Ordinance 21-10
Operating and Capital Budget for the
City of New Carrollton, Maryland
Fiscal Year 2022

Effective: July 1, 2021

AN ORDINANCE OF THE CITY COUNCIL OF NEW CARROLLTON ADOPTING AN ANNUAL OPERATING AND CAPITAL BUDGET FOR THE CITY OF NEW CARROLLTON FOR THE FISCAL YEAR BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022; ESTABLISHING THE TAX RATE TO BE LEVIED UPON THE TAXABLE PROPERTY WITHIN THE CITY; AUTHORIZING THE COLLECTION OF SUCH TAXES; SPECIFYING A RATE OF INTEREST TO BE CHARGED UPON OVERDUE PERSONAL PROPERTY TAXES, LIENS AND UNPAID FEES; ADOPTING ANNUAL BUDGETS FOR THE COMMERCIAL AND/OR INDUSTRIAL PROPERTIES SPECIAL PUBLIC SAFETY TAXING DISTRICT AND THE MULTIFAMILY PROPERTIES SPECIAL PUBLIC SAFETY TAXING DISTRICT; ESTABLISHING THE ANNUAL TAX RATE TO BE LEVIED UPON THE SPECIAL PUBLIC SAFETY TAXING DISTRICTS; AND ALL THINGS GENERALLY RELATING TO THE ADOPTION OF AN ANNUAL BUDGET FOR THE CITY.

RECITALS:

WHEREAS, City Charter, § C-14 "Budget and finance" provides, in pertinent part, that the City shall operate on an annual budget, and that the Mayor shall submit an operating and a capital budget that provides a complete financial plan for the budget year and contains estimates of anticipated revenues and proposed expenditures for the coming year, with the total anticipated revenues equaling or exceeding the total of the proposed expenditures; and

WHEREAS, City Code, § 105-5, "Special Public Safety Taxing Districts Generally; Districts Created; Applicability," requires that the City Council adopt annual budgets and establish the annual tax rates for the Commercial and/or Industrial Properties Special Public Safety Taxing District and the Multifamily Properties Special Public Safety Taxing District, as those Special Public Safety Taxing Districts are defined in City Code, §105-5; and

WHEREAS, as is required by City Code, § 6-1 "Presentation of budget; public record," the Mayor submitted a budget for Fiscal Year 2022 to the City Council on or before April 1, 2021; and

WHEREAS, the budget submitted by the Mayor meets the requirements of City Code, § 6-1 "Presentation of budget; public record," subsection B "Format and content," which among other things, requires that the budget include a comparison between proposed items of both income and expenses, with estimates of those same items for the current fiscal year, and with actual figures for said items of income and expense for at least one (1) year prior to the current fiscal year; and

WHEREAS, as is required by City Charter, § C-14.C "Budget adoption" and City Code, § 6-2 "Public hearing on budget; notice," before adopting the budget, the Council conducted at least one (1) public hearing thereon, after publishing notice of the public hearing in at least one (1) newspaper having general circulation within the City at least five (5) days prior to the date of the hearing; and

WHEREAS, the City Council of New Carrollton agrees upon the budget reflected herein for FY2022; and

WHEREAS, the City Council agrees upon the annual Special Public Safety Taxing Districts annual budgets attached hereto for FY2021 for the Special Public Safety Taxing Districts set forth in City Code, § 105-5, which budgets include the costs of financing the capital and operating costs to enhance police services for the Public Safety Special Taxing Districts, including the costs of operating and maintaining Public Safety Special Taxing District facilities, the cost of administrative, professional or support services provided by the City, and any other item of cost which may reasonably be attributed to the Public Safety Special Taxing Districts, all of which costs the City Council has determined will specially benefit the Commercial Special Public Safety Taxing District and confer value to that Commercial Special Public Safety Taxing District from enhanced police services; and

WHEREAS, it is the determination of the City Council that this ordinance should be enacted to budget and appropriate funds for the several objects and purposes for which the City of New Carrollton must provide in the fiscal year beginning July 1, 2021, and ending June 30, 2022 ("Fiscal Year 2022").

