

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

Bill No. CB-53-2010

Chapter No. 39

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

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

Date of Introduction June 15, 2010

BILL

1 AN ACT concerning

2 Borrowing to Finance Capital Projects for
3 Public Safety 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 \$85,835,000 to finance the design, construction, reconstruction, extension, acquisition,
7 improvement, enlargement, alteration, renovation, relocation, rehabilitation, or repair of Public
8 Safety Facilities (including Fire Department Facilities), including the acquisition of sites
9 therefor; prescribing terms and conditions upon which bonds issued pursuant to this Act shall be
10 issued and sold and other incidental details with respect thereto; providing generally for the
11 issuance of such bonds and providing for such borrowing to be submitted to a referendum of the
12 legal voters of the County.

13 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
14 Maryland, that Prince George's County, Maryland (the "County"), is hereby authorized, pursuant
15 to Section 323 of the Charter of Prince George's County, Maryland (the "Charter"), to borrow
16 money and incur indebtedness upon its full faith and credit, at any time and from time to time, in
17 an aggregate principal amount not exceeding \$85,835,000 to finance the design, construction,
18 reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation,
19 relocation, rehabilitation, or repair of, Public Safety 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>
JT562173	Medical Unit Renovation & Expansion
JT561973	Kitchen Facility Replacement
JT561773	Detention Center Improvements 2
JT561873	Work Release Treatment Facility
JT561573	Detention Center Housing Renovations
KJ500543	District VIII Station
KJ500953	Public Safety Campus
LK510651	Fire Station Renovations
LK510648	Fire Station Roof Renovations
LK510330	Kentland Fire/EMS Station #833
LK510230	Forestville Fire/EMS Station (Westphalia)
LK510481	West Lanham Hills Fire/EMS Station #48

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

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

1 sale at the same time. When such bonds are sold in conjunction with other series of bonds, the
 2 said notice of sale may also require that consolidated bids shall be submitted on any two or more
 3 of such series of bonds.

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

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

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

18 **PUBLIC SAFETY FACILITIES BONDS**

19 AN ACT enabling the County to borrow money and issue bonds in an amount not
 20 exceeding \$85,835,000 to finance the design, construction, reconstruction, extension, acquisition,
 21 improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of Public
 22 Safety Facilities (including Fire Department Facilities), as defined therein.

23 SECTION 4. BE IT FURTHER ENACTED that the powers granted by this Act are
 24 additional and cumulative and the bonds to be issued pursuant to this Act may be issued,
 25 notwithstanding that other bond acts or laws may provide for the issuance of other bonds or the
 26 borrowing of money for the same or similar purposes on the same or other terms and conditions.
 27 This Act shall be liberally construed to effectuate its purposes, namely, to authorize the
 28 borrowing of money and the incurring of indebtedness to finance the described capital projects of
 29 the same generic class set forth in this Act. Provisions of this Act shall be deemed met and
 30 satisfied if there is substantial compliance with such provisions, including (without limitation)
 31 provisions relating to the submission of any question to the legal voters of the County which are

1 intended only to provide fair and adequate notice to such voters and not to prescribe provisions
2 which must be literally satisfied. This Act is not intended to provide or imply that this act or any
3 prior act not containing a similar provision precludes the County from exercising any power or
4 prerogative provided by this Act or any other law whether exercised solely pursuant to such
5 other law or in conjunction with the powers provided by this Act so that, without limiting the
6 generality of this section, the County may exercise the power to issue (i) bond anticipation notes
7 (in anticipation of the issuance of bonds pursuant to this Act or otherwise) and grant anticipation
8 notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland, as amended,
9 replaced, or recodified from time to time, and (ii) bonds (or any related bond anticipation or
10 other notes) authorized by Sections 12-201 to 12-213, inclusive, of the Economic Development
11 Article of the Annotated Code of Maryland, as amended, replaced, or recodified from time to
12 time, and in exercising such powers, the County may sell such notes or bonds at private
13 (negotiated) sale as authorized by these or any other applicable laws.

14 SECTION 5. BE IT FURTHER ENACTED that this Act shall become effective
15 immediately upon the date of the official certification of its approval by the voters at said general
16 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