government and for the
4 Prince George's Community College and for the schools, institutions, departments, offices,
5 boards, commissions, and agencies of Prince George's County, and for other purposes, for the
6 fiscal year beginning July 1, 2022, and ending June 30, 2023; adopting the current expense
7 budget, the capital improvement program, and the capital budget prepared according to the
8 Charter of Prince George's County and submitted by the County Executive to the County
9 Council; appropriating the items of expense in said current expense budget; establishing rates of
10 reimbursement for subsistence expenses for employees of the County; providing for the
11 inclusion of all State, Federal and private grants received subsequent to adoption of the current
12 expense budget; imposing the applicable income and special area tax rates under the public
13 general laws and public local laws of Maryland; all to be known as the Annual Budget and
14 Appropriation Ordinance of Prince George's County for Fiscal Year 2023.

15 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
16 Maryland, that subject to and in accordance with the authority of the Charter of Prince George's
17 County, the public general laws and public local laws of Maryland relating to budget
18 procedures, and pursuant to applicable local ordinances heretofore enacted, the several amounts
19 specified in the current expense budget of Prince George's County and of the Board of

Education of Prince George's County as submitted by the County Executive to the County Council on or before March 15, 2022, and incorporated in a document entitled "Proposed Current Expense Budget Fiscal Year 2023", an authenticated copy of which is incorporated herein by reference and made a part hereof as though it were set forth fully herein, is hereby authorized and appropriated for the several purposes specified in the proposed budget document under Function/Program/Agency/Activity, financial summary or function in the case of the Board of Education, to pay salaries, wages, fees and all other current expenses for the Prince George's Community College and for schools, institutions, departments, boards, commissions, committees, offices and agencies in and of the said County and for the Board of Education. The aforementioned budget is hereby adopted and approved, for the fiscal year beginning July 1, 2022 and ending June 30, 2023.

SECTION 2. The amount of reimbursement for expenses for subsistence incident to the performance of official duties of officers or employees of the County shall be at the following rates:

Meals will be reimbursed on the basis of actual costs including gratuities, with the following limits, unless a greater amount is specifically authorized by the Chief Administrative Officer for the Executive Branch or Council Administrator for the Legislative Branch on the facts of each case:

- a. Meal reimbursement shall be set at the annual meal per diem set by the State in effect as of July 1, 2022.
- b. Conference meals are reimbursed at actual costs.
- c. Mileage reimbursement for use of private vehicles for County business shall be set at the Federal reimbursement rate set by the Internal Revenue Service (Federal Calendar Year 2022) in effect as of July 1, 2022.

SECTION 3. FEDERAL, STATE AND PRIVATE GRANTS. All Federal, State and private grants not included in the current expense budget of the County or any agency subject to control of the County shall upon receipt be included as a part of the current expense budget of the County or agency's budget for the year received, or for the term of the grant, whichever is of greater duration, to be expended for the purpose set forth in the grant. Prior to the expenditure of any monies therefrom the agency shall receive approval from the County Executive and County Council. Any unexpended funds shall be included in the next annual budget.

SECTION 4. CAPITAL IMPROVEMENT PROGRAM. Subject to and in accordance with the authority of the Charter of Prince George's County, the public general laws and public local laws of Maryland relating to budget procedures, the several capital improvement projects and amounts specified thereto, contained in the capital program and the capital budget of Prince George's County for the Prince George's Community College and for the various offices, departments, boards, commissions, institutions, corporations and agencies, excluding the Washington Suburban Sanitary Commission, as submitted by the County Executive to the County Council on or before March 15, 2022, and subsequently amended by the County Executive, and incorporated in a document entitled "Fiscal Years 2023 - 2028 Capital Improvement Program - Fiscal Year 2023 Capital Budget", an authenticated copy of which is incorporated herein by reference and made a part hereof as though it were fully set forth herein, is hereby adopted and approved. The capital budget hereby adopted constitutes the total appropriation for projects that are scheduled for implementation in Fiscal Year 2023 and those projects previously authorized. Inclusion of any project in the Capital Improvement Program, with all funding shown in the category "Beyond Six Years", shall mean that this project is not "programmed" for the purpose of evaluating the adequacy of public facilities in accordance with the subdivision regulations and the Zoning Ordinance. The County expects that certain costs of the approved Capital Projects will be paid before the date of issuance of bonds (or other obligations of the County to be issued after the date of adoption of this Act) from a source of funds other than a County borrowing (each, a "Prior Expenditure" and collectively, the "Prior Expenditures"). The County hereby declares, in accordance with Section 1.150-2 of the Income Tax Regulations, its intention to use a portion of the proceeds of bonds (or other obligations of the County to be issued after the date of adoption of this Act) to reimburse itself for Prior Expenditures paid no earlier than 60 days before the date of adoption of this Act. In accordance with Section 1.150-2 of the Income Tax Regulations, the maximum principal amount of obligations expected to be issued for the approved Capital Projects is set forth in the respective Funding Schedules in the Capital Improvement Program. The County recognizes that, under Section 1.150-2 of the Income Tax Regulations, the use of proceeds of bonds to reimburse the County for a Prior Expenditure (other than certain de minimis or preliminary expenditures described in Section 1.150-2(f) of the Income Tax Regulations) generally will be permitted only to the extent that: (i) the Prior Expenditure constitutes a capital expenditure for federal income

