

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2020 Legislative Session

Reference No.:	CB-20-2020
Draft No.:	2
Committee:	COMMITTEE OF THE WHOLE
Date:	06/02/2020
Action:	FAV (A)

REPORT:

Committee Vote: Favorable as amended, 7-4 (In favor: Council Members Turner, Davis, Franklin, Glaros, Hawkins, Streeter and Taveras. Oppose: Council Members Anderson-Walker, Dernoga, Harrison and Ivey)

The Committee of the Whole met on June 2 to consider CB-20-2020. After staff overview, Council Chair Turner, the bill's sponsor, informed the Committee that this legislation is proposed to update the Code based on legislation that was enacted several years ago concerning adequate public facilities mitigation.

The Planning Board submitted a letter dated May 28, 2020 to the Council Chair indicating opposition as drafted with explanation as follows. The Planning Board is not clear on whether the intent of the bill is to waive the Public Safety Surcharge fee or the Adequate Public Safety Facilities Mitigation Guidelines. It should be noted that waiving the Public Safety Surcharge fee or the mitigation fee for specific projects reduces collected revenue for police, fire, emergency medical services or the ability to address public safety infrastructure adequacies throughout the County.

The Chief Zoning Hearing Examiner (ZHE) submitted a comment recommending that the provision of the Code being amended on page 4, lines 20-21 in Draft-1 be included in a new subsection (f).

The Zoning and Legislative Counsel provided an overview of a Proposed Draft-2 (DR-2) prepared at the bill sponsor's request to address Planning Board and ZHE comments.

The Office of Law reviewed Proposed Draft-2 and determined that it is in proper legislative form with no legal impediments to its enactment. Ms. Skinner, Associate County Attorney, informed the Committee that Proposed DR-2 clarifies the intent of the legislation concerning mitigation.

The amendments in Proposed DR-2 are as follows: on page 1, line 4, in the purpose clause, "Surcharge" was changed to "Mitigation Requirement", and on page 4, a new subsection (f) was added to read: "The governing body of the County may, by Resolution, waive any public safety facilities mitigation requirement imposed pursuant to the Section."

On a motion by Council Member Davis, and second by Council Member Hawkins, the Committee of the Whole voted 7-4 on CB-20-2020 as amended in Proposed DR-2.