Section 1. **NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the City Council of New Carrollton, with at least a majority of the total Council concurring, that from and out of the monies and balances known to be in the General Fund of the City of New Carrollton, Maryland, and from all monies anticipated to come into all funds during the twelve (12) month period ending June 30, 2022, there shall be, and hereby are, appropriated the following sums for use by the several departments and offices of the City, and for the objects and purposes for which the City must provide during Fiscal Year 2022:

REVENUES AND RESOURCES	
Real Property	6,285,419
Personal Property & Utilities	551,000
Interest & Penalties	30,000
Business Taxes	2,000
State Shared Taxes-Highway User Revenue	363,534
State Shared Taxes - Income Taxes	1,200,000
County Shared Taxes	83,487
TAX REVENUES	8,515,440
Licenses and Permits	202,522
Grants	152,000
Revenues from Other Agencies-Cable TV	111,000
Service Fees & Charges	684,069
Fines & Forfeitures	1,214,500
Other Revenues	262,368
OTHER REVENUES	2,626,459

OPERATING REVENUES	11,141,899
Contingency Reserve Carryover	130,000
Appropriated Fund Balances	157,000
Operating Reserve	150,000
RESERVES AND APPROPRIATIONS	437,000
TOTAL REVENUE AND RESOURCES	11,578,899
EXPENDITURES AND RESERVES	
General Government	2,104,244
Public Safety	4,339,790
Public Works	4,514,269
PROGRAM EXPENDITURES	10,958,303
Debt Service (Principal & Interest)	335,596
Contingency Reserve Carryover	130,000
Operating Reserve	150,000
Other Use of Appropriations	5,000
TOTAL USE OF DEBT AND APPROPRIATIONS	285,000
TOTAL EXPENDITURES AND RESERVES	11,578,899
SURPLUS (DEFICIT)	-

Section 2. **BE IT FURTHER ENACTED AND ORDAINED,** that from and out of the monies and balances known to be in the General Fund of the City of New Carrollton, Maryland, and from all monies anticipated to come into said fund during the twelve month period ending June 30, 2022, there shall be and hereby are appropriated to the several line item accounts the sums listed as proposed expenditures in the F.Y.2022 budget document, entitled "F.Y. 2022 Budget," which document is attached to this Ordinance as Exhibit A and is incorporated by reference as if fully set out herein.

Section 3. **BE IT FURTHER ENACTED AND ORDAINED,** that in no case shall actual expenditures exceed the amount appropriated to a line item account. In the event that a line item account is projected to exceed the budgeted amount, the City Council shall pass an ordinance to amend the budget; allocating an amount sufficient to cover the rest of the fiscal year's expenses, with an increase in revenues equal to the increase in expenditures. Said ordinance shall pass with at least two-thirds (2/3) of the Council voting in favor of the ordinance to amend the budget.

Section 4. **BE IT FURTHER ENACTED AND ORDAINED,** that estimated property and non-property tax revenues, and reserves, and the revenue requirement from all taxes provided for herein for the twelve month period ending June 30, 2021, shall be and hereby are established as set forth in the F.Y. 2021 budget document, which is attached to and is specifically made a part of this Ordinance as if fully set out herein.

Section 5. **BE IT FURTHER ENACTED AND ORDAINED**, that a tax of $0.6391 per $100.00 of full value assessments shall be levied upon all taxable real properties within the City, to provide a portion of the balance of the revenues required during Fiscal Year 2022 to meet the total amount of appropriated expenditures as established by this Ordinance.

Section 6. **BE IT FURTHER ENACTED AND ORDAINED,** that a tax of $1.60 per $100.00 of full value assessments shall be levied upon all franchises, upon all taxable operating and personal property of public utilities and railroads within the City, and upon all tangible personal property within the corporate limits of the City or business personal property which may have a situs in the City by reason of the residence of the owner therein and which is subject to taxation for municipal purposes which shall include shares of domestic corporations, stocks in business of manufacturing or commercial business, inventory, manufacturing property and automobile inventory. The assessed valuation for the tangible personal property, including inventory, referenced herein, shall be as determined by the Maryland State Department of Assessments & Taxation in its normal course of assessments. Taxes levied herein shall provide a portion of the balance of the revenues required during Fiscal Year 2022 to meet the total amount of appropriated expenditures as established by Section 2 of this ordinance.

