

COUNTY COUNCIL OF PRINCE GEORGE’S COUNTY, MARYLAND
2020 Legislative Session

Bill No. CB-76-2020

Chapter No. 59

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

Introduced by Council Members Turner, Davis, Anderson-Walker, Streeter, Glaros,
Dernoga, Franklin, Taveras, Ivey and Harrison

Date of Introduction October 20, 2020

BILL

1 AN ACT concerning

2 Stormwater Management – Wastewater Protection and Restoration Program Revenue
3 Obligations – Maryland Water Quality Financing Administration Loans

4 For the purpose of authorizing and empowering Prince George’s County, Maryland (the
5 “County”) to borrow money and incur indebtedness in an aggregate principal amount not
6 exceeding One Hundred Million Dollars (\$100,000,000) (the “Loan”) under one or more loan
7 agreements (each, a “Loan Agreement”) to be executed and delivered by the County and the
8 Maryland Water Quality Financing Administration (“MWQFA”) to be evidenced and secured by
9 one or more revenue notes or other obligations (each, a “Note”) in an aggregate principal amount
10 equal to the amount of the Loan under the Loan Agreements and to borrow money and incur
11 indebtedness in order to refund or refinance the Loan and the Notes and any other indebtedness
12 authorized hereby in a maximum principal amount not to exceed one hundred fifty percent
13 (150%) of the aggregate principal amount of the indebtedness refunded or refinanced
14 (collectively, the “Obligations”), pursuant to the Maryland Water Quality Financing
15 Administration Act, Sections 9-1601 to 9-1622, inclusive, of the Environment Article of the
16 Annotated Code of Maryland, as amended, replaced or recodified from time to time (the “Water
17 Quality Act”) and Section 10-203(b) of the Local Government Article of the Annotated Code of
18 Maryland, as amended, replaced or recodified from time to time (collectively, the “Enabling
19 Acts”), for the purpose of financing and refinancing in whole or in part costs of the design,
20 planning, construction, equipping, installation, reconstruction, establishment, expansion,
21 extension, enlargement, demolition, improvement and acquisition of certain capital improvement

1 projects of the County’s Stormwater Management – Watershed Protection and Restoration
2 Program set forth in the capital program and the capital budget of the County adopted by the
3 County pursuant to Council Bill CB-32-2016, passed by the County Council on May 26, 2016,
4 and approved by the County Executive of the County (the “County Executive”) on May 31,
5 2016, including describing the capital projects to be financed, refinanced and reimbursed in
6 whole or in part from the proceeds of the Loan hereby authorized and the estimated costs thereof;
7 approving the form and authorizing and providing for the execution of the Loan Agreements and
8 the Notes; prescribing or providing for the form and tenor of the Notes and the terms and
9 conditions for the issuance and sale thereof at private sale to MWQFA created pursuant to the
10 Water Quality Act; directing the application of the proceeds of the Loan; providing that the
11 Obligations and the interest and any premium on them shall be limited obligations of the County
12 payable from and secured by certain amounts from time to time on deposit in the Local
13 Watershed Protection and Restoration Fund established pursuant to Section 10-301 of the Prince
14 George’s County Code, as amended, replaced or recodified from time to time, and shall never
15 constitute an indebtedness or charge against the full faith and credit or taxing powers of the
16 County within the meaning of any constitutional or charter provision or statutory limitation;
17 authorizing the private (negotiated) or public sale of the Obligations as determined by the County
18 Executive to be in the best interest of the County and other details with respect to the sale of such
19 Obligations; providing for the preparation and distribution of a preliminary official statement and
20 a final official statement to be used in connection with the sale of the Obligations; covenanting or
21 providing for the making of certain covenants on matters relating to the tax-exempt status of
22 interest on the Obligations; providing for compliance with Securities and Exchange Commission
23 Rule 15c2-12; providing for the authorization of and entry into interest rate exchange agreements
24 or contracts in connection with or incidental to any of the obligations authorized by this Act;
25 authorizing the County Executive to delegate to appropriate officials the power to make certain
26 determinations and sign certain documents, certificates or agreements authorized to be made or
27 signed by the County Executive herein; and otherwise generally determining or providing for the
28 determination of certain matters in connection with the authorization, issuance, sale, delivery and
29 payment of the Obligations and the consummation of the transactions contemplated by this Act.

