

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2014 Legislative Session

Bill No. CB-46-2014

Chapter No. 35

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

Introduced by Council Members Franklin, Davis, Patterson and Turner

Co-Sponsors

Date of Introduction June 30, 2014

BILL

AN ACT concerning

Borrowing to Finance Capital Projects for

Prince George's Community College Facilities

For the purpose of authorizing Prince George's County, Maryland, to borrow money upon its full faith and credit at any time and from time to time, in an aggregate principal amount not exceeding \$93,617,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation, or repair of Community College Facilities, including the acquisition of sites therefor; prescribing terms and conditions upon which bonds issued pursuant to this Act shall be issued and sold and other incidental details with respect thereto; providing generally for the issuance of such bonds and providing for such borrowing to be submitted to a referendum of the legal voters of the County.

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Prince George's County, Maryland (the "County"), is hereby authorized, pursuant to Section 323 of the Charter of Prince George's County, Maryland (the "Charter"), to borrow money and incur indebtedness upon its full faith and credit, at any time and from time to time, in an aggregate principal amount not exceeding \$93,617,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation, or repair of, Community College Facilities, including the acquisition and 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

1 described in the capital program of the County for the fiscal years 2015-2020, under the
 2 following headings, which descriptions are incorporated by reference as if set forth herein:

<u>CIP-ID</u>	<u>Project Name</u>
3 OA852171	Circulation/Roadway Modifications
4 OA852213	College Improvements
5 OA852303	Culinary Arts Centre
6 OA850203	Southern Region Campus
7 OA852163	Queen Anne Academic Center
8 OA852203	Renovate Marlboro Hall

9 Reference to the County's capital program for the fiscal years 2015-2020 is made for
 10 purposes of description only and such reference shall include the same capital projects in any
 11 amended or subsequent capital program.
 12

13 SECTION 2. BE IT FURTHER ENACTED that any general obligation bonds to be issued
 14 pursuant to this Act shall be issued and sold pursuant to Bond Issue Authorization Ordinances
 15 adopted in accordance with Sections 323 and 823 of the Charter and other applicable provisions
 16 of Md. Code Ann., Local Gov't §§ 19-205 and 19-206 (2013), as amended, replaced, or
 17 recodified from time to time, but the County shall sell such bonds only by solicitation of
 18 competitive bids therefor at public sale in such manner and after giving such public notice as the
 19 County Council may by ordinance determine. Such bonds may be sold for such price or prices
 20 as may be determined to be for the best interest of the County, either at, above or below the par
 21 value of any such bonds, and such bonds may be sold in conjunction with other series of bonds
 22 issued by the County in which event the notice of sale soliciting bids for the purchase of such
 23 bonds may require that the acceptance of any bid for any series of bonds be made contingent
 24 upon the acceptance of the bid or bids on all or any of the series being offered by the County for
 25 sale at the same time. When such bonds are sold in conjunction with other series of bonds, the
 26 said notice of sale may also require that consolidated bids shall be submitted on any two or more
 27 of such series of bonds.

28 Nothing in this Act shall in any way limit the authority provided for the refunding of
 29 County indebtedness by Md. Code Ann., Local Gov't § 19-207, as amended or supplemented
 30 from time to time or by any other applicable law, and all such authority is intended to be
 31 available to the County to refund any indebtedness incurred pursuant to this Act to the maximum

1 extent provided by such authority.

2 Such bonds may be issued in an amount sufficient to finance the costs of the Community
3 College Facilities and the cost of issuance of the bonds. Prior to the application of the proceeds
4 of such bonds to finance the costs of the Community College Facilities, the cost of issuance of
5 such bonds for such Community College Facilities may be deducted from such proceeds.

6 SECTION 3. BE IT FURTHER ENACTED that this Act shall be submitted to the legal
7 voters of the County, for their approval or disapproval, at the general election to be held in the
8 County on Tuesday, November 4, 2014. The question to be certified to the Board of Supervisors
9 of Elections of the County for inclusion on the ballot for said general election shall be in
10 substantially the following form:

11 COMMUNITY COLLEGE FACILITIES BONDS

12 AN ACT enabling the County to borrow money and issue bonds in an amount not
13 exceeding \$93,617,000 to finance the design, construction, reconstruction, extension, acquisition,
14 improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of
15 Community College Facilities, as defined therein.

16 SECTION 4. BE IT FURTHER ENACTED that the powers granted by this Act are
17 additional and cumulative and the bonds to be issued pursuant to this Act may be issued,
18 notwithstanding that other bond acts or laws may provide for the issuance of other bonds or the
19 borrowing of money for the same or similar purposes on the same or other terms and conditions.
20 This Act shall be liberally construed to effectuate its purposes, namely, to authorize the
21 borrowing of money and the incurring of indebtedness to finance the described capital projects of
22 the same generic class set forth in this Act. Provisions of this Act shall be deemed met and
23 satisfied if there is substantial compliance with such provisions, including (without limitation)
24 provisions relating to the submission of any question to the legal voters of the County which are
25 intended only to provide fair and adequate notice to such voters and not to prescribe provisions
26 which must be literally satisfied. This Act is not intended to provide or imply that this act or any
27 prior act not containing a similar provision precludes the County from exercising any power or
28 prerogative provided by this Act or any other law whether exercised solely pursuant to such
29 other law or in conjunction with the powers provided by this Act so that, without limiting the
30 generality of this section, the County may exercise the power to issue (i) bond anticipation notes
31 (in anticipation of the issuance of bonds pursuant to this Act or otherwise) and grant anticipation

1 notes pursuant to Md. Code Ann., Local Gov't § 19-212 (2013), as amended, replaced, or
2 recodified from time to time, and (ii) bonds (or any related bond anticipation or other notes)
3 authorized by Md. Code Ann., Econ. Dev. §§ 12-201 to 12-213 (2014), as amended, replaced, or
4 recodified from time to time, and in exercising such powers, the County may sell such notes or
5 bonds at private (negotiated) sale as authorized by these or any other applicable laws.

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

Adopted this 23rd day of July, 2014.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Mel Franklin
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____

BY: _____
Rushern L. Baker, III
County Executive