

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2004 Legislative Session

Bill No. CB-63-2004

Chapter No. 35

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

Introduced by Council Members Hendershot and Knotts

Co-Sponsors _____

Date of Introduction July 6, 2004

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 \$55,900,000 to finance the design, construction, reconstruction, extension, acquisition,
7 improvement, enlargement, alteration, renovation, relocation, rehabilitation, or repair of Public
8 Works and Transportation Facilities, including the acquisition of sites therefor; prescribing terms
9 and conditions upon which bonds issued pursuant to this Act shall be issued and sold and other
10 incidental details with respect thereto; providing generally for the issuance of such bonds and
11 providing for such borrowing to be submitted to a referendum of the legal voters of the County.

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
13 Maryland, that Prince George's County, Maryland (the "County"), is hereby authorized, pursuant
14 to Section 323 of the Charter of Prince George's County, Maryland (the "Charter"), to borrow
15 money and incur indebtedness upon its full faith and credit, at any time and from time to time, in
16 an aggregate principal amount not exceeding \$55,900,000 to finance the design, construction,
17 reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation,
18 relocation, rehabilitation, or repair of, Public Works and Transportation Facilities (including
19 roads and bridges, parking lots and maintenance facilities), including the acquisition and
20 development of sites therefor, the architectural and engineering services incident thereto, and the
21 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 2005-2010, under the following headings, which descriptions are incorporated by reference as if set forth herein:

<u>CIP-ID</u>	<u>Project Name</u>
FD 667333	Advanced Land Acquisition
FD 664091	Ammendale & Virginia Manor Roads III
FD 667005	Bridge Replacement - Bock Road
FD 668042	Bridge Replacement - Various Locations
FH 668545	Bus Mass Transit/Rail Mass Transit
FD 665611	Cherry Hill Road I & II
FD 668605	County Revitalization and Restoration
FD 668515	Curbs and Sidewalks
FD 667463	DPW&T Facilities
FD 669881	Governor Bridge Road
FD 668625	Highway Beautification
FD 665531	Intersection Improvements
FD 669861	Larchment Avenue
FD 664131	Lottsford Road II
FD 669921	Mount Oak Rd./Church Rd./Woodmore Rd Intx.
FD 665791	Other Public Roads Improvements
FD 664181	Regency Parkway II
FD 668525	Rehabilitation and Safety Improvements
FD 664031	Rhode Island Avenue
FD 666751	Ritchie Road and Forestville Road
FD 669581	Sound Barriers
FD 667524	Traffic Control Signals and Systems
FD 668595	Transportation Enhancements
FD 669161	U.S. 301 Improvements
FD 664191	Wheeler Road/St. Barnabas Road Intersection

1 Reference to the County's capital program for the fiscal years 2005-2010 is made for
2 purposes of description only and such reference shall include the same capital projects in any
3 amended or subsequent capital program.

4 SECTION 2. BE IT FURTHER ENACTED that any general obligation bonds to be issued
5 pursuant to this Act shall be issued and sold pursuant to Bond Issue Authorization Ordinances
6 adopted in accordance with Sections 323 and 823 of the Charter and other applicable provisions
7 of Sections 10 and 11 of Article 31 of the Annotated Code of Maryland, as amended, replaced, or
8 recodified from time to time, but the County shall sell such bonds only by solicitation of
9 competitive bids therefor at public sale in such manner and after giving such public notice as the
10 County Council may by ordinance determine. Such bonds may be sold for such price or prices
11 as may be determined to be for the best interest of the County, either at, above or below the par
12 value of any such bonds, and such bonds may be sold in conjunction with other series of bonds
13 issued by the County in which event the notice of sale soliciting bids for the purchase of such
14 bonds may require that the acceptance of any bid for any series of bonds be made contingent
15 upon the acceptance of the bid or bids on all or any of the series being offered by the County for
16 sale at the same time. When such bonds are sold in conjunction with other series of bonds, the
17 said notice of sale may also require that consolidated bids shall be submitted on any two or more
18 of such series of bonds.

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

24 Such bonds may be issued in an amount sufficient to finance the costs of the Public Works
25 and Transportation Facilities and the cost of issuance of the bonds. Prior to the application of the
26 proceeds of such bonds to finance the costs of the Public Works and Transportation Facilities,
27 the cost of issuance of such bonds for such Public Works and Transportation Facilities may be
28 deducted from such proceeds.

29 SECTION 3. BE IT FURTHER ENACTED that this Act shall be submitted to the legal
30 voters of the County, for their approval or disapproval, at the general election to be held in the
31 County on Tuesday, November 2, 2004. The question to be certified to the Board of Supervisors

1 of Elections of the County for inclusion on the ballot for said general election shall be in
2 substantially the following form:

3 **PUBLIC WORKS AND TRANSPORTATION FACILITIES BONDS**

4 AN ACT enabling the County to borrow money and issue bonds in an amount not
5 exceeding \$55,900,000 to finance the design, construction, reconstruction, extension, acquisition,
6 improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of Public
7 Works and Transportation Facilities (including roads and bridges, parking lots, and maintenance
8 facilities), as defined therein.

9 SECTION 4. BE IT FURTHER ENACTED that the powers granted by this Act are
10 additional and cumulative and the bonds to be issued pursuant to this Act may be issued,
11 notwithstanding that other bond acts or laws may provide for the issuance of other bonds or the
12 borrowing of money for the same or similar purposes on the same or other terms and conditions.
13 This Act shall be liberally construed to effectuate its purposes, namely, to authorize the
14 borrowing of money and the incurring of indebtedness to finance the described capital projects of
15 the same generic class set forth in this Act. Provisions of this Act shall be deemed met and
16 satisfied if there is substantial compliance with such provisions, including (without limitation)
17 provisions relating to the submission of any question to the legal voters of the County which are
18 intended only to provide fair and adequate notice to such voters and not to prescribe provisions
19 which must be literally satisfied. This Act is not intended to provide or imply that this act or any
20 prior act not containing a similar provision precludes the County from exercising any power or
21 prerogative provided by this Act or any other law whether exercised solely pursuant to such
22 other law or in conjunction with the powers provided by this Act so that, without limiting the
23 generality of this section, the County may exercise the power to issue (i) bond anticipation notes
24 (in anticipation of the issuance of bonds pursuant to this Act or otherwise) and grant anticipation
25 notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland, as amended,
26 replaced, or recodified from time to time, and (ii) bonds (or any related bond anticipation or
27 other notes) authorized by Sections 14-201 to 14-214, inclusive, of Article 41 of the Annotated
28 Code of Maryland, as amended, replaced, or recodified from time to time, and in exercising such
29 powers, the County may sell such notes or bonds at private (negotiated) sale as authorized by
30 these or any other applicable laws.
31

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

Adopted this 27th day of July, 2004.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Tony Knotts
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Jack B. Johnson
County Executive

**APPROVED BY A MAJORITY OF THE VOTERS ON 11/2/2004; AS CERTIFIED BY
THE BOARD OF ELECTIONS ON 11/12/2004.**

EFFECTIVE DATE: 11/12/2004