

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

Bill No. CB-51-2010

Chapter No. 37

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

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

Date of Introduction June 15, 2010

**BILL**

1 AN ACT concerning

2 Borrowing to Finance Capital Projects for  
3 Library 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 \$23,606,000 to finance the design, construction, reconstruction, extension, acquisition,  
7 improvement, enlargement, alteration, renovation, relocation, rehabilitation, or repair of Library  
8 Facilities including the acquisition of sites therefor; 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; providing generally for the issuance of such bonds and providing for such  
11 borrowing to be submitted to a referendum of the legal voters of the County.

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
13 Maryland, that Prince George's County, Maryland (the "County"), is hereby authorized, pursuant  
14 to Section 323 of the Charter of Prince George's County, Maryland (the "Charter"), to borrow  
15 money and incur indebtedness upon its full faith and credit, at any time and from time to time, in  
16 an aggregate principal amount not exceeding \$23,606,000 to finance the design, construction,  
17 reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation,  
18 relocation, rehabilitation, or repair of, Library Facilities, including the acquisition and  
19 development of sites therefor, the architectural and engineering services incident thereto, and the  
20 acquisition and installation of necessary fixed permanent equipment therefor, all such capital  
21 projects hereby being found to be (and also being in fact) of the same generic class and being

1 described in the capital program of the County for the fiscal years 2011-2016, under the  
2 following headings, which descriptions are incorporated by reference as if set forth herein:

3 <u>CIP-ID</u>	<u>Project Name</u>
4 HL719163	Library Branch Renovations 2
5 HL719613	Langley Park Branch
6 HL718813	Hyattsville Branch Renovations
7 HL719303	Laurel Library Expansion

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

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

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

31 Such bonds may be issued in an amount sufficient to finance the costs of the Library

1 Facilities and the cost of issuance of the bonds. Prior to the application of the proceeds of such  
 2 bonds to finance the costs of the Library Facilities, the cost of issuance of such bonds for such  
 3 Library Facilities may be deducted from such proceeds.

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

#### 9 LIBRARY FACILITIES BONDS

10 AN ACT enabling the County to borrow money and issue bonds in an amount not  
 11 exceeding \$23,606,000 to finance the design, construction, reconstruction, extension, acquisition,  
 12 improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of Library  
 13 Facilities, as defined therein.

14 SECTION 4. BE IT FURTHER ENACTED that the powers granted by this Act are  
 15 additional and cumulative and the bonds to be issued pursuant to this Act may be issued,  
 16 notwithstanding that other bond acts or laws may provide for the issuance of other bonds or the  
 17 borrowing of money for the same or similar purposes on the same or other terms and conditions.  
 18 This Act shall be liberally construed to effectuate its purposes, namely, to authorize the  
 19 borrowing of money and the incurring of indebtedness to finance the described capital projects of  
 20 the same generic class set forth in this Act. Provisions of this Act shall be deemed met and  
 21 satisfied if there is substantial compliance with such provisions, including (without limitation)  
 22 provisions relating to the submission of any question to the legal voters of the County which are  
 23 intended only to provide fair and adequate notice to such voters and not to prescribe provisions  
 24 which must be literally satisfied. This Act is not intended to provide or imply that this act or any  
 25 prior act not containing a similar provision precludes the County from exercising any power or  
 26 prerogative provided by this Act or any other law whether exercised solely pursuant to such  
 27 other law or in conjunction with the powers provided by this Act so that, without limiting the  
 28 generality of this section, the County may exercise the power to issue (i) bond anticipation notes  
 29 (in anticipation of the issuance of bonds pursuant to this Act or otherwise) and grant anticipation  
 30 notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland, as amended,  
 31 replaced, or recodified from time to time, and (ii) bonds (or any related bond anticipation or

1 other notes) authorized by Sections 12-201 to 12-213, inclusive, of the Economic Development  
2 Article of the Annotated Code of Maryland, as amended, replaced, or recodified from time to  
3 time, and in exercising such powers, the County may sell such notes or bonds at private  
4 (negotiated) sale as authorized by these or any other applicable laws.

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

Adopted this 13<sup>th</sup> 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