

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

Bill No. CB-23-2018

Chapter No. 6

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 Fiscal Year 2019 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, 2018, and ending June 30, 2019; 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 2019.

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
 20 Education of Prince George's County as submitted by the County Executive to the County
 21 Council on or before March 15, 2018, and incorporated in a document entitled "Proposed

Current Expense Budget Fiscal Year 2019", 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, 2018 and ending June 30, 2019.

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. Breakfast \$6.00
- b. Lunch \$10.00
- c. Dinner \$20.00
- d. Conference meals are reimbursed at actual costs.
- e. 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 2018) in effect as of July 1, 2018.

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

1 with the authority of the Charter of Prince George's County, the public general laws and public
 2 local laws of Maryland relating to budget procedures, the several capital improvement projects
 3 and amounts specified thereto, contained in the capital program and the capital budget of Prince
 4 George's County for the Prince George's Community College and for the various offices,
 5 departments, boards, commissions, institutions, corporations and agencies, excluding the
 6 Washington Suburban Sanitary Commission, as submitted by the County Executive to the
 7 County Council on or before March 15, 2018, and subsequently amended by the County
 8 Executive, and incorporated in a document entitled "Fiscal Years 2019 - 2024 Capital
 9 Improvement Program - Fiscal Year 2019 Capital Budget", an authenticated copy of which is
 10 incorporated herein by reference and made a part hereof as though it were fully set forth herein,
 11 is hereby adopted and approved. The capital budget hereby adopted constitutes the total
 12 appropriation for projects that are scheduled for implementation in Fiscal Year 2019 and those
 13 projects previously authorized. Inclusion of any project in the Capital Improvement Program,
 14 with all funding shown in the category "Beyond Six Years", shall mean that this project is not
 15 "programmed" for the purpose of evaluating the adequacy of public facilities in accordance with
 16 the subdivision regulations and the Zoning Ordinance. The County expects that certain costs of
 17 the approved Capital Projects will be paid before the date of issuance of bonds (or other
 18 obligations of the County to be issued after the date of adoption of this Act) from a source of
 19 funds other than a County borrowing (each, a "Prior Expenditure" and collectively, the "Prior
 20 Expenditures"). The County hereby declares, in accordance with Section 1.150-2 of the Income
 21 Tax Regulations, its intention to use a portion of the proceeds of bonds (or other obligations of
 22 the County to be issued after the date of adoption of this Act) to reimburse itself for Prior
 23 Expenditures paid no earlier than 60 days before the date of adoption of this Act. In accordance
 24 with Section 1.150-2 of the Income Tax Regulations, the maximum principal amount of
 25 obligations expected to be issued for the approved Capital Projects is set forth in the respective
 26 Funding Schedules in the Capital Improvement Program. The County recognizes that, under
 27 Section 1.150-2 of the Income Tax Regulations, the use of proceeds of bonds to reimburse the
 28 County for a Prior Expenditure (other than certain de minimis or preliminary expenditures
 29 described in Section 1.150-2(f) of the Income Tax Regulations) generally will be permitted only
 30 to the extent that: (i) the Prior Expenditure constitutes a capital expenditure for federal income
 31 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, 2015 Edition, 2017 Supplement, 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, 2018:

<u>TYPE OF ENERGY</u>	<u>RATE</u>
Electricity	\$0.009900 per Kilowatt Hour
Natural Gas	\$0.084949 per Therm
Fuel Oil	\$0.200849 per Gallon
Propane	\$0.212657 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, 2018:

<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	\$750.00
Mileage fee	\$5.00 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 2019 is hereby set at the sum of \$4,102,520,100 in accordance with the revenue schedule on the ensuing pages.