30 WHEREAS, pursuant to the Enabling Acts, the County wishes to borrow funds in an
31 amount not exceeding One Hundred Million Dollars (\$100,000,000) from MWQFA for the

1 purpose of financing, refinancing and reimbursing, in whole or in part, costs of the design,
2 planning, construction, equipping, installation, reconstruction, establishment, expansion,
3 extension, enlargement, demolition, improvement and acquisition of certain capital improvement
4 projects of the County's Stormwater Management – Watershed Protection and Restoration
5 Program adopted by the County pursuant to Council Bill CB-32-2016, passed by the County
6 Council on May 26, 2016, and approved by the County Executive on May 31, 2016.

7 SECTION 1. NOW THEREFORE, BE IT ENACTED by the County Council of Prince
8 George's County, Maryland (the "County Council"), that pursuant to the Enabling Acts, the
9 County is hereby authorized (i) to borrow money pursuant to the Loan and incur indebtedness
10 under the Loan under the Loan Agreements to be executed and delivered by the County and
11 MWQFA, which shall be evidenced and secured by the Notes in an aggregate principal amount
12 equal to the amount of the Loan and (ii) to borrow money and incur indebtedness in order to
13 refund or refinance the Loan and the Notes and any other indebtedness authorized hereby
14 (collectively, the "Refunding Indebtedness"). The proceeds of the Obligations shall be applied
15 to finance, refinance and reimburse in whole or in part costs of the design, planning,
16 construction, equipping, installation, reconstruction, establishment, expansion, extension,
17 enlargement, demolition, improvement and acquisition of certain capital improvement projects of
18 the County's Watershed Protection and Restoration Program established pursuant to Section
19 32.201.06 of the Prince George's County Code (the "Program") set forth in the capital program
20 and the capital budget of the County adopted by the County pursuant to Council Bill CB-32-
21 2016, passed by the County Council of the County on May 26, 2016, and approved by the
22 County Executive of the County on May 31, 2016, an authenticated copy of which is
23 incorporated herein by reference and made a part hereof as though it were fully set forth herein
24 (the "Projects") and described in Attachment 1, attached to and made a part of this Act (the
25 "Project Description"). The portion of the principal amount of the Loan authorized by this Act
26 to finance, refinance and reimburse costs of the Projects shall be the principal amount of the
27 Loan. The costs of the Projects approved hereby shall include the costs of incurring or issuing
28 the Obligations, the funding of any necessary reserves and the payment of interest during the
29 period of acquisition and construction and for such periods thereafter as shall be determined by
30 order of the County Executive as hereafter provided. The Notes are specifically exempted from
31 the provisions of Sections 19-205 and 19-206 of the Local Government Article of the Annotated

1 Code of Maryland, as amended, replaced or recodified from time to time. The powers granted
2 under this Act are additional and cumulative and the Obligations authorized by this Act may be
3 issued, notwithstanding that other borrowing acts or laws may provide for the same or similar
4 purposes. This Act does not modify or repeal any prior acts granting borrowing authority for the
5 same or similar purposes.

6 SECTION 2. BE IT FURTHER ENACTED that the attached Project Description describes
7 the Projects, the costs of which are to be financed, refinanced and reimbursed in whole or in part
8 with the proceeds of the Loan and the currently estimated cost of the Projects (the “Estimated
9 Cost”).

