

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2022 Legislative Session

Bill No. CB-042-2022

Chapter No. 32

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

Introduced by Council Members Harrison, Franklin, Turner, Glaros, Dernoga, Streeter,
Ivey, and Medlock

Co-Sponsors _____

Date of Introduction June 7, 2022

BILL

1 AN ACT concerning

2 Borrowing to Finance Capital Projects for
3 County Buildings

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 \$51,939,000 to finance the design, construction, reconstruction, extension, acquisition,
7 improvement, enlargement, alteration, renovation, relocation, rehabilitation, or repair of County
8 Buildings, including the acquisition and development of sites therefor, the architectural and
9 engineering services incident thereto, and the acquisition and installation of necessary fixed
10 permanent equipment therefor, prescribing terms and conditions upon which bonds issued
11 pursuant to this Act shall be issued and sold and other incidental details with respect thereto;
12 providing generally for the issuance of such bonds and providing for such borrowing to be
13 submitted to a referendum of the legal voters of the County.

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
15 Maryland, that Prince George's County, Maryland (the "County"), is hereby authorized, pursuant
16 to Section 323 of the Charter of Prince George's County, Maryland (the "Charter"), to borrow
17 money and incur indebtedness upon its full faith and credit, at any time and from time to time, in
18 an aggregate principal amount not exceeding \$51,939,000 to finance the design, construction,
19 reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation,
20 relocation, rehabilitation, or repair of, County Buildings, including the acquisition and

1 development of sites therefor, the architectural and engineering services incident thereto, and the
 2 acquisition and installation of necessary fixed permanent equipment therefor, all such capital
 3 projects hereby being found to be (and also being in fact) of the same generic class and being
 4 described in the capital program of the County for the fiscal years 2023-2028, under the
 5 following headings, which descriptions are incorporated by reference as if set forth herein:

<u>Project Number</u>	<u>Project Name</u>
4.31.0001	COUNTY BUILDING RENOVATIONS
4.31.0002	COURTHOUSE RENOVATION & SECURITY UPGRADES
3.31.0003	PRINCE GEORGE'S HOMELESS SHELTER
4.70.0001	HEALTH CARE FACILITIES RENOVATIONS
3.66.0001	AMPHITHEATRE

12 Reference to the County's capital program for the years 2023-2028 is made for purposes of
 13 description only and such reference shall include the same capital projects in any amended or
 14 subsequent capital program.

15 SECTION 2. BE IT FURTHER ENACTED that any general obligation bonds to be issued
 16 pursuant to this Act shall be issued and sold pursuant to Bond Issue Authorization Ordinances
 17 adopted in accordance with Sections 323 and 823 of the Charter and other applicable provisions
 18 of MD. CODE ANN., LOCAL GOV'T. §§ 19-205 to 19-206, as amended, replaced, or re-
 19 codified from time to time, but the County shall sell such bonds only by solicitation of
 20 competitive bids therefor at public sale in such manner and after giving such public notice as the
 21 County Council may by ordinance determine. Such bonds may be sold for such price or prices
 22 as may be determined to be for the best interest of the County, either at, above or below the par
 23 value of any such bonds, and such bonds may be sold in conjunction with other series of bonds
 24 issued by the County in which event the notice of sale soliciting bids for the purchase of such
 25 bonds may require that the acceptance of any bid for any series of bonds be made contingent
 26 upon the acceptance of the bid or bids on all or any of the series being offered by the County for
 27 sale at the same time. When such bonds are sold in conjunction with other series of bonds, the
 28 said notice of sale may also require that consolidated bids shall be submitted on any two or more
 29 of such series of bonds.

30 Nothing in this Act shall in any way limit the authority provided for the refunding of
 31 County indebtedness by MD. CODE ANN., LOCAL GOV'T. §§ 19-205 to 19-206, as amended

1 or supplemented from time to time or by any other applicable law, and all such authority is
 2 intended to be available to the County to refund any indebtedness incurred pursuant to this Act to
 3 the maximum extent provided by such authority.

4 Such bonds may be issued in an amount sufficient to finance the costs of the County
 5 Buildings and the cost of issuance of the bonds. Prior to the application of the proceeds of such
 6 bonds to finance the costs of the County Buildings, the cost of issuance of such bonds for such
 7 County Buildings may be deducted from such proceeds.

8 SECTION 3. BE IT FURTHER ENACTED that this Act shall be submitted to the legal
 9 voters of the County, for their approval or disapproval, at the general election to be held in the
 10 County on Tuesday, November 8, 2022. The question to be certified to the Board of Supervisors
 11 of Elections of the County for inclusion on the ballot for said general election shall be in
 12 substantially the following form:

13 COUNTY BUILDINGS BONDS

14 AN ACT enabling the County to borrow money and issue bonds in an amount not
 15 exceeding \$51,939,000 to finance the design, construction, reconstruction, extension, acquisition,
 16 improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of County
 17 Buildings, including the acquisition and development of sites therefor, the architectural and
 18 engineering services incident thereto, and the acquisition and installation of necessary fixed
 19 permanent equipment therefor, as defined therein.

20 SECTION 4. BE IT FURTHER ENACTED that the powers granted by this Act are
 21 additional and cumulative and the bonds to be issued pursuant to this Act may be issued,
 22 notwithstanding that other bond acts or laws may provide for the issuance of other bonds or the
 23 borrowing of money for the same or similar purposes on the same or other terms and conditions.
 24 This Act shall be liberally construed to effectuate its purposes, namely, to authorize the
 25 borrowing of money and the incurring of indebtedness to finance the described capital projects of
 26 the same generic class set forth in this Act. Provisions of this Act shall be deemed met and
 27 satisfied if there is substantial compliance with such provisions, including (without limitation)
 28 provisions relating to the submission of any question to the legal voters of the County which are
 29 intended only to provide fair and adequate notice to such voters and not to prescribe provisions
 30 which must be literally satisfied. This Act is not intended to provide or imply that this act or any
 31 prior act not containing a similar provision precludes the County from exercising any power or

1 prerogative provided by this Act or any other law whether exercised solely pursuant to such
2 other law or in conjunction with the powers provided by this Act so that, without limiting the
3 generality of this section, the County may exercise the power to issue (i) bond anticipation notes
4 (in anticipation of the issuance of bonds pursuant to this Act or otherwise) and grant anticipation
5 notes pursuant to MD. CODE ANN., LOCAL GOV'T. §§ 19-205 to 19-206, as amended,
6 replaced, or re-codified from time to time, and (ii) bonds (or any related bond anticipation or
7 other notes) authorized by MD. CODE ANN., LOCAL GOV'T. §§ 19-205 to 19-206, as
8 amended, replaced, or re-codified from time to time, and in exercising such powers, the County
9 may sell such notes or bonds at private (negotiated) sale as authorized by these or any other
10 applicable laws.

11 SECTION 5. BE IT FURTHER ENACTED that the provisions of this Act are hereby
12 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
13 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
14 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
15 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
16 Act, since the same would have been enacted without the incorporation in this Act of any such
17 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
18 or section.

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

Adopted this 5th day of July, 2022.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Calvin S. Hawkins, II
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

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

APPROVED BY A MAJORITY OF THE VOTERS AT THE REFERENDUM ON NOVEMBER 8, 2022,
AS CERTIFIED BY THE BOARD OF ELECTIONS ON DECEMBER 1, 2022.

EFFECTIVE: DECEMBER 1, 2022