
By: Senator Colburn

Introduced and read first time: February 25, 1997

Assigned to: Rules

Re-referred to: Budget and Taxation, February 28, 1997

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 1997

CHAPTER _____

1 AN ACT concerning

2 **Caroline County - Community Development Authorities**

3 FOR the purpose of authorizing the County Commissioners of Caroline County to
4 establish community development authorities in Caroline County for purposes of
5 developing and financing certain infrastructure and improvements under certain
6 circumstances; authorizing the issuance of certain limited obligation debt under
7 specified conditions; providing for imposition of certain taxes and fees; authorizing
8 the establishment of certain accounts; specifying purposes for which a community
9 development authority may be established; requiring certain consent if a community
10 development authority extends into a municipal corporation; specifying certain
11 requirements, granting certain authorization, and providing for the effect of certain
12 provisions and instruments, all relating to community development authorities and
13 issuance of certain debt; defining certain terms; and generally relating to the
14 authority of the County Commissioners of Caroline County to establish special
15 districts known as community development authorities for financing certain
16 improvements, to impose certain taxes or fees, and to issue debt for the
17 development and financing of qualifying improvements.

18 BY adding to

19 The Public Local Laws of Caroline County

20 ~~Section 88-8 to be under the new article "Article III 94-1 to be under the new~~

21 ~~chapter "Chapter 94 Community Development Authorities"~~

22 Article 6 - Public Local Laws of Maryland

23 (1996 Edition)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That the Laws of Maryland read as follows:

2

1 **Article 6 - Caroline County**

2 ~~ARTICLE III~~ CHAPTER 94

3 COMMUNITY DEVELOPMENT AUTHORITIES

4 ~~88-8. 94-1.~~

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
6 INDICATED.

7 (2) "BOND" MEANS A SPECIAL OBLIGATION BOND, REVENUE BOND,
8 NOTE, OR SIMILAR INSTRUMENT ISSUED BY THE COUNTY IN ACCORDANCE WITH
9 THIS SECTION.

10 (3) "COST" INCLUDES THE COST OF:

11 (I) CONSTRUCTION, RECONSTRUCTION, RENOVATION, AND
12 ACQUISITION OF ALL LANDS, STRUCTURES, REAL OR PERSONAL PROPERTY, RIGHTS,
13 RIGHTS-OF-WAY, FRANCHISES, EASEMENTS, AND INTERESTS ACQUIRED OR TO BE
14 ACQUIRED BY THE COUNTY OR OTHER ENTITY APPROVED BY THE COUNTY
15 COMMISSIONERS;

16 (II) MACHINERY AND EQUIPMENT, INCLUDING MACHINERY AND
17 EQUIPMENT NEEDED TO EXPAND OR ENHANCE COUNTY SERVICES TO THE
18 COMMUNITY DEVELOPMENT AUTHORITY;

19 (III) FINANCING CHARGES AND INTEREST PRIOR TO AND DURING
20 CONSTRUCTION AND, IF DEEMED ADVISABLE BY THE COUNTY COMMISSIONERS,
21 FOR A LIMITED PERIOD AFTER COMPLETION OF CONSTRUCTION, INTEREST AND
22 RESERVES FOR PRINCIPAL AND INTEREST, INCLUDING COSTS OF MUNICIPAL BOND
23 INSURANCE AND ANY OTHER TYPE OF FINANCIAL GUARANTY AND COSTS OF
24 ISSUANCE;

25 (IV) EXTENSIONS, ENLARGEMENTS, ADDITIONS, AND
26 IMPROVEMENTS;

27 (V) ARCHITECTURAL, ENGINEERING, FINANCIAL, AND LEGAL
28 SERVICES;

29 (VI) PLANS, SPECIFICATIONS, STUDIES, SURVEYS, AND ESTIMATES
30 OF COST AND OF REVENUES;

31 (VII) ADMINISTRATIVE EXPENSES NECESSARY OR INCIDENT TO
32 DETERMINING WHETHER TO PROCEED WITH INFRASTRUCTURE IMPROVEMENTS;
33 AND

34 (VIII) OTHER EXPENSES AS MAY BE NECESSARY OR INCIDENT TO
35 THE CONSTRUCTION, ACQUISITION, AND FINANCING OF INFRASTRUCTURE
36 IMPROVEMENTS.

