

# COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

## 2002 Legislative Session

Bill No. CB-61-2002

Chapter No. 54

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

Introduced by Council Members Shapiro, Scott, Russell, Wilson, Estepp, Dernoga, Bailey

Co-Sponsors \_\_\_\_\_

Date of Introduction July 2, 2002

### BILL

1 AN ACT concerning

2 Borrowing to Finance School Projects

3 For the purpose of authorizing Prince George's County, Maryland, to borrow money upon its full  
4 faith and credit, at any time and from time to time, in an aggregate principal amount not  
5 exceeding Thirty-one Million Three Hundred Eighty-nine Thousand Dollars (\$31,389,000), to  
6 finance the construction, including the design, reconstruction, extension, acquisition,  
7 improvement, enlargement, alteration, renovation, relocation, rehabilitation, repair or  
8 modernization, of school buildings in the County; prescribing terms and conditions upon which  
9 bonds issued pursuant to this Act shall be issued and sold and other incidental details with  
10 respect thereto; and providing generally for the issuance of such bonds.

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
12 Maryland, that Prince George's County, Maryland (the "County"), is hereby authorized pursuant  
13 to Section 323 of the Charter of Prince George's County, Maryland (the "Charter"), to borrow  
14 money and incur indebtedness upon its full faith and credit, at any time and from time to time, in  
15 an aggregate principal amount not exceeding Thirty-one Million Three Hundred Eighty-nine  
16 Thousand Dollars (\$31,389,000) to finance the construction, including the design,  
17 reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation,  
18 relocation, rehabilitation, repair or modernization, of school buildings in the County (the "School  
19 Projects"), and including the architectural and engineering services incident thereto, and the  
20 acquisition and installation of necessary permanent equipment therefor, such capital projects  
21 being determined to be of the same generic class and being described in the Capital Improvement

Program of the County as amended for the fiscal years 2003 through 2008 under the following headings, which descriptions are incorporated by reference as if set forth herein:

<u>Project Name</u>	<u>CIP-ID</u>
Adelphi Area Elementary School	AA774913
Asbestos Ceiling Tile Replacement	AA774563
Bowie Area Elementary School	AA774923
Buried Fuel Tank Replacement	AA770985
CFC Control and AC Modernization	AA773113
Classroom Additions	AA779363
Code Corrections	AA779583
Colmar Manor Elementary School	AA775083
Dodge Park Elementary School	AA775129
East-Central Middle School	AA779813
Greater Capitol Heights Elementary School	AA775233
Hil-Mar Elementary School	AA775093
Homer Avenue Elementary School	AA774953
Major Repairs	AA779153
Oxon Hill High School - Gymnasium	AA779023
Planning Subregion III Elementary School	AA774613
Robert R. Gray Elementary School	AA775243
Rosaryville Elementary School	AA775223
Systemic Renovations	AA779163

Reference to the County's Capital Improvement Program for the fiscal years 2003 through 2008 as amended 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 814 and 827 of the Charter. Such bonds shall not be subject to the provision 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

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

19 SECTION 3. BE IT FURTHER ENACTED that the powers granted by this Act are  
20 additional and cumulative and the bonds authorized to be issued pursuant to this Act may be  
21 issued, notwithstanding that other bond acts or laws may provide for the issuance of other bonds  
22 or the borrowing of money for the same or similar purposes on the same or other terms and  
23 conditions. This Act shall be liberally construed to effectuate its purposes, namely, to authorize  
24 the borrowing of money and the incurring of indebtedness to finance the described School  
25 Projects set forth in this Act. Provisions of this Act shall be deemed met and satisfied if there is  
26 substantial compliance with such provisions. This Act is not intended to provide or imply that  
27 this Act or any prior act not containing a similar provision precludes the County from exercising  
28 any power or prerogative provided by this Act or any other law whether exercised solely  
29 pursuant to such other law or in conjunction with the powers provided by this Act so that,  
30 without limiting the generality of this section, the County may exercise the power to issue (i)  
31 bond anticipation notes (in anticipation of the issuance of bonds pursuant to this Act or

1 otherwise) and grant anticipation notes pursuant to Section 12 of Article 31 of the Annotated  
2 Code of Maryland, as amended, replaced, or recodified from time to time, and (ii) bonds (or any  
3 related bond anticipation or other notes) authorized by Sections 14-201 to 14-214, inclusive, of  
4 Article 41 of the Annotated Code of Maryland, as amended, replaced, or recodified from time to  
5 time, and in exercising such powers, the County may sell such notes or bonds at private  
6 (negotiated) sale as authorized by these or any other applicable laws.

7 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)  
8 calendar days after it becomes law.

Adopted this 30th day of July, 2002.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Peter A. Shapiro  
Chair

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Wayne K. Curry  
County Executive