

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2010 Legislative Session

Bill No. CB-49-2010

Chapter No. 35

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

Introduced by Council Members Dean, Exum, Dernoga, Harrison and Olson

Date of Introduction June 15, 2010

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 \$62,255,000 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 \$62,255,000 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

1 projects hereby being found to be (and also being in fact) of the same generic class and being
 2 described in the capital program of the County for the fiscal years 2011-2016, under the
 3 following headings, which descriptions are incorporated by reference as if set forth herein:

<u>CIP-ID</u>	<u>Project Name</u>
4 FD664101	Auth Road II
5 FD661011	Bridge Repair and Replacement 2
6 FD661102	BR-Fenno Road
7 FD668192	BR-Livingston Road
8 FD661112	BR-Oxon Hill Road
9 FD668152	BR-Sunnyside Avenue
10 FD661122	BR-Varnum Street
11 FH661071	Bus Mass Transit/Metro Access 2
12 FD661021	Curb and Road Rehabilitation 2
13 FD664121	Hill Road III
14 FD661001	Konterra Infrastructure Development
15 FD667333	Planning & Site Acquisition
16 FD661031	Revitalization and Beautification 2
17 FD664241	Right of Way Modifications
18 FD661041	Street Lights and Traffic Signals 2
19 FD664081	Suitland Road
20 FD661051	Traffic Congestion Improvements 2
21 FD661061	Transportation Enhancements 2

22 Reference to the County's capital program for the fiscal years 2011-2016 is made for
 23 purposes of description only and such reference shall include the same capital projects in any
 24 amended or subsequent capital program.
 25

26 SECTION 2. BE IT FURTHER ENACTED that any general obligation bonds to be issued
 27 pursuant to this Act shall be issued and sold pursuant to Bond Issue Authorization Ordinances
 28 adopted in accordance with Sections 323 and 823 of the Charter and other applicable provisions
 29 of Sections 10 and 11 of Article 31 of the Annotated Code of Maryland, as amended, replaced, or
 30 recodified from time to time, but the County shall sell such bonds only by solicitation of
 31 competitive bids therefor at public sale in such manner and after giving such public notice as the

1 County Council may by ordinance determine. Such bonds may be sold for such price or prices
 2 as may be determined to be for the best interest of the County, either at, above or below the par
 3 value of any such bonds, and such bonds may be sold in conjunction with other series of bonds
 4 issued by the County in which event the notice of sale soliciting bids for the purchase of such
 5 bonds may require that the acceptance of any bid for any series of bonds be made contingent
 6 upon the acceptance of the bid or bids on all or any of the series being offered by the County for
 7 sale at the same time. When such bonds are sold in conjunction with other series of bonds, the
 8 said notice of sale may also require that consolidated bids shall be submitted on any two or more
 9 of such series of bonds.

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

15 Such bonds may be issued in an amount sufficient to finance the costs of the Public Works
 16 and Transportation Facilities and the cost of issuance of the bonds. Prior to the application of the
 17 proceeds of such bonds to finance the costs of the Public Works and Transportation Facilities,
 18 the cost of issuance of such bonds for such Public Works and Transportation Facilities may be
 19 deducted from such proceeds.

20 SECTION 3. BE IT FURTHER ENACTED that this Act shall be submitted to the legal
 21 voters of the County, for their approval or disapproval, at the general election to be held in the
 22 County on Tuesday, November 2, 2010. The question to be certified to the Board of Supervisors
 23 of Elections of the County for inclusion on the ballot for said general election shall be in
 24 substantially the following form:

25 PUBLIC WORKS AND TRANSPORTATION FACILITIES BONDS

26 AN ACT enabling the County to borrow money and issue bonds in an amount not
 27 exceeding \$62,255,000 to finance the design, construction, reconstruction, extension, acquisition,
 28 improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of Public
 29 Works and Transportation Facilities (including roads and bridges, parking lots, and maintenance
 30 facilities), as defined therein.

31 SECTION 4. BE IT FURTHER ENACTED that the powers granted by this Act are

1 additional and cumulative and the bonds to be issued pursuant to this Act may be issued,
2 notwithstanding that other bond acts or laws may provide for the issuance of other bonds or the
3 borrowing of money for the same or similar purposes on the same or other terms and conditions.
4 This Act shall be liberally construed to effectuate its purposes, namely, to authorize the
5 borrowing of money and the incurring of indebtedness to finance the described capital projects of
6 the same generic class set forth in this Act. Provisions of this Act shall be deemed met and
7 satisfied if there is substantial compliance with such provisions, including (without limitation)
8 provisions relating to the submission of any question to the legal voters of the County which are
9 intended only to provide fair and adequate notice to such voters and not to prescribe provisions
10 which must be literally satisfied. This Act is not intended to provide or imply that this act or any
11 prior act not containing a similar provision precludes the County from exercising any power or
12 prerogative provided by this Act or any other law whether exercised solely pursuant to such
13 other law or in conjunction with the powers provided by this Act so that, without limiting the
14 generality of this section, the County may exercise the power to issue (i) bond anticipation notes
15 (in anticipation of the issuance of bonds pursuant to this Act or otherwise) and grant anticipation
16 notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland, as amended,
17 replaced, or recodified from time to time, and (ii) bonds (or any related bond anticipation or
18 other notes) authorized by Sections 12-201 to 12-213, inclusive, of the Economic Development
19 Article of the Annotated Code of Maryland, as amended, replaced, or recodified from time to
20 time, and in exercising such powers, the County may sell such notes or bonds at private
21 (negotiated) sale as authorized by these or any other applicable laws.

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

Adopted this 13th day of July, 2010.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Thomas E. Dernoga
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

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

Approved by a majority of the voters on 11/2/2010; as certified by the Board of Elections on 11/23/2010.

Effective Date: 11/23/2010