

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2024 Legislative Session

Bill No. CB-042-2024

Chapter No. _____

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

Introduced by Council Members Ivey, Blegay, Watson, Olson, Oriadha, Dernoga,

Harrison and Fisher

Co-Sponsors _____

Date of Introduction June 18, 2024

BILL

AN ACT concerning

Borrowing to Finance Capital Projects for

Public Works and Transportation 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 \$311,873,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation, or repair of Public Works and Transportation Facilities, (including roads and bridges, parking lots, and maintenance 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, 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 \$311,873,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation,

relocation, rehabilitation, or repair of, Public Works and Transportation Facilities (including roads and bridges, parking lots, and maintenance 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 2025-2030, under the following headings, which descriptions are incorporated by reference as if set forth herein:

<u>Project Number</u>	<u>Project Name</u>
1.66.0001	STREET LIGHTS & TRAFFIC SIGNALS 2
4.66.0001	BRIDGE REPAIR & REPLACEMENT 2
4.66.0002	CURB & ROAD REHABILITATION 2
4.66.0005	TRANSPORTATION ENHANCEMENTS 2
4.66.0021	STREET TREE REMOVAL & REPLACEMENT
4.66.0039	TRANSIT ORIENTED DEVELOPMENT INFRASTRUCTURE
4.66.0040	PEDESTRIAN SAFETY IMPROVEMENTS
4.66.0045	BRIDGE REHABILITATION FEDERAL AID
8.66.0005	FBI HEADQUARTERS INFRASTRUCTURE IMPROVEMENTS
9.66.0001	PLANNING & SITE ACQUISITION 2

Reference to the County's capital program for the fiscal years 2025-2030 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 MD. CODE ANN., LOCAL GOV'T. §§ 19-205 to 19-206, as amended, replaced, or re-codified 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

1 issued by the County in which event the notice of sale soliciting bids for the purchase of such
 2 bonds may require that the acceptance of any bid for any series of bonds be made contingent
 3 upon the acceptance of the bid or bids on all or any of the series being offered by the County for
 4 sale at the same time. When such bonds are sold in conjunction with other series of bonds, the
 5 said notice of sale may also require that consolidated bids shall be submitted on any two or more
 6 of such series of bonds.

7 Nothing in this Act shall in any way limit the authority provided for the refunding of
 8 County indebtedness by MD. CODE ANN., LOCAL GOV'T. §§ 19-205 to 19-206, as amended
 9 or supplemented from time to time or by any other applicable law, and all such authority is
 10 intended to be available to the County to refund any indebtedness incurred pursuant to this Act to
 11 the maximum extent provided by such authority.

12 Such bonds may be issued in an amount sufficient to finance the costs of the Public Works
 13 and Transportation Facilities and the cost of issuance of the bonds. Prior to the application of the
 14 proceeds of such bonds to finance the costs of the Public Works and Transportation Facilities,
 15 the cost of issuance of such bonds for such Public Works and Transportation Facilities may be
 16 deducted from such proceeds.

17 SECTION 3. BE IT FURTHER ENACTED that this Act shall be submitted to the legal
 18 voters of the County, for their approval or disapproval, at the general election to be held in the
 19 County on Tuesday, November 5, 2024. The question to be certified to the Board of Supervisors
 20 of Elections of the County for inclusion on the ballot for said general election shall be in
 21 substantially the following form:

22 PUBLIC WORKS AND TRANSPORTATION FACILITIES BONDS

23 AN ACT enabling the County to borrow money and issue bonds in an amount not
 24 exceeding \$311,873,000 to finance the design, construction, reconstruction, extension,
 25 acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair
 26 of Public Works and Transportation Facilities (including roads and bridges, parking lots, and
 27 maintenance facilities), including the acquisition and development of sites therefor, the
 28 architectural and engineering services incident thereto, and the acquisition and installation of
 29 necessary fixed permanent equipment therefor, as defined therein.

30 SECTION 4. BE IT FURTHER ENACTED that the powers granted by this Act are
 31 additional and cumulative and the bonds to be issued pursuant to this Act may be issued,

1 notwithstanding that other bond acts or laws may provide for the issuance of other bonds or the
 2 borrowing of money for the same or similar purposes on the same or other terms and conditions.
 3 This Act shall be liberally construed to effectuate its purposes, namely, to authorize the
 4 borrowing of money and the incurring of indebtedness to finance the described capital projects of
 5 the same generic class set forth in this Act. Provisions of this Act shall be deemed met and
 6 satisfied if there is substantial compliance with such provisions, including (without limitation)
 7 provisions relating to the submission of any question to the legal voters of the County which are
 8 intended only to provide fair and adequate notice to such voters and not to prescribe provisions
 9 which must be literally satisfied. This Act is not intended to provide or imply that this act or any
 10 prior act not containing a similar provision precludes the County from exercising any power or
 11 prerogative provided by this Act or any other law whether exercised solely pursuant to such
 12 other law or in conjunction with the powers provided by this Act so that, without limiting the
 13 generality of this section, the County may exercise the power to issue (i) bond anticipation notes
 14 (in anticipation of the issuance of bonds pursuant to this Act or otherwise) and grant anticipation
 15 notes pursuant to MD. CODE ANN., LOCAL GOV'T. [§§ 19-205 to 19-206,] §19-212, as
 16 amended, replaced, or re-codified from time to time, and (ii) bonds (or any related bond
 17 anticipation or other notes) authorized by MD. CODE ANN., LOCAL GOV'T. §§ 19-205, [to]
 18 19-206, and §19-212, as amended, replaced, or re-codified from time to time, and in exercising
 19 such powers, the County may sell such notes or bonds at private (negotiated) sale as authorized
 20 by these or any other applicable laws.

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

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

Adopted this ____ day of _____, 2024.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Jolene Ivey
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

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