3

1 (B) (1) FOR THE PURPOSES STATED UNDER PARAGRAPH (2) OF THIS
2 SUBSECTION, AND SUBJECT TO THE PROVISIONS OF THIS SECTION, THE COUNTY
3 COMMISSIONERS MAY:

4 (I) CREATE A COMMUNITY DEVELOPMENT AUTHORITY;

5 (II) LEVY AD VALOREM OR SPECIAL TAXES OR FEES; AND

6 (III) ISSUE BONDS AND OTHER OBLIGATIONS.

7 (2) THE PURPOSE OF A COMMUNITY DEVELOPMENT AUTHORITY
8 ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS TO PROVIDE
9 FINANCING, REFINANCING, OR REIMBURSEMENT FOR THE COST OF DESIGN,
10 CONSTRUCTION, ESTABLISHMENT, EXTENSION, ALTERATION, OR ACQUISITION OF
11 ADEQUATE STORM DRAINAGE SYSTEMS, SEWERS, WATER SYSTEMS, ROADS,
12 BRIDGES, CULVERTS, TUNNELS, STREETS, SIDEWALKS, LIGHTING, PARKING, PARKS
13 AND RECREATION FACILITIES, FACILITIES FOR INDOOR AND OUTDOOR
14 RECREATIONAL AND CULTURAL USES, ENTRANCE AREAS, SECURITY FACILITIES,
15 GUARD HOUSES, FENCING, LANDSCAPING IMPROVEMENTS, CURBS AND GUTTERS,
16 MUSEUMS AND CULTURAL FACILITIES, DAMS, FLOOD MITIGATION USES, LIBRARIES,
17 TRANSIT FACILITIES, SOLID WASTE FACILITIES, AND OTHER INFRASTRUCTURE
18 IMPROVEMENTS AS NECESSARY, WHETHER SITUATED WITHIN THE COMMUNITY
19 DEVELOPMENT AUTHORITY OR OUTSIDE THE COMMUNITY DEVELOPMENT
20 AUTHORITY, IF THE INFRASTRUCTURE IMPROVEMENT IS REASONABLY RELATED
21 TO OTHER INFRASTRUCTURE IMPROVEMENTS WITHIN THE COMMUNITY
22 DEVELOPMENT AUTHORITY, FOR THE DEVELOPMENT AND UTILIZATION OF THE
23 LAND, EACH WITH RESPECT TO ANY DEFINED GEOGRAPHIC REGION WITHIN THE
24 COUNTY.

25 (C) (1) NOTWITHSTANDING ANY OTHER PROVISION OF PUBLIC LOCAL LAW
26 OR PUBLIC GENERAL LAW, AND IN ADDITION TO OTHER POWERS THAT THE
27 COUNTY MAY HAVE, THE COUNTY COMMISSIONERS MAY BORROW MONEY BY
28 ISSUING AND SELLING BONDS FOR ANY OF THE PURPOSES STATED IN SUBSECTION
29 (B)(2) OF THIS SECTION IF A REQUEST IS MADE BY BOTH:

30 (I) THE OWNERS OF AT LEAST TWO-THIRDS OF THE ASSESSED
31 VALUATION OF THE REAL PROPERTY LOCATED WITHIN THE COMMUNITY
32 DEVELOPMENT AUTHORITY; AND

33 (II) AT LEAST TWO-THIRDS OF THE OWNERS OF THE REAL
34 PROPERTY LOCATED WITHIN THE COMMUNITY DEVELOPMENT AUTHORITY,
35 PROVIDED THAT:

36 1. MULTIPLE OWNERS OF A SINGLE PARCEL ARE TREATED
37 AS ONE OWNER; AND

38 2. A SINGLE OWNER OF MULTIPLE PARCELS IS TREATED AS
39 ONE OWNER.

40 (2) THIS SECTION IS SELF-EXECUTING AND DOES NOT REQUIRE THE
41 COUNTY COMMISSIONERS TO ENACT LEGISLATION TO EXERCISE THE POWERS
42 GRANTED UNDER THIS SECTION.

4

1 (D) (1) ANY BONDS ISSUED UNDER THIS SECTION SHALL BE PAYABLE FROM
2 THE SPECIAL FUND REQUIRED UNDER SUBSECTION (E) OF THIS SECTION.

