

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

Bill No. CB-52-2010

Chapter No. 38

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

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

Date of Introduction June 15, 2010

**BILL**

1 AN ACT concerning

2 Borrowing to Finance Capital Projects for  
3 Prince George's Community College

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 \$42,227,000 to finance the design, construction, reconstruction, extension, acquisition,  
7 improvement, enlargement, alteration, renovation, relocation, rehabilitation, or repair of  
8 Community College Facilities, including the acquisition of sites therefor; prescribing terms and  
9 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 \$42,227,000 to finance the design, construction,  
17 reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation,  
18 relocation, rehabilitation, or repair of, Community College Facilities, including the acquisition  
19 and development of sites therefor, the architectural and engineering services incident thereto, and  
20 the acquisition and installation of necessary fixed permanent equipment therefor, all such capital  
21 projects hereby being found to be (and also being in fact) of the same generic class and being

1 described in the capital program of the County for the fiscal years 2011-2016, under the  
 2 following headings, which descriptions are incorporated by reference as if set forth herein:

<u>CIP-ID</u>	<u>Project Name</u>
OA852303	Culinary Arts Centre
OA852033	Facilities Building Renovation
OA850028	Lanham Hall Renovation

7 Reference to the County's capital program for the fiscal years 2011-2016 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 Community  
 31 College Facilities and the cost of issuance of the bonds. Prior to the application of the proceeds

1 of such bonds to finance the costs of the Community College Facilities, the cost of issuance of  
 2 such bonds for such Community College Facilities may be deducted from such proceeds.

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

#### 8 COMMUNITY COLLEGE FACILITIES BONDS

9 AN ACT enabling the County to borrow money and issue bonds in an amount not  
 10 exceeding \$42,227,000 to finance the design, construction, reconstruction, extension, acquisition,  
 11 improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of  
 12 Community College Facilities, as defined therein.

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

1 Article of the Annotated Code of Maryland, as amended, replaced, or recodified from time to  
2 time, and in exercising such powers, the County may sell such notes or bonds at private  
3 (negotiated) sale as authorized by these or any other applicable laws.

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

Adopted this 13<sup>th</sup> 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