tax purposes; (ii) the Prior Expenditure was paid not earlier than 60 days before the date of adoption of this Act; and (iii) the allocation of proceeds of the bonds to such reimbursement is made not later than 18 months after the later of (a) the date the Prior Expenditure was paid, or (b) the date the applicable approved Capital Project is placed in service or abandoned, but in no event more than three years after the Prior Expenditure was paid.

SECTION 5. COUNTY ENERGY TAX. Pursuant to the County taxing authority conferred by way of public local laws enacted by the Maryland General Assembly, codified at Section 10-205.01(i)(2) of the Prince George's County Code, 2019 Edition, as amended, the following Energy Tax Rates are hereby established, via action upon and approval of this Act by the County Council, for energy bills rendered on or after July 1, 2022:

<u>TYPE OF ENERGY</u>	<u>RATE</u>
Electricity	\$0.010728 per Kilowatt Hour
Natural Gas	\$0.070238 per Therm
Fuel Oil	\$0.240382 per Gallon
Propane	\$0.161182 per Gallon

SECTION 6. COUNTY INCOME TAX. Pursuant to Section 10-106, Tax - General Article, Annotated Code of Maryland, as amended, which requires each County to set a county income tax rate equal to at least one percent (1%) but not more than three and two tenths percent (3.2%) of an individual's Maryland taxable income, the County Council has set in CR-22-2008, adopted on May 20, 2008, a County income tax rate of three and two tenths percent (3.2%) of an individual's Maryland taxable income tax for the calendar years beginning January 1, 2009.

SECTION 7. EMERGENCY TRANSPORTATION FEE. Pursuant to Section 11-346 of the Prince George's County Code, which requires that the fee for emergency transportation be established in the Annual Budget and Appropriation Ordinance and pursuant to Section 11-347 which requires that revenues from the fees imposed for emergency transportation by the County shall be used for operation and capital expenses related to emergency transportation, the following emergency transportation fees are hereby set for emergency transportation services rendered on or after July 1, 2022:

<u>TYPE OF EMERGENCY</u>	<u>FEE</u>
<u>TRANSPORTATION SERVICE</u>	
Basic Life Support	\$500.00

Advanced Life Support 1	\$650.00
Advanced Life Support 2	\$750.00
Mileage fee	\$12.00 per mile

SECTION 8. AMENDMENTS TO THE CURRENT EXPENSE BUDGET, THE CAPITAL PROGRAM, AND THE CAPITAL BUDGET. The proposed current expense budget of Prince George's County and of the Board of Education, referred to above in Section 1 of this Act, and the Capital Improvement Program and Capital Budget referred to in Section 4 above, are hereby amended as set forth in Exhibits 1, 2, 3, and 4 attached hereto and made a part hereof:

The amount of the revenue estimates in the current expense budget for all funds as submitted by the County Executive as set forth in the Proposed Budget, Fiscal Year 2023 is hereby set at the sum of \$5,078,717,100 in accordance with the revenue schedule on the ensuing pages.