10 It is hereby recognized and acknowledged that the information regarding the Estimated
11 Cost set forth in the Project Description is derived from information and estimates referenced in
12 the Capital Budget and Capital Improvement Program, and is necessarily subject to change
13 because of corresponding changes in construction and other costs, project time schedules,
14 availability of other funding sources and other circumstances not now known or anticipated. It is
15 the purpose and intent of this Act to authorize the borrowing of money to finance, refinance and
16 reimburse the costs of the Projects as such projects are referenced in the Capital Budget and
17 Capital Improvement Program and in any amended or subsequent capital budget or capital
18 improvement program. To implement the intent and purpose of this Act in the most expeditious
19 manner, the County Executive may revise the amounts set forth in the Project Description
20 representing the Estimated Cost to be consistent with the information set forth in regard to the
21 Projects in any amended or subsequent capital budget or capital improvement program. Nothing
22 contained in this Act shall be deemed to preclude the County Council by resolution from
23 effecting such a revision in the Project Description. The authority granted in this Act to revise
24 the Project Description shall not be construed to permit an increase in the aggregate principal
25 amount of the Loan or other Obligations to be issued pursuant to this Act or to effect results
26 inconsistent with the Charter of Prince George’s County, Maryland (as amended, modified or
27 recodified from time to time, the “County Charter”), or other applicable laws.

28 SECTION 3. BE IT FURTHER ENACTED that Refunding Indebtedness may be issued
29 pursuant to Act in an aggregate principal amount not to exceed one hundred fifty percent (150%)
30 of the outstanding Obligations refunded or refinanced thereby (the “Refunded Indebtedness”) in
31 order to provide funds sufficient (a) to purchase direct obligations of, or obligations the timely

1 payment of the principal of and interest on which is unconditionally guaranteed by, the United
2 States of America, sufficient to pay in a timely manner all or any part of the principal of and
3 premium, if any, and interest on such Refunded Indebtedness (including, without limitation, any
4 such amounts determined with reference to any revenue bonds issued by MWQFA to finance or
5 refinance the Loan) and (b) to pay any and all other costs of the County in connection with the
6 incurrence of such Refunding Indebtedness and the prepayment, redemption or payment at
7 maturity of such Refunded Indebtedness. The authority granted hereby is in addition to any other
8 authority for the issuance of refunding bonds under the laws of the State of Maryland.

9 SECTION 4. BE IT FURTHER ENACTED that, prior to execution and delivery of any
10 Loan Agreement, the issuance of any Note and the incurrence of any other Obligations, the
11 County Executive, by order, shall specify, prescribe, determine, provide for or approve all
12 matters, details, documents and procedures in connection with, subject to the limitations of the
13 Enabling Acts and this Act, including, without limitation, the dates of such Obligations, their
14 maturity dates, the interest rates pay able on them (or the method of determining the same and
15 the date or dates of payment thereof), provisions for the prepayment, redemption or purchase
16 thereof (if any) prior to maturity, the provision of supporting credit or liquidity arrangements for
17 such Obligations, the form of such Obligations and all other terms and details of such
18 Obligations.. The County Executive may provide that no Loan proceeds shall be used for certain
19 Projects authorized by this Act to be financed, refinanced or reimbursed by the Loan and to
20 reduce the aggregate principal amount of Loan to be issued accordingly, provided, however, that
21 the deletion of such Projects shall not cause the Loan to be payable beyond the average of the
22 probable useful lives of the remaining Projects.

23 SECTION 5. BE IT FURTHER ENACTED that the form of the Loan Agreements, a copy
24 of which has been filed with the Clerk of the County Council as Attachment 2 and made a part
25 hereof by reference, to be entered into by the County and MWQFA providing for the Loan to the
26 County and the terms and provisions of such Loan is hereby approved. The County Executive is
27 hereby authorized to execute and deliver the Loan Agreements on behalf of the County in
28 substantially the form hereby approved, with such insertions, omissions or variations as are
29 therein and in this Act indicated and with such changes, insertions, omissions or variables as are
30 approved by the County Executive, consistent with the Enabling Acts and this Act. The form of
31 the Notes, a copy of which is attached to the form of the Loan Agreements as Exhibit F, to be

1 issued, executed and delivered by the County to MWQFA evidencing the Loan to the County is
2 hereby approved. The County Executive is hereby authorized to issue, execute and deliver the
3 Notes on behalf of the County in substantially the form hereby approved, with such insertions,
4 omissions or variations as are therein and in this Act indicated and with such changes, insertions,
5 omissions or variables as are approved by the County Executive, consistent with the Enabling
6 Acts and this Act.

