

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2000 Legislative Session

Bill No. CB-37-2000

Chapter No. 17

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

Introduced by Council Members Bailey, Shapiro and Wilson

Co-Sponsors _____

Date of Introduction April 25, 2000

BILL

1 AN ACT concerning

2 Water Quality Bonds--

3 Maryland Water Quality Financing Administration Loan

4 For the purpose of amending and supplementing CB-94-1998 and CB-71-1999 ("Prior
5 Ordinances") for the purpose of authorizing Prince George's County, Maryland (the "County")
6 (i) to borrow money and incur indebtedness in a principal amount not exceeding \$6,100,000
7 under a loan agreement (the "Loan Agreement") between the County and the Maryland Water
8 Quality Financing Administration (the "Water Quality Administration"), to be evidenced and
9 secured by the County's Water Quality Bonds, Series 2000 (the "Series 2000 Bonds") in
10 principal amount equal to the amount of the loan (the "Loan") under the Loan Agreement and (ii)
11 to borrow money and incur indebtedness in order to finance certain stormwater system projects;
12 which borrowing is authorized by the Prior Ordinances and the Maryland Water Quality
13 Financing Administration Act, Sections 9-1601 to 9-1622, inclusive, of the Maryland Annotated
14 Code, Environment Article (1996 Replacement Volume and 1999 Supplement) (the "Water
15 Quality Act"); approving the form and authorizing and providing for the execution of the Loan
16 Agreement; and prescribing the form and tenor of the Series 2000 Bonds and the terms and
17 conditions for the issuance and sale thereof at private sale to the Water Quality Administration;

18 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
19 Maryland (the "County"), that pursuant to (i) CB-94-1998 and CB-71-1999 (the "Prior
20 Ordinances"), (ii) Article 25A of the Annotated Code of Maryland (1998 Replacement Volume
21 and 1999 Cumulative Supplement); (iii) Subtitle 2 of Title 3 of Article 29 of the Annotated Code

1 of Maryland (1997 Replacement Volume and 1999 Supplement) and (iv) the Water Quality Act
 2 (collectively, the "Enabling Legislation"), the County is hereby authorized (i) to borrow money
 3 and incur indebtedness in the maximum principal amount not to exceed \$6,100,000 under the
 4 Loan Agreement between the County and the Water Quality Administration, which loan shall be
 5 evidenced and secured by the County's Water Quality Bonds, Series 2000 (the "Series 2000
 6 Bonds") and (ii) to use the proceeds of the Loan to pay for or, alternatively, to reimburse the
 7 County for prior expenditures made with respect to those Authorized Projects identified in the
 8 Prior Ordinances.

9 SECTION 2. BE IT FURTHER ENACTED that the Series 2000 Bonds have been
 10 previously authorized by the Prior Ordinances. The Prior Ordinances constitute the "official
 11 intent" of the County (as that term is used in Internal Revenue Service Regulation §1-150.2) and
 12 describe the projects and the maximum amount of obligations expected to be issued for the
 13 projects. This Ordinance is being enacted for the limited purpose of allowing the borrowing
 14 approved in the Prior Resolutions to be done through the Water Quality Administration and for
 15 the purpose of approving forms, including the form of the bond, necessary to effect such
 16 borrowing. The Prior Ordinances remain in full force and effect, except that the Prior
 17 Ordinances shall be, and hereby are, amended and supplemented to approve the Loan Agreement
 18 and to modify the designation of, and form of, the Series 2000 Bonds; and

19 SECTION 3. BE IT FURTHER ENACTED that, in order to achieve the flexibility
 20 necessary to structure and market the Series 2000 Bonds to the Water Quality Administration,
 21 the Series 2000 Bonds may be sold at private (negotiated) sale to the Water Quality
 22 Administration pursuant to the terms of a Loan Agreement, a copy of which is set forth in
 23 Exhibit 1, and made a part hereof by reference, to be entered into by the County and the Water
 24 Quality Administration providing for a loan to the County and the terms and provisions of such
 25 loan is hereby approved. The County is hereby authorized to execute and deliver the Loan
 26 Agreement on behalf of the County in substantially the form hereby approved, with such
 27 insertions as are therein and in this Ordinance indicated and with such changes as are approved
 28 by the County Executive, or, if so provided by order of the County Executive, the Chief
 29 Administrative Officer or Deputy Chief Administrative Officer, consistent with the terms of this
 30 Ordinance and in accordance with the provisions of Water Quality Act. The Loan Agreement
 31 and all the covenants and conditions set forth therein, including, without limitation, payment to

1 the Water Quality Administration of the annual Administrative Fee, are hereby approved and
2 adopted as the obligation of the County.

3 SECTION 4. BE IT FURTHER ENACTED that the Series 2000 Bonds shall be designated
4 "Prince George's County, Maryland Water Quality Bonds" or such other designation as the
5 County Executive or, if so provided by Order of the County Executive, the Chief Administrative
6 Officer or Deputy Chief Administrative Officer, deems appropriate and the Series 2000 Bonds
7 shall contain similar provisions and be in substantially the form set forth as Exhibit F to the Loan
8 Agreement, and Series 2000 Bonds issued substantially in accordance with said form, with
9 appropriate insertions or deletions as indicated, when properly executed and authenticated as
10 required by this Section shall be deemed to constitute unlimited tax general obligations of the
11 stormwater management district of the County (the "Stormwater Management District"), to the
12 payment of which, in accordance with the terms thereof, its full faith and credit and taxing power
13 are pledged, and all the covenants and conditions contained in the Series 2000 Bonds shall be
14 deemed to be binding upon the County. Authority is hereby conferred on the County Executive
15 or, if so provided by order of the County Executive, the Chief Administrative Officer or Deputy
16 Chief Administrative Officer, to complete, delete or modify the blanks in the respective bond
17 forms with necessary information, to insert applicable paragraphs as indicated or needed and to
18 make such additions, deletions and substitutions in the respective bond forms, not inconsistent
19 with this Act or the County Charter, as may be necessary or desirable for the sale of the Series
20 2000 Bonds, including (without limitation) such additions, deletions and substitutions as may be
21 necessary or desirable in connection with the establishment or discontinuance of a book-entry
22 registration system for the Series 2000 Bonds.

23 SECTION 5. BE IT FURTHER ENACTED that the interest rate or rates payable on the
24 Series 2000 Bonds shall be fixed by an order of the County Executive (the authority to fix such
25 rates being hereby expressly delegated to said County Executive) or, if so provided by Order of
26 the County Executive, the Chief Administrative Officer or Deputy Chief Administrative Officer,
27 to the extent so permitted under the County Charter, delivered prior to closing, in accordance
28 with the respective terms and conditions of the sale of the Series 2000 Bonds.

29 SECTION 6. BE IT FURTHER ENACTED that this that this Ordinance shall take effect
30 forty-five (45) calendar days after it becomes law.

Adopted this 16th day of May, 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

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.

Exhibit 1 available in hard copy only.