PRINCE GEORGE'S COUNTY

FISCAL YEAR 2023

REVENUE

REVENUE ITEM	PROPOSED FY 2023	COUNCIL APPROVED FY 2023
PROPERTY TAXES	\$993,130,200	\$990,347,200
(Including Personal Property Taxes)		
BOARD of EDUCATION – Tax Increase	41,380,400	41,295,700
INCOME TAXES	802,085,600	820,703,900
TRANSFER & RECORDATION TAXES	177,504,400	187,200,000
OTHER LOCAL TAXES	108,511,100	109,726,100
STATE SHARED TAXES	7,986,500	7,986,500
LICENSES & PERMITS	69,017,900	72,382,000
USE OF MONEY & PROPERTY	5,600,600	3,052,000
CHARGES FOR SERVICES	71,301,000	68,791,000
INTERGOVERNMENTAL REVENUES	38,103,300	39,320,900
MISCELLANEOUS REVENUES	9,799,500	9,799,500
OTHER FINANCING SOURCES	0	0
BOARD OF EDUCATION AID	1,782,488,700	1,783,213,700
COMMUNITY COLLEGE AID	82,886,000	82,886,500
LIBRARY AID	9,730,800	9,930,200
TOTAL GENERAL FUND	\$4,199,526,000	\$4,226,635,200
INTERNAL SERVICE FUNDS	69,362,500	69,928,300
ENTERPRISE FUNDS	242,891,000	244,904,900
SPECIAL REVENUE FUNDS	262,523,500	279,563,000
GRANT PROGRAMS	229,570,600	257,685,700
TOTAL ALL FUNDS	\$5,003,873,600	\$5,078,717,100

The following amendments to the revenue estimates in the FY 2023 current operating budget were made and submitted by the County Executive on May 25, 2022 and are reflected in amendments made by the State of Maryland or are a result of adjustments made by the County Council.

GENERAL FUND

Property Taxes

Decrease revenue by \$2,867,700 to reflect revised real property tax projections to account for various Payment in Lieu of Taxes agreements and revised personal property tax projections based on updated SDAT personal property tax base assessments. Property Taxes including Personal Property Taxes decrease \$2,783,000 and the portion designated for the Board of Education decreases \$84,700, based on adjustments made by the County Executive on May 25, 2022.

Income Taxes

Increase revenue by \$18,618,300 to reflect revised projections based on current collections, based on adjustments made by the County Executive on May 25, 2022.

Transfer and Recordation Taxes

Increase revenue by \$9,695,600 to reflect revised projections based on current collections, based on adjustments made by the County Executive on May 25, 2022.

Other Local Taxes

Increase revenue by \$1,215,000 to reflect revised projections in telecommunication taxes based on year-to-date collections, based on adjustments made by the County Executive on May 25, 2022.

Licenses and Permits

Increase revenue by \$3,364,100 to reflect revised projections based on current collections, based on adjustments made by the County Executive on May 25, 2022.

Use of Money and Property

Decrease revenue by \$2,548,600 to reflect revised projections based on current collections, based on adjustments made by the County Executive on May 25, 2022.

Charges for Services

Decrease revenue by \$2,510,000 to reflect revised projection in Sheriff Charges based on year-to-date and projected collections from eviction revenue, and revised projection for 9-1-1

charges to account for the 60-day notice for the fee increase, based on adjustments made by the County Executive on May 25, 2022.

Intergovernmental Revenues

Increase revenue by \$1,217,600 as a result of an increase in the local health grant and new State grant for businesses along the Purple Line, offset by a projected decrease in the Police Aid grant to align with the approved State budget, based on adjustments made by the County Executive on May 25, 2022.

Outside Aid – Board of Education

Increase revenue by \$725,000 due to an increase in State Aid based on the approved State budget, based on adjustments made by the County Executive on May 25, 2022.

Outside Aid – Community College

Increase revenue by \$500 due to an increase in State Aid based on the approved State budget, based on adjustments made by the County Executive on May 25, 2022.

Outside Aid – Library

Increase revenue by \$199,400 due to an increase in State Aid based on the approved State budget, based on adjustments made by the County Executive on May 25, 2022.

SUBTOTAL GENERAL FUNDS – \$27,109,200

INTERNAL REVENUE FUNDS

Fleet Management Fund

Increase revenue by \$303,500 as a result of an increase in the transfer from the General Fund, based on adjustments made by the County Executive on May 25, 2022.

Information Technology Fund

Increase revenue by \$262,300 as a result of an increase in the transfer from the General Fund, based on adjustments made by the County Executive on May 25, 2022.

SUBTOTAL INTERNAL REVENUE FUNDS – \$565,800

ENTERPRISE FUNDS

Solid Waste Enterprise Fund

Increase revenue by \$674,400 in the Solid Waste Enterprise Fund as a result of an increase in the use of fund balance, based on adjustments made by the County Executive on May 25, 2022.

Stormwater Management Enterprise Fund

1 Increase revenue by \$1,284,900 in the Stormwater Management Enterprise Fund as a result
 2 of an increase in the use of fund balance, based on adjustments made by the County Executive
 3 on May 25, 2022.

