COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2006 Legislative Session

Bill No. CB-51-2006

Chapter No. 42

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

Introduced by Council Members Dernoga, Knotts, Dean, Peters, Exum, Harrington, Campos and Bland

Date of Introduction June 20, 2006

BILL

AN ACT concerning

Borrowing to Finance Capital Projects for
Public Safety Facilities

For the purpose of authorizing Prince George's County, Maryland, to borrow money upon its full faith and credit at any time and from time to time, in an aggregate principal amount not exceeding $9,259,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation, or repair of Public Safety Facilities (including Fire Department Facilities), including the acquisition of sites therefor; prescribing terms and conditions upon which bonds issued pursuant to this Act shall be issued and sold and other incidental details with respect thereto; providing generally for the issuance of such bonds and providing for such borrowing to be submitted to a referendum of the legal voters of the County.

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Prince George's County, Maryland (the "County"), is hereby authorized, pursuant to Section 323 of the Charter of Prince George's County, Maryland (the "Charter"), to borrow money and incur indebtedness upon its full faith and credit, at any time and from time to time, in an aggregate principal amount not exceeding $9,259,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation, or repair of, Public Safety Facilities, including the acquisition and development of sites therefor, the architectural and engineering services incident thereto, and the 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 2007-2012, under the following headings, which descriptions are incorporated by reference as if set forth herein:

CIP-ID	Project Name
LK510651	Fire Station Renovations
LK510648	Fire Station Roof Renovations
JT561673	Housing Units Expansion
JT561873	Work Release Detox Center

Reference to the County's capital program for the years 2007-2012 is made for purposes of description only and such reference shall include the same capital projects in any amended or subsequent capital program.

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

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

Such bonds may be issued in an amount sufficient to finance the costs of the Public Safety Facilities and the cost of issuance of the bonds. Prior to the application of the proceeds of such bonds to finance the costs of the Public Safety Facilities, the cost of issuance of such bonds for such Public Safety Facilities may be deducted from such proceeds.

SECTION 3. BE IT FURTHER ENACTED that this Act shall be submitted to the legal voters of the County, for their approval or disapproval, at the general election to be held in the County on Tuesday, November 7, 2006. The question to be certified to the Board of Supervisors of Elections of the County for inclusion on the ballot for said general election shall be in substantially the following form:

PUBLIC SAFETY FACILITIES BONDS

AN ACT enabling the County to borrow money and issue bonds in an amount not exceeding $9,259,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of Public Safety Facilities (including Fire Department Facilities), as defined therein.

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

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

Adopted this 18th day of July, 2006.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

BY: ________________________________
Thomas E. Dernoga
Chairman

ATTEST:

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Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: ________________________ BY: ________________________________
Jack B. Johnson
County Executive

APPROVED BY A MAJORITY OF THE VOTERS ON 11/7/2006; AS CERTIFIED BY THE BOARD OF ELECTIONS ON 11/20/2006.

EFFECTIVE DATE: 11/20/2006