3 (2) IF THE COUNTY COMMISSIONERS ISSUE BONDS UNDER THIS
4 SECTION, THE COUNTY COMMISSIONERS MAY:

5 (I) ESTABLISH SINKING FUNDS;

6 (II) ESTABLISH DEBT SERVICE RESERVE FUNDS;

7 (III) PLEDGE OTHER ASSETS AND REVENUES TOWARDS THE
8 PAYMENT OF THE PRINCIPAL AND INTEREST; OR

9 (IV) PROVIDE FOR MUNICIPAL BOND INSURANCE OR ANY OTHER
10 TYPE OF FINANCIAL GUARANTY OF THE BONDS.

11 (3) ALL PROCEEDS RECEIVED FROM ANY BONDS ISSUED AND SOLD
12 SHALL BE APPLIED SOLELY TO PAY THE COST OF INFRASTRUCTURE
13 IMPROVEMENTS, INCLUDING:

14 (I) COSTS OF DESIGN, CONSTRUCTION, ESTABLISHMENT,
15 EXTENSION, ALTERATION, OR ACQUISITION OF INFRASTRUCTURE IMPROVEMENTS;

16 (II) COSTS OF ISSUING BONDS;

17 (III) PAYMENT OF THE PRINCIPAL OF AND INTEREST ON LOANS,
18 MONEY ADVANCES, OR INDEBTEDNESS INCURRED BY THE COUNTY FOR ANY OF
19 THE PURPOSES STATED IN SUBSECTION (B)(2) OF THIS SECTION, INCLUDING THE
20 REFUNDING OF BONDS PREVIOUSLY ISSUED UNDER THIS SECTION; AND

21 (IV) FUNDING OF A DEBT SERVICE RESERVE FUND OR PAYMENT
22 OF INTEREST PRIOR TO, DURING, OR FOR A LIMITED PERIOD OF TIME AFTER
23 CONSTRUCTION.

24 (E) (1) BEFORE ISSUING BONDS UNDER THIS SECTION, THE COUNTY
25 COMMISSIONERS SHALL:

26 (I) DESIGNATE BY RESOLUTION ONE OR MORE AREAS AS A
27 COMMUNITY DEVELOPMENT AUTHORITY;

28 (II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, ADOPT A
29 RESOLUTION CREATING A SPECIAL FUND WITH RESPECT TO THE COMMUNITY
30 DEVELOPMENT AUTHORITY; AND

31 (III) PROVIDE FOR THE LEVY OF AN AD VALOREM OR COMMUNITY
32 DEVELOPMENT TAX OR FEE ON ALL REAL OR PERSONAL PROPERTY WITHIN THE
33 COMMUNITY DEVELOPMENT AUTHORITY AT A RATE OR AMOUNT DESIGNED TO
34 PROVIDE ADEQUATE REVENUES TO PAY THE PRINCIPAL OF, INTEREST ON, AND
35 REDEMPTION PREMIUM, IF ANY, ON THE BONDS, TO REPLENISH ANY DEBT SERVICE
36 RESERVE FUND, AND FOR ANY OTHER PURPOSE RELATED TO THE ONGOING
37 EXPENSES OF OR SECURITY FOR THE BONDS.

38 (2) (I) AD VALOREM TAXES LEVIED UNDER THIS SECTION SHALL BE
39 LEVIED IN THE SAME MANNER, UPON THE SAME ASSESSMENTS, FOR THE SAME

5

1 PERIOD OR PERIODS, AND AS OF THE SAME DATE OR DATES OF FINALITY AS ARE
2 GENERAL AD VALOREM TAXES WITHIN THE COMMUNITY DEVELOPMENT
3 AUTHORITY AND SHALL BE DISCONTINUED WHEN ALL OF THE BONDS HAVE BEEN
4 PAID IN FULL.

5 (II) SPECIAL TAXES OR FEES SHALL BE LEVIED PURSUANT TO
6 SUBSECTION (N) OF THIS SECTION.

7 (3) THE RESOLUTION CREATING A SPECIAL FUND UNDER PARAGRAPH
8 (1)(II) OF THIS SUBSECTION SHALL:

9 (I) PLEDGE TO THE SPECIAL FUND THE PROCEEDS OF THE AD
10 VALOREM OR SPECIAL TAX OR FEE TO BE LEVIED AS PROVIDED IN PARAGRAPH
11 (1)(III) OF THIS SUBSECTION; AND

12 (II) REQUIRE THAT THE PROCEEDS FROM THE TAX OR FEE BE
13 PAID INTO THE SPECIAL FUND.

