

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2012 Legislative Session

Bill No. CB-49-2012

Chapter No. 41

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

Introduced by Council Members Harrison, Campos, Davis, Franklin, Lehman, Olson,
Patterson and Toles

Date of Introduction June 19, 2012

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 \$193,383,000 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 \$193,383,000 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 2013-2018, under the
 4 following headings, which descriptions are incorporated by reference as if set forth herein:

<u>CIP-ID</u>	<u>Project Name</u>
FD664241	ADA Right of Way Modifications
FD661011	Bridge Repair and Replacement 2
FD667005	BR-Bock Road
FD668202	BR-Brandywine Road
FD668112	BR-Brinkley Road
FD661092	BR-Commo Road
FD661102	BR-Fenno Road, 2 Bridges
FD668192	BR-Livingston Road
FD668152	BR-Sunnyside Avenue
FD661132	BR-Temple Hill Road
FD661122	BR-Varnum Street
FH661071	Bus Mass Transit/Metro Access 2
FD661081	Contee Road Reconstruction
FD661021	Curb and Road Rehabilitation 2
FQ667463	DPW&T Facilities
FD661091	Green Street Improvements
FD664121	Hill Road III
FD669921	Mount Oak/Church/Woodmore Rds. Intx.
FD666101	Old Gunpowder Road II
FD666681	Oxon Hill Road
FD667333	Planning & Site Acquisition
FD661031	County Revitalization & Restoration 2
FD664031	Rhode Island Avenue
FD669761	School Access Projects
FD669581	Sound Barriers
FD661041	Street Lights and Traffic Signals 2

1	FO664271	Street Tree Removal & Replacement
2	FD669001	Surratts Road
3	FD669031	Temple Hill & Brinkley Rd Intersection
4	FD661051	Traffic Congestion Improvements 2
5	FD661061	Transportation Enhancements 2
6	FD664191	Wheeler Road Improvements

7 Reference to the County's capital program for the fiscal years 2013-2018 is made for
 8 purposes of description only and such reference shall include the same capital projects in any
 9 amended or subsequent capital program.

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

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

30 Such bonds may be issued in an amount sufficient to finance the costs of the Public Works
 31 and Transportation Facilities and the cost of issuance of the bonds. Prior to the application of the

1 proceeds of such bonds to finance the costs of the Public Works and Transportation Facilities,
 2 the cost of issuance of such bonds for such Public Works and Transportation Facilities may be
 3 deducted from such proceeds.

4 SECTION 3. BE IT FURTHER ENACTED that this Act shall be submitted to the legal
 5 voters of the County, for their approval or disapproval, at the general election to be held in the
 6 County on Tuesday, November 6, 2012. The question to be certified to the Board of Supervisors
 7 of Elections of the County for inclusion on the ballot for said general election shall be in
 8 substantially the following form:

9 PUBLIC WORKS AND TRANSPORTATION FACILITIES BONDS

10 AN ACT enabling the County to borrow money and issue bonds in an amount not
 11 exceeding \$193,383,000 to finance the design, construction, reconstruction, extension,
 12 acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair
 13 of Public Works and Transportation Facilities (including roads and bridges, parking lots, and
 14 maintenance facilities), as defined therein.

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

1 replaced, or recodified from time to time, and (ii) bonds (or any related bond anticipation or
2 other notes) authorized by Sections 12-201 to 12-213, inclusive, of the Economic Development
3 Article of the Annotated Code of Maryland, as amended, replaced, or recodified from time to
4 time, and in exercising such powers, the County may sell such notes or bonds at private
5 (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 24th day of July, 2012.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Andrea C. Harrison
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
County Executive

APPROVED BY A MAJORITY OF THE VOTERS ON 11/6/2012; AS CERTIFIED BY THE BOARD OF ELECTIONS ON 11/20/2012.

EFFECTIVE DATE: 11/20/2012