PRINCE GEORGE'S COUNTY

FISCAL YEAR 2019

REVENUE

REVENUE ITEM	PROPOSED FY 2019	COUNCIL APPROVED FY 2019
PROPERTY TAXES	\$ 874,414,700	\$ 874,414,700
(Including Personal Property Taxes)		
BOARD of EDUCATION – Tax Increase	39,517,500	39,517,500
INCOME TAXES	629,301,300	634,619,900
TRANSFER & RECORDATION TAXES	179,363,400	179,363,400
OTHER LOCAL TAXES	132,319,200	132,319,200
STATE SHARED TAXES	3,429,000	3,429,000
LICENSES & PERMITS	57,742,900	58,742,900
USE OF MONEY & PROPERTY	3,062,200	3,062,200
CHARGES FOR SERVICES	49,693,800	49,693,800
INTERGOVERNMENTAL REVENUES	36,859,700	36,059,700
MISCELLANEOUS REVENUES	19,004,000	19,004,000
OTHER FINANCING SOURCES	30,081,000	33,681,000
BOARD OF EDUCATION AID	1,284,169,100	1,284,169,100
COMMUNITY COLLEGE AID	75,165,100	75,165,100
LIBRARY AID	<u>8,724,600</u>	<u>8,724,600</u>
TOTAL GENERAL FUND	\$ 3,422,847,500	\$ 3,431,966,100
INTERNAL SERVICE FUNDS	47,189,400	47,189,400
ENTERPRISE FUNDS	219,257,200	219,257,200
SPECIAL REVENUE FUNDS	199,756,900	202,256,900
GRANT PROGRAMS	<u>202,453,600</u>	<u>201,850,500</u>
TOTAL ALL FUNDS	\$ 4,091,504,600	\$ 4,102,520,100

The following amendments to the revenue estimates in the FY 2019 current expense budget were made and submitted by the County Executive and are reflected in amendments made by the State of Maryland or are a result of adjustments made by the County Council.

GENERAL FUND

Income Taxes

Increase revenue by \$5,318,600 to reflect revised projections based on current collections as a result of adjustments made by the County Executive on May 21, 2018.

Licenses and Permits

Increase revenue by \$1,000,000 to reflect revised projections for Table Game revenues as a result of adjustments made by the County Executive on May 21, 2018.

Intergovernmental Revenues

Decrease revenue by \$800,000 related to a reduction in Maryland-National Capital Park and Planning project charges for the Memorial Library System as a result of adjustments made by the County Executive on May 21, 2018.

Other Financing Sources

Increase revenue by \$3,600,000 to reflect an increase in the use of fund balance for the Housing Investment Trust Fund (\$2,500,000), the National Harbor Public Safety Building (\$1,000,000), and a grant to the Town of Eagle Harbor (\$100,000) as a result of adjustments made by the County Executive on May 21, 2018.

SUBTOTAL GENERAL FUNDS – (\$9,118,600)

SPECIAL REVENUE FUND

Increase revenue by \$2,500,000 in the Housing Investment Trust Special Revenue Fund from available fund balance as a result of adjustments made by the County Executive on May 21, 2018.

SUBTOTAL SPECIAL REVENUE FUNDS – (\$2,500,000)

GRANTS

Net decrease in grant revenue by \$603,100 due to changes to the Circuit Court, Department of the Environment, Department of Housing and Community Development, and the Health Department, offset by an additional anticipated grant award to the Police Department, and changes in the Office of Homeland Security to reflect the consolidation of several Urban Areas Security Initiative grant programs into the Regional Emergency Preparedness Grant, as a result

of adjustments made by the County Executive on May 21, 2018.

SUBTOTAL GRANTS – (-\$603,100)

TOTAL ALL FUNDS - (\$11,015,500)

SECTION 9. TRANSFER TAX. Pursuant to Section 10-187(e) of the Prince George's County Code, all transfer tax revenue collected by Prince George's County in Fiscal Year 2019 shall be used for funding the Instructional Salaries, Instructional Materials and Related Costs, Special Education, and Fixed Charges Categories of the Board of Education approved Fiscal Year 2019 Budget.

SECTION 10. BE IT FURTHER ENACTED that, notwithstanding the provisions of Section 10-261 of the Prince George's County Code, the County Executive may identify vehicles forfeited to the County, which vehicles may be sold with the proceeds thereof benefiting local charitable organizations.

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

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

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

SECTION 12. BE IT FURTHER ENACTED that the Fire Chief, the Chief of Police, and the Director of Corrections shall provide reports to the County Council within 30 days of the end of each month concerning the level of expenditures within the Fire/Emergency Medical Services Department, the Police Department, and the Department of Corrections, respectively, for overtime compensation, including paid time off in lieu of overtime compensation, and the deviation from the amount authorized for the payment of overtime compensation in the adopted budget, and that the Director of Management and Budget shall provide a report to the County

1 Council not later than January 30, 2019, of the level of expenditures for overtime compensation
2 for each agency and department as of December 31, 2018.

