

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2013 Legislative Session

Bill No. CB-53-2013
 Chapter No. 39
 Proposed and Presented by Council Member Franklin
 Introduced by Council Members Franklin, Harrison, Campos, Davis, Lehman, Patterson,
Toles and Turner
 Date of Introduction July 2, 2013

BILL

1 AN ACT concerning

2 The Issuance of Special Obligation Tax Increment Financing Bonds
 3 for the Town Center at Camp Springs Development District

4 For the purpose of providing that special obligation tax increment financing bonds may be issued
 5 from time to time under the provisions of this Act, Sections 12-201 through 12-213, inclusive, of
 6 the Economic Development Article of the Annotated Code of Maryland, as amended (the "Tax
 7 Increment Financing Act"), CR-88-2012 of the County Council of Prince George's County,
 8 Maryland (the "Formation Resolution"), and CR-38-2011 (the "TIF Criteria Resolution") in the
 9 aggregate principal amount of Eleven Million One Hundred Thousand Dollars (\$11,100,000) in
 10 order for the County to acquire, finance or reimburse the infrastructure improvements as more
 11 particularly described herein; making certain findings and determinations, among others,
 12 concerning the public benefit and purpose of such bonds; providing that such bonds authorized to
 13 be issued hereby shall be payable solely from real property taxes deposited in the Tax Increment
 14 Fund (as defined in the Formation Resolution) and that the bonds shall not constitute a general
 15 obligation debt of the County or a pledge of the County's full faith and credit or taxing power
 16 other than the taxes representing the levy on the Tax Increment (as defined in the Formation
 17 Resolution); providing for a proposed agreement between the County and Residences at Town
 18 Center, LLC, a Maryland limited liability company or its assigns (the "Developer") and any
 19 other governmental entity, if necessary, prior to the issuance and delivery of the bonds in the
 20 form of a TIF proposal consistent with the requirements of this Act and the TIF Criteria
 21 Resolution as well as other conditions for the issuance of the bonds and the acquisition,

1 financing, or reimbursing and construction of the infrastructure improvements); authorizing the
 2 County Executive of the County to specify, prescribe, determine, provide for and approve certain
 3 details, forms, documents or procedures in connection with such bonds issued hereunder and any
 4 other matters necessary or desirable in connection with the authorization, issuance, delivery and
 5 payment of such bonds consistent with the provisions of this Act; authorizing the County
 6 Executive to take certain actions, to execute documents and make certain commitments on behalf
 7 of the County in connection with the issuance and delivery of such bonds consistent with the
 8 provisions of this Act; authorizing the execution and delivery of such bonds and such other
 9 documents as may be necessary and desirable to effectuate the financing of the infrastructure
 10 improvements and the issuance and delivery of such bonds; and generally providing for, and
 11 determining various matters in connection with, the issuance, delivery and payment of such
 12 bonds.

13 WHEREAS, the Formation Resolution designated the “Town Center at Camp Springs
 14 Development District” and established a special fund designated the “Town Center at Camp
 15 Springs Development District Tax Increment Fund;” and

16 WHEREAS, the Developer, the owner of the real property in the Town Center at Camp
 17 Springs Development District, plans to develop commercial office space for a federal agency
 18 tenant, residential units, certain parking facilities, retail, commercial and park facilities, and
 19 related infrastructure improvements (the “Development”) and to construct and install the
 20 infrastructure improvements in the Town Center at Camp Springs Development District
 21 described in Exhibit A attached hereto and made a part hereof (the “Infrastructure”) to serve the
 22 Development; and

23 WHEREAS, the County has the power under the Tax Increment Financing Act to pay for
 24 the County’s acquisition, financing or reimbursement of the Infrastructure from the Developer
 25 through the issuance and delivery to the Developer of such bonds in compliance with the TIF
 26 Criteria Resolution; and

27 WHEREAS, the bonds will be issued and secured pursuant to the provisions of the Tax
 28 Increment Financing Act and the Formation Resolution; and

29 WHEREAS, to the extent that the taxes representing the levy on the Tax Increment in any
 30 given fiscal year of the County exceed the debt service payable on the bonds in any such fiscal
 31 year, as well as any other payment required to be satisfied by the Tax Increment, such excess

1 will be paid over at the end of each such fiscal year to the County for deposit in its general fund
2 in such amounts and for such uses as set forth herein; and

