

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2018 Legislative Session

Bill No. CB-22-2018

Chapter No. 5

Proposed and Presented by Council Member Glaros

Introduced by Council Members Glaros, Toles, Harrison, Lehman, Davis, Turner,
Taveras, Franklin and Patterson

Date of Introduction May 24, 2018

BILL

1 AN ACT concerning

2 Maryland-National Capital Park and Planning Commission

3 For the purpose of approving the Prince George's County portion of the Maryland-National
 4 Capital Park and Planning Commission budget and making appropriations and levying certain
 5 taxes for Fiscal Year 2019 for the Maryland-National Capital Park and Planning Commission,
 6 pursuant to the provisions of the Land Use Article of the Annotated Code of Maryland, as
 7 amended ("Land Use Article").

8 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 9 Maryland, that, in accordance with Title 18 of the Land Use Article, the annual budget
 10 transmitted to the County Council by the Maryland-National Capital Park and Planning
 11 Commission on January 15, 2018, and as amended on May 1, 2018, and May 21, 2018, is
 12 approved insofar as it applies to Prince George's County subject, however, to the additions,
 13 deletions, increases or decreases thereto which are contained in Appendix A to this Act, attached
 14 hereto and incorporated as if fully stated herein, and that the revenues to be derived from the
 15 rates herein be and the same established are hereby appropriated and authorized to be disbursed
 16 for the purposes specified by the provisions of the Land Use Article, as amended, and for the
 17 support and maintenance of the purposes as expressed in the budget.

18 SECTION 2. ADMINISTRATION TAX. Pursuant to Sections 18-302 and 18-307 of the
 19 Land Use Article, there is hereby imposed and levied for the Fiscal Year 2019 a tax of five and
 20 sixty-six hundredths cents (\$0.0566) upon each one hundred dollars (\$100.00) of assessed

1 valuation of real property and fourteen and fifteen and one-half hundredths cents (\$0.14155)
 2 upon each one hundred dollars (\$100.00) of assessed valuation of personal property and
 3 operating real property described in Section 8-109 of the Tax-Property Article for property
 4 located in that portion of the Maryland-Washington Regional District lying within Prince
 5 George's County. The proceeds of the collection of such tax shall be paid to the Maryland-
 6 National Capital Park and Planning Commission and shall constitute the Administration Fund of
 7 said Commission. Of the proceeds collected, \$1,137,300 shall be allocated to the County
 8 Council for the reimbursement of the planning and zoning functions of the Legislative Branch, as
 9 described in the Regional District Act.

10 SECTION 3. ADVANCE LAND ACQUISITION FUND. Pursuant to the provisions of
 11 Section 18-401(c) of the Land Use Article, there is hereby imposed and levied for the Fiscal
 12 Year 2019 a tax of zero cents (\$0.00) upon each one hundred dollars (\$100.00) of assessed
 13 valuation of real property and zero cents (\$0.00) upon each one hundred dollars (\$100.00) of
 14 assessed valuation of personal property and operating real property described in Section 8-109 of
 15 the Tax-Property Article, assessable according to the laws of Maryland and subject to taxation in
 16 Prince George's County, to be utilized for advance land acquisition in Prince George's County, in
 17 accordance with the terms and conditions of the above-cited statute, as amended. The proceeds
 18 from the collection of said tax shall be paid to the Maryland-National Capital Park and Planning
 19 Commission for the purpose of debt service on the principal and interest on bonds issued for the
 20 Commission's land acquisition revolving fund, and any excess shall be paid into said fund.

21 SECTION 4. METROPOLITAN DISTRICT TAX-MANDATORY. Pursuant to the
 22 provisions of Sections 18-302 and 18-304(b) of the Land Use Article, there is hereby imposed
 23 and levied for the Fiscal Year 2019 a tax of four cents (\$0.04) upon each one hundred dollars
 24 (\$100.00) of assessed valuation of real property and ten cents (\$0.10) upon each one hundred
 25 dollars (\$100.00) of assessed valuation of personal property and operating real property
 26 described in Section 8-109 of the Tax-Property Article subject to assessment and taxation by
 27 Prince George's County which is located in that portion of the Maryland-Washington
 28 Metropolitan District lying within Prince George's County. The proceeds of the collection of
 29 such tax shall be paid to the Maryland-National Capital Park and Planning Commission and shall
 30 be applied to the purposes set forth in Section 18-304(b) of the Land Use Article.

31 SECTION 5. METROPOLITAN DISTRICT TAX-DISCRETIONARY. Pursuant to

1 Section 18-304(c) of the Land Use Article, there is hereby imposed and levied for Fiscal Year
 2 2019 a tax of eleven and ninety-four hundredths cents (\$0.1194) upon each one hundred dollars
 3 (\$100.00) of assessed valuation of real property and twenty-nine and eighty-five hundredths
 4 cents (\$0.2985) upon each one hundred dollars (\$100.00) of assessed valuation of personal
 5 property and operating real property described in Section 8-109 of the Tax-Property Article
 6 subject to assessment and taxation by Prince George's County which is located in that portion of
 7 the Maryland-Washington Metropolitan District within Prince George's County. The proceeds
 8 of the collection of such tax shall be paid to the Maryland-National Capital Park and Planning
 9 Commission and shall be applied to the purposes set forth in Section 18-304(c) of the Land Use
 10 Article.

