

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2020 Legislative Session

Bill No. CB-43-2020

Chapter No. 34

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

Introduced by Council Members Turner, Streeter, Glaros, Davis, Hawkins, Harrison,
Taveras, Franklin. Dernoga, Ivey and Anderson-Walker

Date of Introduction June 23, 2020

BILL

1 AN ACT concerning

2 Borrowing to Finance Capital Projects for
 3 Public Works and Transportation 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 \$178,150,000 to finance the design, construction, reconstruction, extension,
 7 acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation, or repair
 8 of, Public Works and Transportation Facilities (including roads and bridges, parking lots and
 9 maintenance facilities), including the acquisition and development of sites therefor, the
 10 architectural and engineering services incident thereto, and the acquisition and installation of
 11 necessary fixed permanent equipment therefor ; prescribing terms and conditions upon which
 12 bonds issued pursuant to this Act shall be issued and sold and other incidental details with
 13 respect thereto; providing generally for the issuance of such bonds and providing for such
 14 borrowing to be submitted to a referendum of the legal voters of the County.

15 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 16 Maryland, that Prince George's County, Maryland (the "County"), is hereby authorized, pursuant
 17 to Section 323 of the Charter of Prince George's County, Maryland (the "Charter"), to borrow
 18 money and incur indebtedness upon its full faith and credit, at any time and from time to time, in
 19 an aggregate principal amount not exceeding \$178,150,000 to finance the design, construction,
 20 reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation,
 21 relocation, rehabilitation, or repair of, Public Works and Transportation Facilities (including

1 roads and bridges, parking lots and maintenance facilities), including the acquisition and
2 development of sites therefor, the architectural and engineering services incident thereto, and the
3 acquisition and installation of necessary fixed permanent equipment therefor, all such capital
4 projects hereby being found to be (and also being in fact) of the same generic class and being
5 described in the capital program of the County for the fiscal years 2021-2026, under the
6 following headings, which descriptions are incorporated by reference as if set forth herein:

<u>Project Number</u>	<u>Project Name</u>
4.66.0024	ADDISON ROAD
4.66.0041	AUTH ROAD
4.66.0052	BRANDYWINE ROAD & MD 223 INTERSECTION
4.66.0045	BRIDGE REHABILITATION FEDERAL AID
4.66.0001	BRIDGE REPAIR AND REPLACEMENT 2
4.66.0009	BRIDGE REPLACEMENT – OXON HILL ROAD
4.66.0027	BRIDGE REPLACEMENT – SUNNYSIDE AVE
4.66.0010	BRIDGE REPLACEMENT – TEMPLE HILL ROAD
4.66.0037	BRIDGE REPLACEMENT – VARNUM STREET
4.66.0018	CHURCH ROAD IMPROVEMENTS
4.66.0002	CURB AND ROAD REHABILITATION 2
4.66.0031	DEVELOPER CONTRIBUTION PROJECTS
4.66.0049	EMERGENCY REPAIRS - ROADWAYS & BRIDGES
4.66.0040	PEDESTRIAN SAFETY IMPROVEMENTS
1.66.0001	STREET LIGHTS AND TRAFFIC SIGNALS 2
4.66.0021	STREET TREE REMOVAL & REPLACE
8.66.0002	TOWN OF UPPER MARLBORO
4.66.0004	TRAFFIC CONGESTION IMPROVEMENTS 2
4.66.0005	TRANSPORTATION ENHANCEMENTS 2

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27 Reference to the County's capital program for the fiscal years 2021-2026 is made for
28 purposes of description only and such reference shall include the same capital projects in any
29 amended or subsequent capital program.

30 SECTION 2. BE IT FURTHER ENACTED that any general obligation bonds to be issued
31 pursuant to this Act shall be issued and sold pursuant to Bond Issue Authorization Ordinances

1 adopted in accordance with Sections 323 and 823 of the Charter and other applicable provisions
 2 of MD. CODE ANN., LOCAL GOV'T. §§ 19-205 to 19-206, as amended, replaced, or re-
 3 codified from time to time, but the County shall sell such bonds only by solicitation of
 4 competitive bids therefor at public sale in such manner and after giving such public notice as the
 5 County Council may by ordinance determine. Such bonds may be sold for such price or prices
 6 as may be determined to be for the best interest of the County, either at, above or below the par
 7 value of any such bonds, and such bonds may be sold in conjunction with other series of bonds
 8 issued by the County in which event the notice of sale soliciting bids for the purchase of such
 9 bonds may require that the acceptance of any bid for any series of bonds be made contingent
 10 upon the acceptance of the bid or bids on all or any of the series being offered by the County for
 11 sale at the same time. When such bonds are sold in conjunction with other series of bonds, the
 12 said notice of sale may also require that consolidated bids shall be submitted on any two or more
 13 of such series of bonds.

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

19 Such bonds may be issued in an amount sufficient to finance the costs of the Public Works
 20 and Transportation Facilities and the cost of issuance of the bonds. Prior to the application of the
 21 proceeds of such bonds to finance the costs of the Public Works and Transportation Facilities,
 22 the cost of issuance of such bonds for such Public Works and Transportation Facilities may be
 23 deducted from such proceeds.

24 SECTION 3. BE IT FURTHER ENACTED that this Act shall be submitted to the legal
 25 voters of the County, for their approval or disapproval, at the general election to be held in the
 26 County on Tuesday, November 3, 2020. The question to be certified to the Board of Supervisors
 27 of Elections of the County for inclusion on the ballot for said general election shall be in
 28 substantially the following form:

29 **PUBLIC WORKS AND TRANSPORTATION FACILITIES BONDS**

30 AN ACT enabling the County to borrow money and issue bonds in an amount not
 31 exceeding \$178,150,000 to finance the design, construction, reconstruction, extension,

1 acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation, or repair
2 of, Public Works and Transportation Facilities (including roads and bridges, parking lots and
3 maintenance facilities), including the acquisition and development of sites therefor, the
4 architectural and engineering services incident thereto, and the acquisition and installation of
5 necessary fixed permanent equipment therefor , as defined therein.

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

28 SECTION 5. BE IT FURTHER ENACTED that the provisions of this Act are hereby
29 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
30 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
31 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining

1 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
2 Act, since the same would have been enacted without the incorporation in this Act of any such
3 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
4 or section.

5 SECTION 6. 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 21st day of July, 2020.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Todd M. Turner
Council 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 3,
2020, AS CERTIFIED BY THE BOARD OF ELECTIONS ON DECEMBER 1, 2020.

EFFECTIVE: DECEMBER 1, 2020