14 (F) WHEN NO BONDS AUTHORIZED BY THIS SECTION ARE OUTSTANDING
15 WITH RESPECT TO A COMMUNITY DEVELOPMENT AUTHORITY:

16 (1) THE COMMUNITY DEVELOPMENT AUTHORITY SHALL BE
17 TERMINATED; AND

18 (2) ANY MONEY REMAINING IN THE SPECIAL FUND ON THE DATE OF
19 TERMINATION SHALL BE PAID TO THE GENERAL FUND OF THE COUNTY OR APPLIED
20 TO ANOTHER USE APPROVED BY THE COUNTY COMMISSIONERS.

21 (G) (1) IN ORDER TO IMPLEMENT THE AUTHORITY UNDER THIS SECTION
22 TO ISSUE BONDS, THE COUNTY COMMISSIONERS SHALL ADOPT AN ORDINANCE OR
23 RESOLUTION THAT:

24 (I) SPECIFIES AND DESCRIBES THE PROPOSED UNDERTAKING
25 AND STATES THAT IT HAS COMPLIED WITH SUBSECTION (E) OF THIS SECTION;

26 (II) SPECIFIES THE MAXIMUM PRINCIPAL AMOUNT OF THE BONDS
27 TO BE ISSUED;

28 (III) SPECIFIES THE MAXIMUM RATE OR RATES OF INTEREST FOR
29 THE BONDS; AND

30 (IV) AGREES TO A COVENANT TO LEVY UPON ALL REAL OR
31 PERSONAL PROPERTY WITHIN THE COMMUNITY DEVELOPMENT AUTHORITY AD
32 VALOREM TAXES OR SPECIAL TAXES OR FEES IN RATE AND AMOUNT AT LEAST
33 SUFFICIENT IN EACH YEAR IN WHICH ANY OF THE BONDS ARE OUTSTANDING TO
34 PROVIDE FOR THE PAYMENT OF THE PRINCIPAL OF AND THE INTEREST ON THE
35 BONDS.

36 (2) THE ORDINANCE OR RESOLUTION MAY REQUIRE OR MAY
37 AUTHORIZE THE COUNTY ~~MANAGER~~ ADMINISTRATOR TO SPECIFY AS THE COUNTY
38 ~~MANAGER~~ ADMINISTRATOR DEEMS APPROPRIATE TO EFFECT THE FINANCING OF
39 THE PROPOSED UNDERTAKING:

6

1 (I) THE ACTUAL PRINCIPAL AMOUNT OF THE BONDS TO BE
2 ISSUED;

3 (II) THE ACTUAL RATE OR RATES OF INTEREST FOR THE BONDS;

4 (III) THE MANNER IN WHICH AND THE TERMS UPON WHICH THE
5 BONDS ARE TO BE SOLD;

6 (IV) THE MANNER IN WHICH AND THE TIMES AND PLACES THAT
7 THE INTEREST ON THE BONDS IS TO BE PAID;

8 (V) THE TIME OR TIMES THAT THE BONDS MAY BE EXECUTED,
9 ISSUED, AND DELIVERED;

10 (VI) THE FORM AND TENOR OF THE BONDS AND THE
11 DENOMINATIONS IN WHICH THE BONDS MAY BE ISSUED;

12 (VII) THE MANNER IN WHICH AND THE TIMES AND PLACES THAT
13 THE PRINCIPAL OF THE BONDS IS TO BE PAID, WITHIN THE LIMITATIONS UNDER
14 THIS SECTION;

15 (VIII) PROVISIONS PURSUANT TO WHICH ANY OR ALL OF THE BONDS
16 MAY BE CALLED FOR REDEMPTION PRIOR TO THEIR STATED MATURITY DATES; OR

17 (IX) ANY OTHER PROVISIONS NOT INCONSISTENT WITH THIS
18 SECTION AS SHALL BE DETERMINED BY THE COUNTY COMMISSIONERS TO BE
19 NECESSARY OR DESIRABLE TO EFFECT THE FINANCING OF THE PROPOSED
20 UNDERTAKING.

21 (3) AN ORDINANCE OR RESOLUTION AUTHORIZING THE BONDS
22 REQUIRED UNDER THIS SUBSECTION, ANY ORDINANCE OR RESOLUTION ADOPTED
23 IN FURTHERANCE OF THE REQUIRED ORDINANCE OR RESOLUTION, THE BONDS,
24 THE DESIGNATION OF A COMMUNITY DEVELOPMENT AUTHORITY, OR THE LEVY OF
25 A SPECIAL AD VALOREM TAX OR SPECIAL TAX OR FEE SHALL BE SUBJECT TO THE
26 REQUEST OF THE PROPERTY OWNERS AS SPECIFIED UNDER SUBSECTION (C) OF
27 THIS SECTION.