4 Local Watershed Protection Enterprise Fund

5 Increase revenue by \$54,600 in the Local Watershed Protection Enterprise Fund as a result
 6 of an increase in the use of fund balance, based on adjustments made by the County Executive
 7 on May 25, 2022.

8 SUBTOTAL ENTERPRISE FUNDS – \$2,013,900

9 SPECIAL REVENUE FUNDS

10 Housing Investment Trust Special Revenue Fund

11 Increase revenue by \$12,039,500 as a result of an increase in the State Grant in the amount
 12 of \$10,000,000, increase in recordation taxes based on revised revenue projections in the
 13 amount of \$800,000, and an increase in Program Income in the amount of \$1,239,500, based on
 14 adjustments made by the County Executive on May 25, 2022.

15 Economic Development Incentive Special Revenue Fund

16 Increase revenue by \$5,000,000 as a result of an increase in the use of fund balance, based
 17 on adjustments made by the County Executive on May 25, 2022.

18 SUBTOTAL SPECIAL REVENUE FUNDS – \$17,039,500

19 GRANTS

20 Net increase in grant revenue of \$28,115,100 due to changes to the Circuit Court, Office of
 21 the Sheriff, Health Department, Department of Public Works and Transportation, Department of
 22 Housing and Community Development, and the Department of the Environment, as a result of
 23 adjustments made by the County Executive on May 25, 2022.

24 SUBTOTAL GRANTS – \$28,115,100

25 TOTAL ALL FUNDS - \$78,843,500

26 SECTION 9. TRANSFER TAX. Pursuant to Section 10-187(e) of the Prince George's
 27 County Code, all transfer tax revenue collected by Prince George's County in Fiscal Year 2023
 28 shall be used for funding the Instructional Salaries, Instructional Materials and Related Costs,
 29 Special Education, and Fixed Charges Categories of the Board of Education approved Fiscal
 30 Year 2023 Budget.

31 SECTION 10. BE IT FURTHER ENACTED that, notwithstanding the provisions of

1 Section 10-261 of the Prince George's County Code, the County Executive may identify
 2 vehicles forfeited to the County, which vehicles may be sold with the proceeds thereof
 3 benefiting local charitable organizations.

4 SECTION 11. BE IT FURTHER ENACTED that it is the intent of the County Council in
 5 enacting the Capital Improvement Program pertaining to the Watershed Implementation Plan
 6 (WIP II) that the following conditions shall attach and apply to the project:

7 A. Department of the Environment's present plans require that 22% of the stormwater
 8 retrofits utilize Environmental Site Design (ESD), pursuant to Chapter 5 of the 2009
 9 Maryland Stormwater Manual and Subtitle 32 of the County Code, and 78% use
 10 conventional stormwater management retrofits.

11 B. It is the intention of the Council that the County must use these funds to implement
 12 the proposed ESD first before either performing ESD or conventional retrofits, that
 13 the Department of the Environment continue to research and develop ways to reduce
 14 the cost of ESD, initiate and complete an evaluation of the costs and economic
 15 benefits of the two approaches and provide the Council with a report.

16 SECTION 12. BE IT FURTHER ENACTED that the Fire Chief, the Chief of Police, and
 17 the Director of Corrections shall provide reports to the County Council within 30 days of the
 18 end of each month concerning the level of expenditures within the Fire/Emergency Medical
 19 Services Department, the Police Department, and the Department of Corrections, respectively,
 20 for overtime compensation, including paid time off in lieu of overtime compensation, and the
 21 deviation from the amount authorized for the payment of overtime compensation in the adopted
 22 budget, and that the Director of Management and Budget shall provide a report to the County
 23 Council not later than January 30, 2023, of the level of expenditures for overtime compensation
 24 for each agency and department as of December 31, 2022.

25 SECTION 13. BE IT FURTHER ENACTED that the Director of Management and
 26 Budget and the Director of Finance shall provide reports to the County Executive and the
 27 County Council within 15 days of the end of each bi-monthly period, beginning on September
 28 30, 2022, for the months of July and August, concerning the level of revenues received and the
 29 level of expenditures made or encumbered to determine whether the anticipated level of
 30 revenues and expenditures that formed the basis for the adoption of this Annual Budget and
 31 Appropriation Ordinance are being realized during the course of the fiscal year.