7 SECTION 6. BE IT FURTHER ENACTED that the Obligations and the interest and
8 premium, if any, on them shall be payable from and secured by, and there is hereby pledged to
9 the payment of such principal, premium, if any, and interest, the Clean Water Act Fees collected
10 by the County (the "Clean Water Act Fees") in accordance with Title 4 of the Environment
11 Article of the Annotated Code of Maryland and Section 10-301 et seq. of the Prince George's
12 County Code (collectively, the "Stormwater Acts") and deposited in the Local Watershed
13 Protection and Restoration Fund established pursuant to Section 10-301 of the Prince George's
14 County Code, as amended, replaced or recodified from time to time (the "Fund"). The debt
15 service requirements of the Obligations shall have a first and prior claim on all Clean Water Act
16 Fees on deposit in the Fund on a parity with the claim for moneys required for payment of debt
17 service on all other County stormwater management obligations to which such Clean Water Act
18 Fees shall have been heretofore, or from time to time hereafter shall be, pledged, and the other
19 purposes for which funds in the Fund may be disbursed pursuant to the Stormwater Acts.
20 Notwithstanding the foregoing provisions of this Section, (a) the County may pledge and apply
21 to the payment of the principal of and premium, if any, and interest on the Obligations as and
22 when the same are due and payable, funds received by the County from the State of Maryland,
23 the United States of America, any agency or instrumentality of the foregoing or from any other
24 source and (b) the County may covenant that the County Executive or the Director of Finance
25 will include amounts necessary to pay all or a portion of the Obligations or to satisfy other
26 requirements of the County relating to the Obligations in the proposed annual budgets of the
27 County to be submitted to the County Council for approval and support the approval of such
28 proposed appropriations by the County Council.

29 SECTION 7. BE IT FURTHER ENACTED that the Obligations shall never constitute an
30 indebtedness or charge against the full faith and credit or taxing powers of the County within the
31 meaning of any constitutional or charter provision or statutory limitation.

1 SECTION 8. BE IT FURTHER ENACTED that the Obligations may be sold at private
2 (negotiated) sale at, above or below par, at such times and on such dates and terms as shall be
3 determined by the County Executive. The County Executive is expressly authorized and
4 empowered to take any and all action necessary to complete and close the award, sale and
5 delivery of all or any of the Notes to MWQFA, including (without limitation) making such
6 changes or modifications in the form of the Notes as may be necessary or appropriate to comply
7 with MWQFA practices and policies applicable from time to time.

8 SECTION 9. BE IT FURTHER ENACTED that the Obligations also may be sold at public
9 or private (negotiated) sale at, above or below par, at such times, on such dates and terms and to
10 such persons, firms or corporations as the County Executive shall determine. The County
11 Executive is expressly authorized and empowered to take any and all action necessary to
12 complete and close the award, sale and delivery of all or any of the Obligations to such persons,
13 firms or corporations as the County Executive shall determine.

14 SECTION 10. BE IT FURTHER ENACTED that the County Executive or the Chief
15 Administrative Officer of the County, if the County Executive shall so authorize in writing, is
16 hereby authorized to cause to be prepared and distributed on behalf of the County in connection
17 with the sale of any Obligations a preliminary official statement and a final official statement, or
18 similar offering documents, in such forms as shall be approved by the County Executive or the
19 Chief Administrative Officer, respectively.

20 SECTION 11. BE IT FURTHER ENACTED that the County Executive, the Chief
21 Administrative Officer, the Deputy Chief Administrative Officer, the Director of Finance, the
22 Deputy Director of Finance, the Clerk of the County Council and such other officers and officials
23 of the County as may be appropriate are hereby authorized to execute and deliver, for and on
24 behalf of the County, any and all additional certificates, documents or other papers and to do any
25 and all things deemed necessary or appropriate in order to effect the issuance and sale of the
26 Obligations and the execution and delivery of the Loan Agreements and to implement and carry
27 out matters authorized by the provisions of the Enabling Acts and this Act.

