

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2023 Legislative Session

Reference No.:	CB-061-2023
Draft No.:	1
Committee:	Government Operations and Fiscal Policy
Date:	06/13/2023
Action:	FAV

REPORT: Favorable 3-0-1: Council Members Burroughs, Oriadha, and Ivey. Unfavorable: Harrison. Absent: Fisher

The Prince George's County Government Operations and Fiscal Policy Committee convened on June 13, 2023, to consider CB-061-2023. As proposed, CB-061-2023 seeks to amend provisions of the Code regulating the procedure to declare County Real Property as Surplus Property; methods of disposition of surplus property; approval by Council; and execution of disposition.

Council Chair Dernoga suggested that the Committee receive a briefing on the legislation and hear from the Administration as he is aware of concerns.

Rhonda Weaver, County Attorney, Office of Law, advised, based on Section 508 of the Charter, that a clear conflict exists between the Executive and Legislative Branch and that both branches should seek outside Council. However, Council Chair Dernoga agreed there is a conflict under 508; however, CB-061-2023 is separate and attempts to fix CB-077-2002, which violates the Charter. Mr. Dernoga further stated that the County has been under the invalid law for 20 years, and CB-061-2023 seeks to correct the matter and create an opportunity for the Administration to work with the County Council to approve the property transfer.

Amanda Denison, Chief Legislative Officer, County Council, referred to previous legislation, CB-077-2002, and specified that CB-061-2023 improves upon and adapts CB-077-2002 for our current circumstance.

Sakinda Skinner, Council Liaison, Office of the County Executive, stated that the County Executive opposes CB-061-2023 as drafted with the following explanation: "Economic development is a priority, and the County should be flexible in operations to be able to complete timely transactions. The opposition further declares the CB-061-2023 works against these principals as "requiring every contract to be submitted for approval makes this process onerous. This proposed legislation puts in place two or three approvals for every property. Also, approval or disapproval of contracts by resolution does not give

the County Executive an opportunity to veto should the Council disapprove."

Council Chair Dernoga interjected, stating that the County Executive is only following a two-step process rather than the three-step process that currently exists.

Jared McCarthy, Deputy Chief Administrative Officer, Office of the County Executive, further clarified that the County Executive desires the ability to veto and determines the Redevelopment Authority (RDA) and the Revenue Authority to have clear priority and expedite timelines. He then recognized that under CB-061-2023, the County Executive would not have the ability to veto, nor would expedite timelines or priority for the RDA and the Revenue Authority exists. Mr. McCarthy went on to state that there are conflicts, technical errors, and citations to codes that don't exist. Ultimately, Mr. McCarthy argued the Administration wants priority for the RDA and Revenue Authority above other agencies of the First Rights of Refusal.

Mr. Dernoga retorted that the RDA and Revenue Authority was not mentioned in the original legislation, CB-77-2002. However, CB-061-2023 specifically mentions priority on page 3, lines 10 through 30. In addition, line 14 mentions specific priority for the RDA and Revenue Authority without giving the County Executive the ability of supermajority requirement for the Council to object.

Council Member Oriadha clarified her position and commented that Mr. Dernoga includes a practical compromise to provide the RDA and Revenue Authority to achieve the Right of First Refusal to Purchase.

The Budget and Policy group advised that "enactment of CB-061-2023 may have a direct adverse fiscal impact on the County due to the possibility of additional administrative costs if additional legislative approvals are required for surplus property disposition. Any additional administrative demands can likely be absorbed by the existing staff complement. For expenditures, additional advertisement expenses may be incurred if additional public hearings are required. Any impact is likely to be minimal, and the number of properties disposed of is not likely to be impacted."

After discussion, the Government Operations and Fiscal Policy Committee reported CB-061-2023 out favorably, 3-0-1.