

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2002 Legislative Session

Resolution No. CR-55-2002

Proposed by The Chairman (by request – WSSC)

Introduced by Council Member Shapiro

Co-Sponsors _____

Date of Introduction September 17, 2002

RESOLUTION

1 A RESOLUTION concerning

2 Approval of a Certain Finance Plan

3 of the Washington Suburban Sanitary Commission

4 for the Issuance of Refunding Bonds

5 For the purpose of approving the Finance Plan of the Washington Suburban Sanitary
6 Commission for the refunding of certain bonds of Washington Suburban Sanitary District
7 through the issuance of Sewage Disposal Refunding Bonds of Washington Suburban Sanitary
8 District.

9 WHEREAS, Washington Suburban Sanitary Commission (the “Commission”) proposes
10 to issue Sewage Disposal Refunding Bonds (the “Refunding Bonds”), at one time or from time to
11 time, to be sold to the Maryland Water Quality Financing Administration (“MWQFA”) at
12 subsidized interest rates, for the purpose of refunding a portion of the callable maturities and
13 outstanding maturities of some or all of the Commission’s Sewage Disposal Bonds of 1993,
14 Sewage Disposal Bonds of 1994, Sewage Disposal Bonds of 1995 and Sewage Disposal Bonds
15 of 1996 (such callable and outstanding maturities collectively, the “Refunding Bonds”), as
16 market conditions may permit; and

17 WHEREAS, under the provision of Article 29 of the Annotated Code of Maryland, as
18 amended (“Article 29”), and particularly, Section 4-109 thereof, the Commission is authorized to
19 issue the Refunding Bonds to refund the Refunded Bonds to effect savings in debt service costs,
20 directly or through any debt restructuring and only upon a finding by the Commission that such
21 refunding will result in total savings in debt service costs; and

1 WHEREAS, the Maryland Water Quality Financing Administration Act, codified at
 2 Sections 9-1601 through 9-1622 of the Environment Article of the Annotated Code of Maryland,
 3 as amended (the “MWQFA Act”), establishes the Maryland Water Quality Revolving Loan Fund
 4 (the “Fund”) to be maintained and administered by MWQFA, and authorizes MWQFA, among
 5 other things, to make loans at subsidized interest rates from the Fund to a “local government” (as
 6 defined in the MWQFA Act) for the purpose of financing all or a portion of the cost of a
 7 “wastewater facility” project (as defined in the MWQFA Act); and

8 WHEREAS, the Commission is a “local government” within the meaning of the
 9 MWQFA Act, and the purchase by MWQFA of the Refunding Bonds will constitute financing
 10 all or a portion of the cost of a “wastewater facility” project within the meaning of the MWQFA
 11 Act; and

12 WHEREAS, said Section 4-109 of Article 29 provides for the preparation by the
 13 Commission of its plan respecting the issuance of the Refunding Bonds and pursuant thereto the
 14 Commission has delivered to the County Executive and the County Council of Prince George’s
 15 County said plan (the “Finance Plan”) entitled:

16 WASHINGTON SUBURBAN SANITARY COMMISSION
 17 REFUNDING ANALYSIS PLAN

18 and dated July 8, 2002; and

19 WHEREAS, Section 4-109 of Article 29 provides that the sale of the Refunding Bonds as
 20 authorized thereunder shall not be made unless the Finance Plan is approved by the County
 21 Executive and the County Council of Prince George’s County and Montgomery County,
 22 respectively, provided, however, that if during the period of 30 days from the date of delivery of
 23 the Finance Plan any County Executive or County Council shall have failed to approve or
 24 disapprove the Finance Plan, such failure shall be deemed an approval of the Finance Plan by
 25 such County Executive or County Council; and

26 WHEREAS, the Finance Plan has been based upon certain assumptions, tables and other
 27 bases set forth in the Finance Plan which have been reviewed and considered by the County
 28 Council; and

29 WHEREAS, delivery of the Finance Plan to the County Councils and County Executives of
 30 the two Counties, respectively, has been approved by the Commission, and subject to the
 31 approval of the Finance Plan as required under said Section 4-109, the Commission proposes

1 issuing the Refunding Bonds of Washington Suburban Sanitary District as and when market
2 conditions may permit, in the amount necessary to effectuate the Finance Plan, subject to such
3 revisions, if any, to the extent that any facts assumed should subsequently change; and

4 WHEREAS, the County Executive of Prince George's County has reviewed the Finance
5 Plan and has signed and submitted to the County Council his statement of approval of the
6 Finance Plan.

7 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
8 County, Maryland, that the Finance Plan shown as Attachment "A" and affixed hereto be and is
9 hereby approved, recognizing that the Finance Plan is based upon certain assumptions, tables and
10 bases set forth therein and that to the extent the facts assumed should change, revisions in the
11 Finance Plan may be necessary.

12 BE IT FURTHER RESOLVED that the Finance Plan be placed on file with the Clerk of the
13 Council and that the Clerk is hereby directed to deliver to the Treasurer of the Commission
14 certified copies of this Resolution and of the excerpts from the minutes of the meeting of the
15 County Council evidencing the adoption of this Resolution.

16 BE IT FURTHER RESOLVED that in accordance with Section 4-109 of Article 29, the
17 time limitations respecting the approval of the Finance Plan by the County Council are hereby
18 waived.

19 BE IT FURTHER RESOLVED that the provisions of this Resolution are severable and if
20 any paragraph, provision, sentence, clause, section or part hereof is held illegal, invalid,
21 unconstitutional or inapplicable to any person or circumstance by a court of competent
22 jurisdiction, such illegality, invalidity, unconstitutionality, or inapplicability shall not effect or
23 impair any of the remaining paragraphs, provisions, sentences, clauses, section, or parts of this
24 Resolution. It is hereby declared to be the legislative intent that this Resolution would have been
25 adopted if such illegal, invalid, unconstitutional, or inapplicable provision, paragraph, sentence,
26 clause, section or part had not been included herein.

27 BE IT FURTHER RESOLVED, that the Washington Suburban Sanitary Commission
28 shall provide a comprehensive report to the Council within ten (10) days of the issuance of the
29 Refunding Bonds of the total savings in debt service, the present value of savings and the total
30 savings for the fiscal year in which the refunding occurred as well as the ensuing fiscal year.

Adopted this 17th day of September, 2002.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Peter A. Shapiro
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

Attachment A available in hard copy only