3 WHEREAS, development of commercial office space for a federal agency tenant,
4 residential units, certain parking facilities, retail, commercial and park facilities and related
5 infrastructure improvements will further economic development within the County and thus meet
6 the public purposes contemplated by the Tax Increment Financing Act and the Formation
7 Resolution; and

8 WHEREAS, prior to the bonds being issued or sold, Residences at Town Center, LLC, a
9 Maryland limited liability company or its assigns, the County Executive and Bond Counsel shall
10 certify that the provisions of CR-38-2011 have been complied with and that the Minority
11 Business Enterprise ("MBE") Plan has been approved by the Compliance Manager; and

12 WHEREAS, prior to the issuance and sale of the bonds, the County Council must review
13 the TIF proposal and certifications and approve the same by Resolution; now therefore,

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
15 Maryland, as follows:

16 A. The words and terms used in this Act that are defined in the Tax Increment Financing Act
17 or the Formation Resolution shall have the meanings indicated in the Tax Increment Financing
18 Act and the Formation Resolution, as the case may be, unless the context clearly requires a
19 contrary meaning.

20 B. It is hereby found and determined that the issuance of the Bonds (defined below) and the
21 delivery of the Bonds to the Developer for the purpose of acquiring, financing or reimbursing the
22 Infrastructure, accomplish the public purposes of the Tax Increment Financing Act and the
23 Formation Resolution.

24 C. It is recognized that the total costs of Infrastructure shown as to be acquired, financed or
25 reimbursed by the County with the issuance of the Bonds are estimated and that the specific
26 items to be acquired, financed or reimbursed and the amount of such acquisition, financing or
27 reimbursement shall be as further specified in documentation approved by the County Council at
28 the time of the issuance of the related Bonds.

29 D. In accordance with Section 12-204(b)(2)(iv) of the Tax Increment Financing Act, it is
30 hereby found that the County Council has complied with the provisions of Sections 12-203 and
31 12-208(c) and (d) of the Tax Increment Financing Act by designating the Town Center at Camp

1 Springs Development District and receiving a certification of the Supervisor of Assessments,
2 pledging the division of property taxes.

3 E. Pursuant to the provisions of the Formation Resolution and in accordance with the Tax
4 Increment Financing Act, so long as the Bonds remain outstanding, the County shall deposit into
5 the Tax Increment Fund all real property taxes received by the County for any Tax Year after the
6 effective date of the Formation Resolution equal to that portion of the taxes payable to the
7 County representing the levy on the Tax Increment that would normally be paid to the County.
8 Monies in the Tax Increment Fund are pledged to the payment of the Bonds and County
9 administrative expenses related to the Development District. The balance remaining in the Tax
10 Increment Fund at the end of any fiscal year of the County after such payments shall be
11 transferred to the general fund of the County.

12 F. The bonds may be issued in one or more series in the aggregate principal amount of Eleven
13 Million One Hundred Thousand Dollars (\$11,100,000) and shall bear interest at a maximum
14 interest rate of eight percent (8%) per annum (the "Bonds"). The Bonds shall be issued as a
15 single instrument in denomination equal to the aggregate principal amount of the Bonds issued.
16 The Bonds shall be delivered by the County to the Developer in consideration of the Developer's
17 construction of the Infrastructure to the County. The Bonds, as well as County administrative
18 expenses related to the Development District, will be payable solely from the amounts levied and
19 deposited in the Tax Increment Fund. The Bonds are a special obligation of the County to be
20 issued in accordance with the TIF Criteria Resolution and do not constitute a general obligation
21 debt of the County or a pledge of the County's full faith and credit or taxing power except for the
22 taxes representing the levy on the Tax Increment as set forth in the Formation Resolution. In
23 addition, Bonds issued hereunder may be refunded by bonds issued under the Tax Increment
24 Financing Act.

25 G. The Bonds shall be executed in the name of the County and on its behalf by the County
26 Executive, by manual or facsimile signature, the corporate seal of the County or a facsimile
27 thereof shall be impressed or otherwise reproduced thereon and attested by the Clerk of the
28 County Council or the Chief Administrative Officer by manual or facsimile signature. The TIF
29 proposal and, where applicable, all other documents as the County Executive deems necessary to
30 effectuate the issuance and delivery of the Bonds of any series, shall be executed in the name of
31 the County and on its behalf by the County Executive by manual signature, and the corporate