3 SECTION 13. BE IT FURTHER ENACTED that the Director of Management and
4 Budget and the Director of Finance shall provide reports to the County Executive and the
5 County Council within 15 days of the end of each bi-monthly period, beginning on September
6 30, 2018, for the months of July and August, concerning the level of revenues received and the
7 level of expenditures made or encumbered to determine whether the anticipated level of
8 revenues and expenditures that formed the basis for the adoption of this Annual Budget and
9 Appropriation Ordinance are being realized during the course of the fiscal year.

10 SECTION 14. BE IT FURTHER ENACTED that the Director of the Department of
11 Public Works and Transportation shall provide a report to the County Executive and the County
12 Council by September 30, 2018, concerning the status of the road resurfacing needs in the
13 County to assist the County Council in their development of a road resurfacing priority funding
14 list to be expended as provided in the Curb and Road Rehabilitation 2 (FD661021) capital
15 improvement program project; and such road resurfacing projects shall have a goal of at least
16 51% of those related jobs being held by County residents. The Department of Public Works and
17 Transportation will work with the County Council on identifying projects in the council districts
18 for the apportioned funds.

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

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

29 SECTION 17. BE IT FURTHER ENACTED that if any person holding an office of profit
30 within the meaning of Article 35 of the Declaration of Rights, Constitution of Maryland, is
31 appointed to a second office within the meaning of Article 35 of the Declaration of Rights,

1 Constitution of Maryland, in the opinion of the County Attorney, then no compensation or other
 2 emolument, except expenses incurred in connection with attendance at hearings, meetings, field
 3 trips, and working sessions, shall be paid from any funds appropriated by this budget to that
 4 person for any services in connection with the second office.

5 SECTION 18. BE IT FURTHER ENACTED that, in accordance with Section 815 of the
 6 Charter, the County Executive has submitted a proposed listing of positions for each agency of
 7 the County, a copy of which is attached as Exhibit 6, and the County Council has delineated a
 8 proposed listing of positions for the County Council, a copy of which is attached as Exhibit 5,
 9 the County Council approves the number of positions contained in Exhibit 5 and Exhibit 6 for
 10 Fiscal Year 2019.

11 SECTION 19. BE IT FURTHER ENACTED that, in accordance with Section 819 of the
 12 County Charter, the County Council has considered and hereby approves certain multi-year
 13 contracts for Fiscal Year 2019, attached hereto as exhibit 7 and incorporated as if set forth fully
 14 herein, as follows:

15 A. Exhibit 7 contains an itemized listing of:

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

21 (2.) An itemized listing of multiyear contracts for which the County Council hereby
 22 approves limited executory authority for the making of personal service contracts
 23 and multiyear contracts for goods and services anticipated for execution in Fiscal
 24 Year 2019; authority for such contracts is conditioned upon written submission of
 25 vendor, contract term, and final contract award amount for each contract by the
 26 County Executive to the County Council.

27 SECTION 20. BE IT FURTHER ENACTED that prior to any expenditure of MGM
 28 National Harbor local impact grant funds for services and improvements consistent with
 29 infrastructure, facilities, public safety, sanitation, economic and community development,
 30 including housing, and other public services and improvements, and subsequent to the local
 31 development council's review, comment and recommendations on the multiyear plan for the

1 expenditure of the MGM National Harbor local impact grants for services and improvement, the
2 County Executive, pursuant to Section 10-309.2 (b) of the Prince George's County Code, shall
3 transmit the multiyear plan to the Council for review and approval by resolution. A published
4 notice and a public hearing shall be required prior to adoption of the resolution.

5 SECTION 21. BE IT FURTHER ENACTED that the provisions of this Act are hereby
6 declared to be severable; and, in the event that any section, subsection, paragraph,
7 subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or
8 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall
9 not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs,
10 subsections, or sections of this Act, since the same would have been enacted without the
11 incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence,
12 subparagraph, subsection, or section.
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SECTION 22. EFFECTIVE DATE. This Act shall take effect on 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 Exhibits 1, 2, 3, 4, 5, 6, and 7.