28 SECTION 12. BE IT FURTHER ENACTED that in the event any official of the County whose
29 signature shall appear on any Loan Agreement, on any Note or on any other instruments or documents
30 pertaining thereto, shall cease to be such official prior to the delivery of such Loan Agreement, Note or
31 other instruments or documents, or in the event that any official shall take office subsequent to the sale

1 of any Note, his or her signature shall nevertheless be valid, sufficient and binding for the purposes
2 herein intended.

3 SECTION 13. BE IT FURTHER ENACTED that the County Executive shall be the officer
4 of the County responsible for the issuance of each Note within the meaning of the “arbitrage
5 regulations” (defined below).

6 In the event that any Note is issued pursuant to this Act with the expectation that interest on
7 such Note will be excludable from gross income for federal income tax purposes, the County
8 Executive shall be the officer of the County responsible for the execution and delivery (on the
9 date of issuance of such Note) of a certificate of the County (the “Tax and Section 148
10 Certificate”) which complies with the requirements of Section 148 of the Internal Revenue Code
11 of 1986, as amended (“Section 148”), and the applicable regulations thereunder (the “arbitrage
12 regulations”), and such official is hereby directed to execute the Tax and Section 148 Certificate
13 and to deliver the same to bond counsel or co-bond counsel on the date of the issuance of such
14 Note.

15 The County shall set forth in the Tax and Section 148 Certificate its reasonable expectations
16 as to relevant facts, estimates and circumstances relating to the use of the proceeds of such Note,
17 or of any moneys, securities or other obligations on deposit to the credit of any account of the
18 County which may be deemed to be proceeds of such Note pursuant to Section 148 or the
19 arbitrage regulations (collectively, with respect to any such Note, “Note Proceeds”). The County
20 covenants that the facts, estimates and circumstances set forth in the Tax and Section 148
21 Certificate will be based on the County’s reasonable expectations on the date of issuance of such
22 Note and will be, to the best of the certifying official’s knowledge, true and correct as of that
23 date. The County shall also set forth in the Tax and Section 148 Certificate any elections
24 provided for or permitted under the provisions of the Internal Revenue Code of 1986, as
25 amended, that the official executing the Tax and Section 148 Certificate deems advisable.

26 In the event that any Note is issued pursuant to this Act with the expectation that interest on
27 such Note will be excludable from gross income for federal income tax purposes, the County
28 covenants with each of the registered owners of such Note that it will not make, or (to the extent
29 that it exercises control or direction) permit to be made, any use of the Note Proceeds of such
30 Note which would cause such Note to be an “arbitrage bond” within the meaning of Section 148
31 and the arbitrage regulations. The County further solemnly covenants that it will comply with

1 Section 148 and the regulations thereunder which are applicable to such Note on the date of
2 issuance thereof and which may subsequently lawfully be made applicable thereto as long as
3 such Note remains outstanding and unpaid. The County Executive is hereby authorized and
4 directed to prepare or cause to be prepared and to approve and execute, respectively, any
5 certification, opinion or other document, including (without limitation) the Tax and Section 148
6 Certificate, which may be required to assure that such Note will not be deemed to be an
7 “arbitrage bond” within the meaning of Section 148 and the regulations thereunder.

8 In the event that any Note is issued pursuant to this Act with the expectation that interest on
9 such Note will be excludable from gross income for federal income tax purposes, the County
10 Executive may make such covenants or agreements in connection with the issuance of such Note
11 as he or she shall deem advisable in order to assure the registered owners of such Note that
12 interest thereon shall be and remain excludable from gross income for federal income tax
13 purposes, and such covenants or agreements shall be binding on the County so long as the
14 observance by the County of any such covenants or agreements is necessary in connection with
15 the maintenance of the exclusion of the interest on such Note from gross income for federal
16 income tax purposes. The foregoing covenants and agreements may include such covenants or
17 agreements on behalf of the County regarding compliance with the provisions of the Internal
18 Revenue Code of 1986, as amended, as the County Executive shall deem advisable in order to
19 assure the registered owners of such Note that the interest thereon shall be and remain excludable
20 from gross income for federal income tax purposes, including (without limitation) covenants or
21 agreements relating to the investment of the Note Proceeds of such Note, the payment of certain
22 earnings resulting from such investment to the United States (or certain payments in lieu thereof
23 as provided in the Internal Revenue Code of 1986, as amended), limitations on the times within
24 which, and the purpose for which, such Note Proceeds may be expended, or the use of specified
25 procedures for accounting for and segregating such Note Proceeds. Any covenant or agreement
26 made pursuant to this paragraph may be set forth in the Tax and Section 148 Certificate.