1 seal of the County or a facsimile thereof shall be impressed or otherwise reproduced thereon and
 2 attested by the Clerk of the County Council or the Chief Administrative Officer by manual
 3 signature. If any officer whose signature or countersignature or a facsimile of whose signature or
 4 countersignature appears on the Bonds of any series or on any of the aforesaid documents ceases
 5 to be such officer before the delivery of the Bonds of such series or any of the other aforesaid
 6 documents, such signature or countersignature or such facsimile shall nevertheless be valid and
 7 sufficient for all purposes, the same as if such officer had remained in office until delivery. The
 8 County Executive, the Chief Administrative Officer, the Director of Finance, the Clerk of the
 9 County Council and other officials of the County are hereby authorized and empowered to do all
 10 such acts and things and execute such documents and certificates as the County Executive may
 11 determine to be necessary to carry out and comply with the provisions of this Act, subject to the
 12 limitations set forth in the Tax Increment Financing Act and this Act. Prior to the issuance of the
 13 Bonds as required by the TIF Criteria Resolution, the Developer, County Executive, and bond
 14 counsel to the County shall certify to the County Council that the provisions of the TIF Criteria
 15 Resolution have been complied with and that the MBE Plan has been approved by the
 16 Compliance Manager in conformance with the MBE Plan Guidelines promulgated by the
 17 Compliance Manager.

18 H. Subject to the provisions of this Act, the County Executive by executive order:

19 (1) shall specify that the Bonds shall be issued from time to time in the aggregate principal
 20 amount of Eleven Million One Hundred Thousand Dollars (\$11,100,000) and further specify the
 21 rate of interest on the Bonds;

22 (2) shall specify the manner and terms of the delivery of the Bonds to the Developer;

23 (3) shall specify the form and terms of the Bonds;

24 (4) shall prescribe the date, maturity or maturities (within the limits prescribed in the Tax
 25 Increment Financing Act), and the time and place or places of payment of the Bonds, and the
 26 terms and conditions and details under which the Bonds may be called for redemption prior to
 27 their stated maturities;

28 (5) may appoint bond counsel and a financial advisor;

29 (6) shall approve the form and contents of the TIF Proposal and such other documents to
 30 which the County is a party and which may be necessary to effectuate the issuance and delivery
 31 of the Bonds and the acquisition, financing or reimbursement of the Infrastructure;

(7) shall determine the time of execution, issuance and delivery of the Bonds and prescribe any and all other details of the Bonds;

(8) shall provide for the direct or indirect payment of all costs, fees and expenses incurred by or on behalf of the County in connection with the issuance and delivery of the Bonds and the acquisition of the Infrastructure, including (without limitation) costs of printing (if any) and issuing the Bonds, the funding of reserves, legal expenses (including the fees of bond counsel) and compensation to any person performing services by or on behalf of the County in connection therewith; and

(9) shall do any and all things necessary, proper or expedient in connection with the issuance and delivery of the Bonds and the acquisition, financing or reimbursement of the Infrastructure in order to accomplish the legislative policy of the Tax Increment Financing Act and the public purposes of this Act, subject to the limitations set forth in the Tax Increment Financing Act and any limitations prescribed by this Act.

This delegation of authority to the County Executive is subject to his discretion and to the extent he does not exercise such discretion pursuant to the provisions of this Act, neither such officer nor the County shall be subject to any liability.

SECTION 2. BE IT FURTHER ENACTED, that the Bonds and the construction costs of the Infrastructure for which said Bonds are authorized and issued are not deemed to be construction, monetary contributions or procurement for purposes of Subtitle 10A of the Prince George's County Code and the Infrastructure funded in whole or part by said Bonds are specifically exempted from the provisions of Subtitle 10A, provided, however, that Section 10A-121 and Sections 2-247 through 2-253.05, of the Prince George's County Code shall apply.

SECTION 3. BE IT FURTHER ENACTED, that the provisions of this Act are severable, and if any provision, sentence, clause, section or part hereof is held or determined to be illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Act or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Act would have been passed if such illegal, invalid, unconstitutional or inapplicable provision, sentence, clause, section or part had not been included herein, and as if the person or circumstances to which this Act or any part hereof are inapplicable had been specifically exempted herefrom.

1 SECTION 4. BE IT FURTHER ENACTED, that this Act shall take effect 45 days from the
2 date it becomes law.

Adopted this 24th day of July , 2013.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Andrea C. Harrison
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
County Executive

EXHIBIT A

DESCRIPTION OF THE INFRASTRUCTURE IMPROVEMENTS

The improvements include, but are not limited to, parking facilities and such other infrastructure improvements within the Development District as may be authorized by the Tax Increment Financing Act.