

THE PRINCE GEORGE'S COUNTY FY 2010-2015 PROPOSED CAPITAL IMPROVEMENT PROGRAM

COUNTY CHARTER PROVISIONS PERTAINING TO THE CIP

Section 803. **COMPREHENSIVE SCOPE OF BUDGET.** The County Budget shall consist of the current expense budget, the capital budget and capital program, and the budget message. It shall represent a complete financial plan for the County, including all estimated revenues from all sources, all planned expenditures, and the surplus or deficit in the general and all special funds for the County government and shall be presented in such format as the Council may prescribe by resolution.

Section 805. **CONTENTS OF THE CAPITAL BUDGET AND CAPITAL PROGRAM.** The proposed capital budget and capital program shall be so arranged as to set forth clearly the plan of proposed capital projects to be undertaken in the ensuing fiscal year and in each of the next five fiscal years, and also the proposed means of financing the same. The capital budget shall include a statement of the receipts anticipated during the ensuing fiscal year from all borrowing and from other sources for capital projects.

Section 807. **CONTENTS OF THE BUDGET MESSAGE.** The budget message shall contain supporting summary tables and shall explain the proposed operating budget and capital program both in fiscal terms and in terms of work to be done. It shall outline the proposed financial policies of the County for the ensuing fiscal year and describe the important features of the operating budget. It shall indicate any major changes in fiscal policies and in expenditures, appropriations, and revenues as compared with the fiscal year currently ending and shall set forth the reasons for such changes.

Section 809. **PUBLIC BUDGET HEARINGS AND ACTION ON THE BUDGET BY THE COUNCIL.** Upon receipt of the proposed County budget, the Clerk of the Council shall cause to be published a notice of the place and time of at least two public hearings on the budget by the Council. Such public notice shall be published in the County newspapers of record. The Council may hold such other preliminary hearings on the budget for the purpose of obtaining information as it may determine, but no action shall be taken by the Council on the budget except in public session. After the public budget hearing, the Council may not add new items but may increase, decrease, or delete any items in the budget except those required by the laws of this state or of this County, and except any provisions for debt service on obligations then outstanding or for estimated cash deficits. The Council shall have no power to change the form of the budget as

submitted by the Executive or to alter the revenue estimates except to correct mathematical errors. The adoption of the operating budget, the capital budget and the capital program shall be by the affirmative vote of not less than a majority of the full Council by a law to be known as the Annual Budget and Appropriation Ordinance of Prince George's County. The Annual Budget and Appropriation Ordinance shall be adopted by the Council on or before June 1 of each fiscal year, and if the Council fails to do so, the proposed operating budget submitted by the County Executive shall stand adopted, and funds for the expenditures proposed in the current expense budget shall stand appropriated as fully and to the same extent as if favorable action thereon had been taken by the Council.

Section 814. **TRANSFER OF APPROPRIATIONS.** Transfers of appropriations between general classifications of expenditures in the current expense budget within the same agency and within the same fund may be authorized by the County Executive. Transfers between agencies of the County government and within the same fund of the current expense budget may be made on the recommendations of the County Executive and with the approval of the Council. Interproject transfers of appropriations between capital projects in the capital budget may be authorized by legislative act of the Council upon request of the County Executive, but no new project shall be created nor any abandoned except in accordance with Section 818 and Section 820 of this Charter. Nothing contained herein shall be construed to prevent the Council, upon request of the County Executive, from providing by law for inter-fund cash borrowings to meet temporary cash requirements nor to prevent reimbursements among funds for services rendered.

Section 815. **SUPPLEMENTARY APPROPRIATIONS.** During any fiscal year, the Council, upon the recommendation of the County Executive, may, by resolution, make additional or supplementary appropriations from unexpended and unencumbered funds set aside for contingencies in the County budget, and from federal, state or private grants which were not included in the budget for the current fiscal year; and may, by Legislative Act, make additional or supplementary appropriations from revenue received from anticipated sources but in excess of budget estimates therefor, from revenues received from sources not anticipated in the budget for the current fiscal year and from any prior year available and uncommitted fund balance.