27 SECTION 14. BE IT FURTHER ENACTED that the powers granted by this Act are
28 additional and cumulative and the Obligations authorized by this Act may be issued,
29 notwithstanding that other borrowing acts or laws may provide for the issuance of other
30 obligations or the borrowing of money for the same or similar purposes on the same or other
31 terms and conditions. This Act shall be liberally construed to effectuate its purposes, namely, to

1 authorize the borrowing of money and the incurring of indebtedness to finance, refinance and
2 reimburse the costs of the Projects set forth in this Act. Provisions of this Act shall be deemed
3 met and satisfied if there is substantial compliance with such provisions. This Act is not
4 intended to provide or imply that this Act or any prior act not containing a similar provision
5 precludes the County from exercising any power or prerogative provided by this Act or any other
6 law whether exercised solely pursuant to such other law or in conjunction with the powers
7 provided by this Act.

8 SECTION 15. BE IT FURTHER ENACTED that, pursuant to Section 19-204 of the Local
9 Government Article of the Annotated Code of Maryland, as amended, replaced or recodified
10 from time to time (the "Registration Statute"), the Obligations issued hereunder may be issued in
11 "registered form" within the meaning of the Registration Statute, as may be determined by the
12 County Executive, who may determine, approve or authorize the selection of trustees, transfer
13 agents, registrars, paying or other agents, a custodian for a central depository or book-entry
14 system and appropriate agreements with any of the foregoing and such other matters not
15 inconsistent with this Act necessary or deemed appropriate in connection with the issuance of the
16 Obligations in "registered form" within the meaning of the Registration Statute.

17 SECTION 16. BE IT FURTHER ENACTED that, the County Executive is hereby
18 authorized, on behalf of the County, to make such undertakings, covenants or agreements for the
19 benefit of the holders of the Obligations, with regard to secondary market disclosure as shall be
20 necessary or appropriate to comply with the provisions of Securities and Exchange Commission
21 Rule 15c2-12, as amended, modified or replaced from time to time ("SEC Rule 15c2-12"). Such
22 authority shall include (without limitation) the power to approve and enter into continuing
23 disclosure or dissemination agreements with any third party; the power to amend or modify any
24 such undertakings, covenants, agreements, or continuing disclosure or dissemination agreements,
25 to the extent permitted by SEC Rule 15c2-12; and the power to provide for the insertion of a
26 description regarding any such secondary market disclosure covenants or agreements in any
27 applicable notice of sale, bond purchase agreement or other purchase contract, and any
28 preliminary or final official statement, offering circular, official circular or similar offering
29 document. Such undertakings, covenants or agreements shall be binding upon the County and
30 the County hereby covenants and agrees to abide by any such undertakings, covenants or
31 agreements made in accordance with this Section for the benefit of the holders of the applicable