11 SECTION 6. RECREATION TAX. Pursuant to Sections 18-302 and 18-306 of the Land
 12 Use Article, there is hereby imposed and levied for the Fiscal Year 2019 a tax to support
 13 recreational activities in the amount of seven and eighty hundredths cents (\$0.0780) upon each
 14 one hundred dollars (\$100.00) of assessed valuation of real property and nineteen and forty-nine
 15 and one-half hundredths cents (\$0.19495) upon each one hundred dollars (\$100.00) of assessed
 16 valuation of personal property and operating real property described in Section 8-109 of the Tax-
 17 Property Article subject to assessment and taxation by Prince George's County. The proceeds of
 18 such tax shall be remitted to the Maryland-National Capital Park and Planning Commission, and
 19 shall be applied to the purposes set forth in Section 18-306(d) of the Land Use Article.

20 SECTION 7. The County Council of Prince George's County hereby adopts the schedules
 21 "Revenues as to Source" as set forth in Appendix A to this enactment and incorporates said
 22 Appendix herein by this reference.

23 SECTION 8. OTHER POST EMPLOYMENT BENEFITS ("OPEB"). The budget
 24 reflects funding for the annual required contribution ("ARC") and the pay-as-you-go amount to
 25 prefund retiree medical costs.

26 SECTION 9. GRANT AND SPECIAL FUNDING. All grants and Land Reclamation
 27 revenue received by the Maryland-National Capital Park and Planning Commission shall be
 28 considered as additions to, and automatic amendments of, the Commission's Operating and CIP
 29 Budgets and work programs, provided that the Commission shall have advised the County
 30 Council of such revenue at the time the revenue was being sought, whether by grant application
 31 or by other applicable special funding application procedures. This section does not, in any way,

1 affect the process for legislative appropriation of tax revenue to the Commission.

2 SECTION 10. PARK ACQUISITION AND DEVELOPMENT. The Prince George's
3 County portion of the Maryland-National Capital Park and Planning Commission Fiscal Year
4 2019 Capital Budget is hereby adopted and shall consist of all previously approved park
5 acquisition and development projects (as revised) with appropriations in the budget year of the
6 Maryland-National Capital Park and Planning Commission Fiscal Years 2019–2024 Capital
7 Improvement Program as such projects are included in the adopted Prince George's County
8 Fiscal Years 2019–2024 Capital Improvement Program and the new projects listed in Appendix
9 B, which is attached hereto and incorporated herein. As such, and pursuant to Section 18-109 of
10 the Land Use Article, as well as Section 10-112.32(d) of the Prince George's County Code, the
11 Council hereby states, as justification for that portion of the Maryland-National Capital Park and
12 Planning Commission Fiscal Year 2019 Capital Budget exceeding the Spending Affordability
13 Commission's recommended overall spending ceiling of \$45.8 million for capital projects by
14 approximately \$3.7 million in pay-as-you-go funding, that the additional costs are the direct
15 result of escalating construction costs anticipated for the replacement of the Tucker Road Ice
16 Rink project, as well as the construction of the Southern Regional Technology and Recreation
17 Complex Aquatic facility.

18 SECTION 11. GUARANTEE OF PRINCIPAL AND INTEREST ON BONDS. Pursuant
19 to the provisions of Section 18-204 of the Land Use Article, the payment of the principal of and
20 interest on any and all bonds sold by the Maryland-National Capital Park and Planning
21 Commission, the proceeds of which are to be used to finance any of the projects adopted by
22 Section 10, are hereby guaranteed by the County as provided in Land Use Article. The guarantee
23 shall be in the form described by Section 18-204 of the Land Use Article, and shall be endorsed
24 on the bonds on behalf of the County by the manual or facsimile signature of the County
25 Executive. The full faith and credit of the County is hereby irrevocably pledged to the
26 fulfillment of the guarantee of the payment of interest when due and the principal on maturity
27 and taxes will be levied in accordance with Sections 18-209, 18-302, 18-304(a), 18-304(b), 18-
28 304(c), and 18-304(e) of the Land Use Article, as necessary. The County Executive and the
29 Clerk of the Council are hereby authorized to take all necessary actions to adopt and record their
30 facsimile signatures and to execute all documents required for the sale of the bonds.

31 SECTION 12. PROJECT CHARGES AND PROGRAM SUPPORT. Any revenue from

1 Maryland-National Capital Park and Planning Commission (“M-NCPPC”) funds used for project
2 charges or program support of County programs shall be based on quarterly invoices submitted
3 by the County to M-NCPPC or such other methods as the County and M-NCPPC shall mutually
4 agree upon.

5 SECTION 13. SEVERABILITY. If the application of this Act or any section, subsection,
6 sentence, clause, phrase, or portion thereof, as it applies in any circumstances, case, or instance
7 to any person, firm, or corporation is, for any reason, found or held to be invalid or
8 unconstitutional by any Court of competent jurisdiction, then such section, subsection, sentence,
9 clause, phrase, or portion and application thereof to such circumstances, case or instance as to
10 any person, firm or corporation, shall be deemed a separate, distinct, and independent act,
11 finding, or holding, and such act, finding or holding shall not affect the validity and application
12 of the remaining portions thereof or the particular portion as it affects other persons, firms, or
13 corporations.

SECTION 14. EFFECTIVE DATE. This Act shall take effect July 1, 2018.

Adopted this 24th day of May, 2018.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Dannielle M. Glaros
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
County Executive

Note: See Appendices A & B