

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**2000 Legislative Session**

Bill No. CB-56-2000

Chapter No. 40

Proposed and Presented by The Chairman (by request – County Executive)

Introduced by Council Members Bailey, Hendershot, Maloney, Russell, Scott and Wilson

Co-Sponsors \_\_\_\_\_

Date of Introduction June 6, 2000

**BILL**

1 AN ACT concerning

2 Borrowing to Finance Capital Projects for

3 Public Works and Transportation Facilities

4 For the purpose of authorizing Prince George's County, Maryland, to borrow money upon its full  
5 faith and credit at any time and from time to time, in an aggregate principal amount not  
6 exceeding \$117,516,000 to finance the design, construction, reconstruction, extension,  
7 acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation, or repair  
8 of Public Works and Transportation Facilities, including the acquisition of sites therefor;  
9 prescribing terms and conditions upon which bonds issued pursuant to this Act shall be issued  
10 and sold and other incidental details with respect thereto; providing generally for the issuance of  
11 such bonds and providing for such borrowing to be submitted to a referendum of the legal voters  
12 of the County.

13 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
14 Maryland, that Prince George's County, Maryland ("County"), is hereby authorized, pursuant to  
15 Section 323 of the Charter of Prince George's County, Maryland (the "Charter"), to borrow  
16 money and incur indebtedness upon its full faith and credit, at any time and from time to time, in  
17 an aggregate principal amount not exceeding \$117,516,000 to finance the design, construction,  
18 reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation,  
19 relocation, rehabilitation, or repair of, Public Works and Transportation Facilities (including  
20 roads and bridges, parking lots and maintenance facilities), including the acquisition and  
21 development of sites therefor, the architectural and engineering services incident thereto, and the

acquisition and installation of necessary fixed permanent equipment therefor, all such capital projects hereby being found to be (and also being in fact) of the same generic class and being described in the capital program of the County for the fiscal years 2001-2006, under the following headings, which descriptions are incorporated by reference as if set forth herein:

<u>CIP-ID</u>	<u>Project Name</u>
FD 666601	Addison Road
FD 669771	Addison Road II
FD 667333	Advanced Land Acquisition
FD 669091	Allentown/Temple Hill Rd. Intersection
FD 666331	Ardwick Ardmore Road II
FD 669821	Auth Road
FD 668092	Bridge Capital Repairs
FD 667252	Bridge Replacement - Ardwick/Ardmore Road
FD 667112	Bridge Replacement - Beaver Dam Road
FD 667005	Bridge Replacement - Bock Road
FD 668132	Bridge Replacement - Columbia Park Road
FD 668162	Bridge Replacement - Muirkirk Road
FD 667015	Bridge Replacement - Ritchie Marlboro Road
FD 668152	Bridge Replacement - Sunnyside Avenue
FD 668042	Bridge Replacement - Various Locations
FD 669711	Brightseat Road
FH 668545	Bus Mass Transit/Rail Mass Transit
FD 665611	Cherry Hill Road
FD 669791	Cherry Lane
FD 668605	County Revitalization
FD 668515	Curbs and Sidewalks
FD 668645	Developer Contribution Projects
FD 668625	Highway Beautification
FD 669551	Hill Road
FD 665531	Intersection Improvements
FD 666661	Lottsford Vista Road

1	FD 669781	MD 193 - Watkins Park Drive
2	FD 669751	Metro Access
3	FD 666101	Old Gunpowder Road
4	FD 665791	Other Public Roads Improvements
5	FD 666681	Oxon Hill Road
6	FD 668525	Resurfacing and Safety Improvements
7	FD 666751	Ritchie Road and Forestville Road
8	FD 669581	Sound Barriers/Lanham Area
9	FD 669761	School Access Projects
10	FD 668585	Street Lights
11	FD 669001	Surratts Road
12	FD 669031	Temple Hill Rd. & Brinkley Rd. Intersection
13	FD 667524	Traffic Control Signals
14	FD 668595	Transportation Safety Enhancements
15	FD 666581	Walker Mill Road
16	FD 669801	White House Road

17       Reference to the County's capital program for the years 2001-2006 is made for purposes of  
18 description only and such reference shall include the same capital projects in any amended or  
19 subsequent capital program.