1 Obligations.

2 SECTION 17. BE IT FURTHER ENACTED, that pursuant to the authority of Section 19-
3 236 of the Local Government Article of the Annotated Code of Maryland, as amended, replaced
4 or recodified from time to time (the "Hedge Statute"), the County may enter into one or more
5 interest rate exchange agreements or contracts providing for payments based on levels of or
6 changes in interest rates, or combinations of the foregoing, in order to improve the management
7 of debt service or interest rate risks on all or any portion of the Obligations authorized hereby or
8 to reduce the cost of servicing all or any portion of such Obligations. Any such interest rate
9 exchange agreement or contract may be entered into in connection with, or incidental to, all or
10 any portion of the Obligations prior to, at the time of, or subsequent to, the issuance of any such
11 Obligations, and may apply to such Obligations and any other general obligation bonds or notes,
12 revenue bonds or notes, or other evidences of indebtedness by whatever name known or funds
13 secured, issued by the County. In connection with any such interest rate exchange agreements or
14 contracts, the County may appoint any agents necessary to implement and administer such
15 agreements or contracts. Unless contrary to the provisions of the Hedge Statute, or other
16 applicable law, the County Executive is hereby authorized to determine, approve, authorize or
17 provide for, after giving due consideration to the creditworthiness of the counterparty or
18 counterparties and after consulting with the Director of Finance of the County and, if applicable,
19 the financial advisor to the County: (1) the terms and conditions of the transaction, the final form
20 of the agreement or contract and the final terms and conditions of the agreement or contract and
21 (2) the appointment of any agents necessary to implement and administer such agreements or
22 contracts and the terms of compensation therefor. Nothing contained in this Act shall be deemed
23 to preclude the County Council by resolution from making or providing for any of the
24 determinations authorized by the Hedge Statute. The provisions of this Section shall be liberally
25 construed to effectuate the provisions of the Hedge Statute.

26 SECTION 18. BE IT FURTHER ENACTED that any and all determinations, approvals,
27 authorizations, decisions, undertakings, specifications, covenants, agreements or provisions (by
28 whatever terminology so specified) authorized to be made by the County Executive pursuant to
29 the provisions of this Act shall be made by order of the County Executive unless otherwise
30 expressly provided herein; provided that, unless contrary to the provisions of the County Charter
31 or other applicable law, the County Executive is hereby expressly authorized to delegate by order

1 to such official or officials designated in such order the power to make any such determinations,
 2 approvals, authorizations, decisions, undertakings, specifications, covenants, agreements or
 3 provisions or other matters and the manner in which to evidence the same. In addition, unless
 4 contrary to the provisions of the County Charter or other applicable law, the County Executive is
 5 hereby authorized by order to delegate to one or more appropriate County officials the authority
 6 granted to the County Executive by this Act to sign any documents, certificates or instruments,
 7 or to specify that one or more appropriate County officials in addition to the County Executive
 8 shall sign any such documents, certificates or instruments.

9 SECTION 19. BE IT FURTHER ENACTED that if any one or more of the provisions of
 10 this Act, including any covenants or agreements provided herein on the part of the County to be
 11 performed, should be contrary to law, then such provision or provisions shall be null and void
 12 and shall in no way affect the validity of the other provisions of this Act or of the Obligations.

13 SECTION 20. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 14 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
 15 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
 16 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
 17 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
 18 Act, since the same would have been enacted without the incorporation in this Act of any such
 19 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

20 SECTION 21. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
 21 calendar days after it becomes law.

Adopted this 17th day of November, 2020.

COUNTY COUNCIL OF PRINCE
GEORGE’S COUNTY, MARYLAND

BY: _____
Todd M. Turner
Council Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.

* * * * *

**ATTACHMENT 1
DESCRIPTION OF PROJECTS**

The retrofitting of approximately 960 impervious acres on multiple sites within the County for the creation of a large scale green infrastructure program (the “Program”) that includes the 27 municipalities in the County that are within the County’s National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Discharge Permit area (as amended, renewed or otherwise modified from time to time, the “MS4 Permit”) to store or treat storm water runoff in order to (a) mitigate flooding, (b) reduce pollution loads and (c) achieve impervious area credits, which will be used by the County to certify storm water compliance under the MS4 Permit.

Multiple projects will be planned, designed, and constructed within the area subject to the MS4 Permit and will utilize a wide array of treatment options approved by the Maryland Department of the Environment including (but not limited to) small rain gardens, large urban retrofit solutions involving suburban drain inlet modifications, pond retrofits, County right-of-ways, green streets, high-flow media treatment devices, bio-swales and other green infrastructure.

The cost of the above projects is estimated to be \$100,000,000.

ATTACHMENT 2

FORM OF LOAN AGREEMENTS

[Attached]