

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2020 Legislative Session

Bill No. CB-47-2020

Chapter No. 38

Proposed and Presented by The Council Chair (by request – County Executive)

Introduced by Council Members Turner, Streeter, Glaros, Davis, Hawkins, Ivey,
Dernoga, Harrison, Taveras, Franklin and Ivey

Date of Introduction June 23, 2020

BILL

1 AN ACT concerning

2 Borrowing to Finance Capital Projects for
 3 Prince George's Community College

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 \$121,714,000 to finance the design, construction, reconstruction, extension,
 7 acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation, or repair
 8 of Community College Facilities, including the acquisition and development of sites therefor, the
 9 architectural and engineering services incident thereto, and the acquisition and installation of
 10 necessary fixed permanent equipment therefor; prescribing terms and conditions upon which
 11 bonds issued pursuant to this Act shall be issued and sold and other incidental details with
 12 respect thereto; providing generally for the issuance of such bonds and providing for such
 13 borrowing to be submitted to a referendum of the legal voters of the County.

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 15 Maryland, that Prince George's County, Maryland (the "County"), is hereby authorized, pursuant
 16 to Section 323 of the Charter of Prince George's County, Maryland (the "Charter"), to borrow
 17 money and incur indebtedness upon its full faith and credit, at any time and from time to time, in
 18 an aggregate principal amount not exceeding \$121,714,000 to finance the design, construction,
 19 reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation,
 20 relocation, rehabilitation, or repair of, Community College Facilities, including the acquisition
 21 and development of sites therefor, the architectural and engineering services incident thereto, and

1 the acquisition and installation of necessary fixed permanent equipment therefor, all such capital
2 projects hereby being found to be (and also being in fact) of the same generic class and being
3 described in the capital program of the County for the fiscal years 2021-2026, under the
4 following headings, which descriptions are incorporated by reference as if set forth herein:

<u>Project Number</u>	<u>Project Name</u>
4.73.0011	BLADEN HALL RENOVATION
3.73.0005	HEALTH AND WELLNESS CENTER
4.73.0007	KENT HALL RENOVATION AND ADDITION
4.73.0009	LARGO STUDENT CENTER RENOVATION
4.73.0008	RENOVATE MARLBORO HALL

11 Reference to the County's capital program for the fiscal years 2021-2026 is made for
12 purposes of description only and such reference shall include the same capital projects in any
13 amended or subsequent capital program.

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

29 Nothing in this Act shall in any way limit the authority provided for the refunding of
30 County indebtedness by MD. CODE ANN., LOCAL GOV'T. §§ 19-205 to 19-206, as amended
31 or supplemented from time to time or by any other applicable law, and all such authority is

1 intended to be available to the County to refund any indebtedness incurred pursuant to this Act to
 2 the maximum extent provided by such authority.

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

7 SECTION 3. BE IT FURTHER ENACTED that this Act shall be submitted to the legal
 8 voters of the County, for their approval or disapproval, at the general election to be held in the
 9 County on Tuesday, November 3, 2020. The question to be certified to the Board of Supervisors
 10 of Elections of the County for inclusion on the ballot for said general election shall be in
 11 substantially the following form:

12 **COMMUNITY COLLEGE FACILITIES BONDS**

13 AN ACT enabling the County to borrow money and issue bonds in an amount not
 14 exceeding \$121,714,000 to finance the design, construction, reconstruction, extension,
 15 acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair
 16 of Community College Facilities, including the acquisition and development of sites therefor, the
 17 architectural and engineering services incident thereto, and the acquisition and installation of
 18 necessary fixed permanent equipment therefor; as defined therein.

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

1 other law or in conjunction with the powers provided by this Act so that, without limiting the
2 generality of this section, the County may exercise the power to issue (i) bond anticipation notes
3 (in anticipation of the issuance of bonds pursuant to this Act or otherwise) and grant anticipation
4 notes pursuant to MD. CODE ANN., LOCAL GOV'T. §§ 19-205 to 19-206, as amended,
5 replaced, or re-codified from time to time, and (ii) bonds (or any related bond anticipation or
6 other notes) authorized by MD. CODE ANN., LOCAL GOV'T. §§ 19-205 to 19-206, as
7 amended, replaced, or re-codified from time to time, and in exercising such powers, the County
8 may sell such notes or bonds at private (negotiated) sale as authorized by these or any other
9 applicable laws.

10 SECTION 5. BE IT FURTHER ENACTED that the provisions of this Act are hereby
11 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
12 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
13 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
14 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
15 Act, since the same would have been enacted without the incorporation in this Act of any such
16 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
17 or section.

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

Adopted this 21st day of July, 2020.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Todd M. Turner
Council Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive

APPROVED BY A MAJORITY OF THE VOTERS AT THE REFERENDUM ON NOVEMBER 3, 2020, AS CERTIFIED BY THE BOARD OF ELECTIONS ON DECEMBER 1, 2020.

EFFECTIVE: DECEMBER 1, 2020