1 SECTION 14. BE IT FURTHER ENACTED that the Director of the Department of
 2 Public Works and Transportation shall provide a report to the County Executive and the County
 3 Council by September 30, 2022, concerning the status of the road resurfacing needs in the
 4 County to assist the County Council in their development of a road resurfacing priority funding
 5 list to be expended as provided in the Curb and Road Rehabilitation 2 (4.66.0002) capital
 6 improvement program project; and such road resurfacing projects shall have a goal of at least
 7 51% of those related jobs being held by County residents. The Department of Public Works and
 8 Transportation will work with the County Council on identifying projects in the council districts
 9 for the apportioned funds.

10 SECTION 15. BE IT FURTHER ENACTED that there is a General Fund operating
 11 reserve, equal to two percent of the General Fund budget, subject to appropriation only in
 12 accordance with Section 816 of the Charter for Prince George's County, Maryland, to meet a
 13 public emergency, which constitutes a sudden, unexpected or unforeseen condition or
 14 occurrence, creating an imminent hazard to life, health or property and requiring immediate
 15 action.

16 SECTION 16. BE IT FURTHER ENACTED that there is a three-person committee to
 17 assign fund balance in the General Fund consisting of (1) the Director of the Office of
 18 Management and Budget, or his or her designee; (2) the Director of Finance of the County, or
 19 his or her designee; and (3) the County Council Administrator, or his or her designee.

20 SECTION 17. BE IT FURTHER ENACTED that if any person holding an office of profit
 21 within the meaning of Article 35 of the Declaration of Rights, Constitution of Maryland, is
 22 appointed to a second office within the meaning of Article 35 of the Declaration of Rights,
 23 Constitution of Maryland, in the opinion of the County Attorney, then no compensation or other
 24 emolument, except expenses incurred in connection with attendance at hearings, meetings, field
 25 trips, and working sessions, shall be paid from any funds appropriated by this budget to that
 26 person for any services in connection with the second office.

27 SECTION 18. BE IT FURTHER ENACTED that, in accordance with Section 815 of the
 28 Charter, the County Executive has submitted a proposed listing of positions for each agency of
 29 the County, a copy of which is attached as Exhibit 6, and the County Council has delineated a
 30 proposed listing of positions for the County Council, a copy of which is attached as Exhibit 5,

1 the County Council approves the number of positions contained in Exhibit 5 and Exhibit 6 for
2 Fiscal Year 2023.

3 SECTION 19. BE IT FURTHER ENACTED that, in accordance with Section 819 of the
4 County Charter, the County Council has considered and hereby approves certain multi-year
5 contracts for Fiscal Year 2023 attached hereto as Exhibit 7 and incorporated as if set forth fully
6 herein, as follows:

7 A. Exhibit 7 contains an itemized listing of:

8 (1.) Personal service contracts exceeding an aggregate of One Hundred Thousand
9 Dollars (\$100,000) per contractor and all other multiyear contracts with an aggregate
10 of Five Hundred Thousand Dollars (\$500,000), the nature of such transactions
11 reasonably requires the making of such contracts, by agency, vendor, services, term
12 and amount; and

13 (2.) Multiyear contracts for which the County Council hereby approves limited
14 executory authority for the making of personal service contracts and multiyear
15 contracts for goods and services anticipated for execution in Fiscal Year 2023;
16 authority for such contracts is conditioned upon written submission of vendor,
17 contract term, and final contract award amount for each contract by the County
18 Executive to the County Council.

19 SECTION 20. BE IT FURTHER ENACTED that prior to any expenditure of MGM
20 National Harbor local impact grant funds for services and improvements consistent with
21 infrastructure, facilities, public safety, sanitation, economic and community development,
22 including housing, and other public services and improvements, and subsequent to the local
23 development council's review, comment and recommendations on the multiyear plan for the
24 expenditure of the MGM National Harbor local impact grants for services and improvement, the
25 County Executive, pursuant to Section 10-309.2 (b) of the Prince George's County Code, shall
26 transmit the multiyear plan to the Council for review and approval by resolution. A published
27 notice and a public hearing shall be required prior to adoption of the resolution.

28 SECTION 21. BE IT FURTHER ENACTED that the provisions of this Act are hereby
29 declared to be severable; and, in the event that any section, subsection, paragraph,
30 subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or
31 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall

1 not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs,
2 subsections, or sections of this Act, since the same would have been enacted without the
3 incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence,
4 subparagraph, subsection, or section.

1

SECTION 23. EFFECTIVE DATE. This Act shall take effect on July 1, 2022.
Adopted this 1st day of June, 2022.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Calvin S. Hawkins, II
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive

Note: See Exhibits 1, 2, 3, 4, 4A, 4B, 5, 6, and 7.