

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2014 Legislative Session

Bill No. CB-48-2014

Chapter No. 37

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

Introduced by Council Members Franklin, Davis, Lehman, Patterson, Toles and Turner

Co-Sponsors _____

Date of Introduction June 30, 2014

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 \$122,385,000 to finance the design, construction, reconstruction, extension,
7 acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation, or repair
8 of Public Works and Transportation Facilities, including the acquisition of sites therefor;
9 prescribing terms and conditions upon which bonds issued pursuant to this Act shall be issued
10 and sold and other incidental details with respect thereto; providing generally for the issuance of
11 such bonds and providing for such borrowing to be submitted to a referendum of the legal voters
12 of the County.

13 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
14 Maryland, that Prince George's County, Maryland (the "County"), is hereby authorized, pursuant
15 to Section 323 of the Charter of Prince George's County, Maryland (the "Charter"), to borrow
16 money and incur indebtedness upon its full faith and credit, at any time and from time to time, in
17 an aggregate principal amount not exceeding \$122,385,000 to finance the design, construction,
18 reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation,
19 relocation, rehabilitation, or repair of, Public Works and Transportation Facilities (including
20 roads and bridges, parking lots and maintenance facilities), including the acquisition and
21 development of sites therefor, the architectural and engineering services incident thereto, and the

1 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 2015-2020, under the
 4 following headings, which descriptions are incorporated by reference as if set forth herein:

<u>CIP-ID</u>	<u>Project Name</u>
FD666601	Addison Road I
FD661011	Bridge Repair and Replacement 2
FD668202	BR-Brandywine Road
FD661132	BR-Temple Hill Road
FD661081	Contee Road Reconstruction
FD661021	Curb and Road Rehabilitation 2
FD661091	Green Street Improvements
FD669921	Mount Oak Rd/Church Rd/Woodmore Rd Intersection
FD666681	Oxon Hill Road
FD661221	Pedestrian Safety Improvements
FD661003	Planning & Site Acquisition 2
FD661031	County Revitalization & Restoration 2
FD669761	School Access Projects
FD661041	Street Lights & Traffic Signals 2
FO664271	Street Tree Removal & Replacement
FD669001	Surratts Road
FD661051	Traffic Congestion Improvements 2
FD661061	Transportation Enhancements 2
FD661201	Transit Oriented Development Infrastructure
FD669161	U.S. 301 Improvements

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

30 SECTION 2. BE IT FURTHER ENACTED that any general obligation bonds to be issued
 31 pursuant to this Act shall be issued and sold pursuant to Bond Issue Authorization Ordinances

1 adopted in accordance with Sections 323 and 823 of the Charter and other applicable provisions
 2 of Md. Code Ann., Local Gov't §§ 19-205 and 19-206 (2013), as amended, replaced, or
 3 recodified from time to time, but the County shall sell such bonds only by solicitation of
 4 competitive bids therefor at public sale in such manner and after giving such public notice as the
 5 County Council may by ordinance determine. Such bonds may be sold for such price or prices
 6 as may be determined to be for the best interest of the County, either at, above or below the par
 7 value of any such bonds, and such bonds may be sold in conjunction with other series of bonds
 8 issued by the County in which event the notice of sale soliciting bids for the purchase of such
 9 bonds may require that the acceptance of any bid for any series of bonds be made contingent
 10 upon the acceptance of the bid or bids on all or any of the series being offered by the County for
 11 sale at the same time. When such bonds are sold in conjunction with other series of bonds, the
 12 said notice of sale may also require that consolidated bids shall be submitted on any two or more
 13 of such series of bonds.

14 Nothing in this Act shall in any way limit the authority provided for the refunding of
 15 County indebtedness by Md. Code Ann., Local Gov't § 19-207 (2013), as amended or
 16 supplemented from time to time or by any other applicable law, and all such authority is intended
 17 to be available to the County to refund any indebtedness incurred pursuant to this Act to the
 18 maximum extent provided by such authority.

19 Such bonds may be issued in an amount sufficient to finance the costs of the Public Works
 20 and Transportation Facilities and the cost of issuance of the bonds. Prior to the application of the
 21 proceeds of such bonds to finance the costs of the Public Works and Transportation Facilities,
 22 the cost of issuance of such bonds for such Public Works and Transportation Facilities may be
 23 deducted from such proceeds.

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

29 **PUBLIC WORKS AND TRANSPORTATION FACILITIES BONDS**

30 AN ACT enabling the County to borrow money and issue bonds in an amount not
 31 exceeding \$122,385,000 to finance the design, construction, reconstruction, extension,

1 acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair
2 of Public Works and Transportation Facilities (including roads and bridges, parking lots, and
3 maintenance facilities), as defined therein.

4 SECTION 4. BE IT FURTHER ENACTED that the powers granted by this Act are
5 additional and cumulative and the bonds to be issued pursuant to this Act may be issued,
6 notwithstanding that other bond acts or laws may provide for the issuance of other bonds or the
7 borrowing of money for the same or similar purposes on the same or other terms and conditions.
8 This Act shall be liberally construed to effectuate its purposes, namely, to authorize the
9 borrowing of money and the incurring of indebtedness to finance the described capital projects of
10 the same generic class set forth in this Act. Provisions of this Act shall be deemed met and
11 satisfied if there is substantial compliance with such provisions, including (without limitation)
12 provisions relating to the submission of any question to the legal voters of the County which are
13 intended only to provide fair and adequate notice to such voters and not to prescribe provisions
14 which must be literally satisfied. This Act is not intended to provide or imply that this act or any
15 prior act not containing a similar provision precludes the County from exercising any power or
16 prerogative provided by this Act or any other law whether exercised solely pursuant to such
17 other law or in conjunction with the powers provided by this Act so that, without limiting the
18 generality of this section, the County may exercise the power to issue (i) bond anticipation notes
19 (in anticipation of the issuance of bonds pursuant to this Act or otherwise) and grant anticipation
20 notes pursuant to Md. Code Ann., Local Gov't § 19-212 (2013), as amended, replaced, or
21 recodified from time to time, and (ii) bonds (or any related bond anticipation or other notes)
22 authorized by Md. Code Ann., Econ. Dev. §§ 12-201 to 12-213 (2014), as amended, replaced, or
23 recodified from time to time, and in exercising such powers, the County may sell such notes or
24 bonds at private (negotiated) sale as authorized by these or any other applicable laws.

25 SECTION 5. BE IT FURTHER ENACTED that this Act shall become effective
26 immediately upon the date of the official certification of its approval by the voters at said general
27 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