20       SECTION 2. BE IT FURTHER ENACTED that any general obligation bonds to be issued  
21 pursuant to this Act shall be issued and sold pursuant to Bond Issue Authorization Ordinances  
22 adopted in accordance with Sections 814 and 827 of the Charter and other applicable provisions  
23 of Sections 10 and 11 of Article 31 of the Annotated Code of Maryland, as amended, replaced, or  
24 recodified from time to time, but the County shall sell such bonds only by solicitation of  
25 competitive bids therefor at public sale in such manner and after giving such public notice as the  
26 County Council may by ordinance determine. Such bonds may be sold for such price or prices  
27 as may be determined to be for the best interest of the County, either at, above or below the par  
28 value of any such bonds, and such bonds may be sold in conjunction with other series of bonds  
29 issued by the County in which event the notice of sale soliciting bids for the purchase of such  
30 bonds may require that the acceptance of any bid for any series of bonds be made contingent  
31 upon the acceptance of the bid or bids on all or any of the series being offered by the County for

1 sale at the same time. When such bonds are sold in conjunction with other series of bonds, the  
 2 said notice of sale may also require that consolidated bids shall be submitted on any two or more  
 3 of such series of bonds.

4 Nothing in this Act shall in any way limit the authority provided for the refunding of  
 5 County indebtedness by Section 24 of Article 31 of the Annotated Code of Maryland, as  
 6 amended or supplemented from time to time or by any other applicable law, and all such  
 7 authority is intended to be available to the County to refund any indebtedness incurred pursuant  
 8 to this Act to the maximum extent provided by such authority.

9 Such bonds may be issued in an amount sufficient to finance the costs of the Public Works  
 10 and Transportation Facilities and the cost of issuance of the bonds. Prior to the application of the  
 11 proceeds of such bonds to finance the costs of the Public Works and Transportation Facilities,  
 12 the cost of issuance of such bonds for such Public Works and Transportation Facilities may be  
 13 deducted from such proceeds.

14 SECTION 3. BE IT FURTHER ENACTED that this Act shall be submitted to the legal  
 15 voters of the County, for their approval or disapproval, at the general election to be held in the  
 16 County on Tuesday, November 7, 2000. The question to be certified to the Board of Supervisors  
 17 of Elections of the County for inclusion on the ballot for said general election shall be in  
 18 substantially the following form:

#### 19 PUBLIC WORKS AND TRANSPORTATION FACILITIES BONDS

20 AN ACT enabling the County to borrow money and issue bonds in an amount not  
 21 exceeding \$117,516,000 to finance the design, construction, reconstruction, extension,  
 22 acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair  
 23 of Public Works and Transportation Facilities (including roads and bridges, parking lots, and  
 24 maintenance facilities), as defined therein.

25 SECTION 4. BE IT FURTHER ENACTED that the powers granted by this Act are  
 26 additional and cumulative and the bonds to be issued pursuant to this Act may be issued,  
 27 notwithstanding that other bond acts or laws may provide for the issuance of other bonds or the  
 28 borrowing of money for the same or similar purposes on the same or other terms and conditions.  
 29 This Act shall be liberally construed to effectuate its purposes, namely, to authorize the  
 30 borrowing of money and the incurring of indebtedness to finance the described capital projects of  
 31 the same generic class set forth in this Act. Provisions of this Act shall be deemed met and

1 satisfied if there is substantial compliance with such provisions, including (without limitation)  
2 provisions relating to the submission of any question to the legal voters of the County which are  
3 intended only to provide fair and adequate notice to such voters and not to prescribe provisions  
4 which must be literally satisfied. This Act is not intended to provide or imply that this act or any  
5 prior act not containing a similar provision precludes the County from exercising any power or  
6 prerogative provided by this Act or any other law whether exercised solely pursuant to such  
7 other law or in conjunction with the powers provided by this Act so that, without limiting the  
8 generality of this section, the County may exercise the power to issue (i) bond anticipation notes  
9 (in anticipation of the issuance of bonds pursuant to this Act or otherwise) and grant anticipation  
10 notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland, as amended,  
11 replaced, or recodified from time to time, and (ii) bonds (or any related bond anticipation or  
12 other notes) authorized by Sections 14-201 to 14-214, inclusive, of Article 41 of the Annotated  
13 Code of Maryland, as amended, replaced, or recodified from time to time, and in exercising such  
14 powers, the County may sell such notes or bonds at private (negotiated) sale as authorized by  
15 these or any other applicable laws.

16 SECTION 5. BE IT FURTHER ENACTED that this Act shall become effective  
17 immediately upon the date of the official certification of its approval by the voters at said general  
18 election.

Adopted this 27th day of June, 2000.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Dorothy F. Bailey  
Chair

ATTEST:

\_\_\_\_\_  
Joyce T. Sweeney  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Wayne K. Curry  
County Executive

**NOTE: APPROVED BY A MAJORITY OF THE VOTERS AT REFERENDUM ON  
11/7/2000.**

**EFFECTIVE DATE: DECEMBER 8, 2000**