

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2018 Legislative Session

Reference No.: CB-52-2018

Draft No.: 2

Committee: COMMITTEE OF THE WHOLE

Date: 7/2/2018

Action: FAV(A)

REPORT:

Committee Vote: 8-0. In favor: Council Members Glaros, Davis, Franklin, Lehman, Patterson, Taveras, Toles and Turner. Absent: Council Member Harrison

The County Council convened as the Committee of the Whole on Monday, July 2, 2018, to consider CB-52-2018, legislation styled as proposed Emergency Legislation pursuant to the prescriptions for enactment of same set forth in Section 317 of the County Charter. As explained by legal counsel to the Legislative Branch, this bill proposes certain increases and/or new fees related to licensing and permits for Secondhand Dealer uses doing business in Prince George's County. Its underpinning derives from prior action by the County governing body to regulate licenses and/or permits for Secondhand Dealers by way of enactment of CB-14-2017. In particular, Section 2 of the prior legislation called for alternative action to be undertaken by the County to either refer such legislative enactment as to Secondhand Dealer business use licensing/permit fees to the qualified voters of the County at the 2018 General Election; or, in the alternative, that the County promulgate additional legislation to codify the fee requirements at law, proceeding in the ordinary course and exempt from the prescribed referenda criteria imposed via Section 813 of the County Charter.

The Zoning and Legislative Counsel to the County Council also explained that it remains the uniform consensus of legal counsel, for the Legislative and Executive branches of County Government alike, that the imposition of RAPID fee for Secondhand Dealers in Prince George's County falls squarely within articulated exemptions articulated in Section 813, the very provision requiring referral of new or increased fees and taxes to the electorate for contingent approval.

Thus, as further explained by counsel, this Emergency Bill is needed to clarify the requirements of County law for licenses/permit fees in Prince George's County. It is squarely contemplated within Section 2 of CB-14-2017 enacted by the County governing body; and the enactment of same is valid and proper, pursuant to a collective legal determination that such fees are exempt from referendum.

The Office of Law offered an amendment to CB-52-2018 for certain additional clarifying language, intended as codified law, during the Committee's consideration of CB-52-2018, more specifically, on Page 3, after Line 11, add the following language, as follows:

“Sec. 5-237.01. Fee.

(a) A fee for a RAPID license as prescribed in the Table of Fees shall be paid by an applicant when the initial application for a license is filed; thereafter, unless the license is denied, suspended, revoked, or otherwise terminated, the license shall be renewed annually upon the payment of the license fee prescribed in the Table of Fees.”

After this discussion regarding the relevant underpinnings of the proposed Charter Amendment, the Committee voted 8—0 (Absent: Council Member Harrison) for a favorable recommendation and report with the foregoing amendment offered by staff from the Office of Law as to CB-52-2018.