Section 818. **LAPSED APPROPRIATIONS.** Unless otherwise provided by law, all unexpended and unencumbered appropriations in the operating

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budget remaining at the end of the fiscal year shall lapse into the County treasury. No appropriation for a capital project in the capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided that any capital project shall stand abandoned if three fiscal years elapse without any expenditure from or encumbrance of the appropriation made therefore. The balances remaining to the credit of the completed or abandoned capital projects shall be available for appropriation in subsequent capital budgets.

Section 820. **RESTRICTIONS ON CAPITAL PROJECTS: AMENDMENT TO CAPITAL BUDGET AFTER ADOPTION OF BUDGET.** No obligations of the County shall be authorized in any fiscal year for or on account of any capital project not included in the County budget as finally adopted for such year; provided that upon receipt of a recommendation in writing from the County Executive, the Council may, after public hearing and with the affirmative vote of two-thirds of its members, amend the County budget in accordance with such recommendation.

COUNTY CHARTER PROVISIONS PERTAINING TO BOND LEGISLATION

Section 822. **FORM AND TERM OF BONDS.** All general obligation bonds shall be in serial form and payable, as consecutively numbered, in annual installments, the first of which shall be payable not more than two years from the day of issue. Bonds shall be properly authenticated. All bonds shall be made payable within the probable useful life of the improvement or undertaking with respect to which they are to be issued, or, if the bonds are to be issued for several improvements or undertakings, then within the average probable useful life of all such improvements or undertakings. No bonds shall mature and be payable more than forty years after their date of issuance.

Section 823. **CONTENTS OF BOND ISSUE AUTHORIZATION ORDINANCES.** Any borrowing to finance capital projects must be authorized by an existing law of the General Assembly of Maryland or by a law of the Council adopted in accordance with this Charter. The Council may adopt from time to time bond issue authorization ordinances pursuant to an enabling law or laws then in force and in effect to provide the means of financing such capital projects as are to be financed from borrowing. Each Bond Issue Authorization Ordinance shall include a statement of the purpose or purposes of the issue, and if the purpose is to finance one or

more capital projects, it shall describe each of them sufficiently for purposes of identification, but no capital project shall be included unless the amount included therein shall be deemed sufficient to complete at least a usable portion of such project. The Ordinance shall estimate the cost of the project or projects and the portion thereof to be defrayed from sources, specifically named, other than the proposed bond issues. The Ordinance shall also include the amount of the proposed issue; a statement showing that the proposed issue is within the legal limitation on the indebtedness of the County; the probable useful life of the project or average probable useful life of the projects to be financed; a statement of the tax or other revenues of the County pledged to the payment of the principal of, and interest on, the bonds; and that the full faith and credit of the County are pledged to such payments.

COUNTY CHARTER PROVISIONS PERTAINING TO VOTER REFERENDUM

Section 323. **POWERS AND DUTIES OF THE COUNCIL.** The Council shall refer to a referendum of the voters of the County, at the ensuing regular congressional primary or general election, any act enabling the County to borrow money to finance capital projects, and any act or resolution pledging the full faith and credit of the County or any other guarantee by the County for any bonds to be issued by or for the benefit of any State or bi-County agency or district except for school construction bonds or obligations. Each such enabling act shall describe, sufficiently for purposes of identification, the specific capital project or projects to be financed by the borrowing authorized by said act, and shall authorize borrowing only for either a single capital project or for a number of capital projects of the same generic class. Unless the act or resolution so referred is approved by a majority of the voters at the referendum, the Council shall have no power to enact an authorizing ordinance pursuant to Section 823 of the Charter to carry into effect the terms of the act or resolution so referred and shall have no power to pledge the full faith and credit of the County or any other guarantee of the County for bonds to be issued by or for the benefit of any state or bi-county agency of district. Any ordinance authorizing the issuance of bonds pursuant to Section 823 of the Charter shall be referred to referendum of the voters as provided in this subsection and shall not be effective unless approved by a majority of the voters, if such authorization is for the purpose of providing for borrowing to finance a capital project authorized by any law enacted prior to the effective date of this amendment which law has not been approved at referendum.