Section 7. **BE IT FURTHER ENACTED AND ORDAINED,** that a Special Public Safety ad-valorem tax of $0.15 per $100.00 of assessed value of real property and $0.15 per $100.00 of assessed value of tangible personal property shall be levied upon the properties located within the Commercial and/or Industrial Properties Special Public Safety Taxing District, and a Special Public Safety Taxing District ad-valorem tax of $0.00 per $100.00 of assessed value of real property and $0.00 per $100.00 of assessed value of tangible personal property shall be levied upon the properties located within the Multifamily Properties Special Public Safety Taxing District, as those Districts are defined in City Code, § 105-5.B, for the special benefit to each such Public Safety Special Taxing District from enhanced police services.

Section 8. **BE IT FURTHER ENACTED AND ORDAINED,** that City Code, § 105-5(C) "Budget and appropriation", requires that the City Council "adopt annual budgets for the [special taxing] districts which shall include the costs of financing the capital and operating costs to enhance police, fire protection, and rescue services; and shall include paying the principal and interest on obligations incurred for the district as they become due, the costs of operating and maintaining district facilities, the cost of administrative, professional or support services provided by the City, and any other item of cost which may reasonably be attributed to the district." Said Special Taxing Districts' Budgets are attached hereto in Exhibit B and are incorporated herein by this reference, and are hereby adopted concurrently as part of this Ordinance and the City's budget.

Section 9. **BE IT FURTHER ENACTED AND ORDAINED,** that a Schedule of Fees set by the City Council, for which the City sets service fees and other charges, shall be adopted by resolution of the Council concurrently with this Budget Ordinance.

Section 10. **BE IT FURTHER ENACTED AND ORDAINED,** that any transfer of funds between appropriations or other changes to the budget shall be done by amendment to this Ordinance in public session of the City Council of the City of New Carrollton and shall require a super-majority vote of the full Council for passage.

Section 11. **BE IT FURTHER ENACTED AND ORDAINED,** that all excess of revenues over expenses discovered from the result of the annual audit of the FY 2020 financial statements, if any, will be used to increase the City's Undesignated Fund Balance, or will be designated for use by the City Council.

Section 12. **BE IT FURTHER ENACTED AND ORDAINED,** that the Mayor/Administration shall consult with the City Council regarding applications for County, State, and Federal grants, applied for during Fiscal Year 2022, and the Mayor shall review all grant programs, specified herein, with the City Council.

Section 13. **BE IT FURTHER ENACTED AND ORDAINED,** that when determined by the Mayor that funds appropriated by the City Council cannot be expended during the fiscal year ending June 30, 2022, because of unusual conditions or circumstances, the Mayor shall notify the City Council of the reasons giving rise to this determination. After this disclosure to the City Council, the Council at its discretion may issue policy guidance, which shall be binding on the Mayor.

Section 14. **BE IT FURTHER ENACTED AND ORDAINED,** that if any section, part of a section or a provisions of this Ordinance shall be adjudicated to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of this Ordinance as a whole or any other section or provision or part hereof.

INTRODUCED BY THE CITY COUNCIL OF NEW CARROLLTON ON THE 5th DAY OF MAY, 2021.

ADOPTED AND ENACTED BY THE CITY COUNCIL OF NEW CARROLLTON ON THE 19th DAY OF MAY, 2021.

EFFECTIVE: July 1, 2021

Attest:

Douglass A. Barber, MMC
City Clerk

City of New Carrollton

Lincoln Lashley
Chair, City Council

Date: MAY 19, 2021

Approved for legal sufficiency:

BY: _____
Gabriel J. Christian, Esq.
City Attorney

Approved:

Phelecia E. Nembhard, Mayor

Date: MAY 19, 2021