28 (4) THE SPECIAL FUND AND ANY SINKING FUND ESTABLISHED BY THE
29 COUNTY COMMISSIONERS TO PROVIDE FOR THE PAYMENT OF THE PRINCIPAL OF
30 OR INTEREST ON ANY BONDS ISSUED BY THE COUNTY UNDER THE PROVISIONS OF
31 THIS SECTION MAY NOT BE INVESTED BY THE FISCAL OFFICER OF THE COUNTY
32 HAVING CUSTODY OF THE SPECIAL FUND OR ANY SINKING FUND EXCEPT IN THE
33 MANNER PRESCRIBED BY ARTICLE 31, §§ 6 AND 7 OF THE ANNOTATED CODE OF
34 MARYLAND. THE FISCAL OFFICER HAVING CUSTODY OF THE PROCEEDS OF THE
35 SALE OF ANY SUCH BONDS MAY INVEST THE PROCEEDS, PENDING THE
36 EXPENDITURE THEREOF, AS PRESCRIBED BY ARTICLE 95, § 22 OF THE ANNOTATED
37 CODE OF MARYLAND.

38 (H) THE PRINCIPAL AMOUNT OF THE BONDS, THE INTEREST PAYABLE ON
39 THE BONDS, THEIR TRANSFER, AND ANY INCOME DERIVED FROM THE TRANSFER,
40 INCLUDING ANY PROFIT MADE IN THE SALE OR TRANSFER OF THE BONDS, SHALL
41 BE EXEMPT FROM TAXATION BY THE STATE AND BY THE COUNTIES AND MUNICIPAL

7

1 CORPORATIONS OF THE STATE, BUT SHALL BE INCLUDED, TO THE EXTENT
 2 REQUIRED UNDER TITLE 8, SUBTITLE 2, OF THE TAX - GENERAL ARTICLE OF THE
 3 ANNOTATED CODE OF MARYLAND, IN COMPUTING THE NET EARNINGS OF
 4 FINANCIAL INSTITUTIONS.

5 (I) (1) BONDS ISSUED UNDER THIS SECTION MAY BE IN BEARER FORM OR
 6 IN COUPON FORM OR MAY BE REGISTRABLE AS TO PRINCIPAL ALONE OR AS TO
 7 BOTH PRINCIPAL AND INTEREST. EACH BOND SHALL BE DEEMED TO BE A SECURITY
 8 AS DEFINED IN § 8-102 OF THE COMMERCIAL LAW ARTICLE OF THE ANNOTATED
 9 CODE OF MARYLAND, WHETHER OR NOT IT IS ONE OF A CLASS OR SERIES OR BY ITS
 10 TERMS IS DIVISIBLE INTO A CLASS OR SERIES OF INSTRUMENTS.

11 (2) BONDS SHALL BE SIGNED MANUALLY OR IN FACSIMILE BY THE
 12 PRESIDENT OR VICE PRESIDENT OF THE ~~BOARD OF~~ COUNTY COMMISSIONERS, AND
 13 THE SEAL OF THE COUNTY SHALL BE AFFIXED TO THE BONDS AND ATTESTED TO BY
 14 THE COUNTY ~~MANAGER~~ ADMINISTRATOR OR OTHER SIMILAR ADMINISTRATIVE
 15 OFFICER OF THE COUNTY. IF ANY OFFICER WHOSE SIGNATURE OR
 16 COUNTERSIGNATURE APPEARS ON THE COUPONS CEASES TO BE SUCH OFFICER
 17 BEFORE DELIVERY OF THE BONDS, THE OFFICER'S SIGNATURE OR
 18 COUNTERSIGNATURE SHALL NEVERTHELESS BE VALID AND SUFFICIENT FOR ALL
 19 PURPOSES THE SAME AS IF THE OFFICER HAD REMAINED IN OFFICE UNTIL
 20 DELIVERY.

21 (3) ALL BONDS SHALL MATURE NOT LATER THAN 30 YEARS FROM
 22 THEIR DATE OF ISSUANCE.

23 (4) ALL BONDS SHALL BE SOLD EITHER AT PUBLIC OR PRIVATE SALE,
 24 AND IN THE MANNER AND UPON THE TERMS AS THE COUNTY COMMISSIONERS
 25 DEEM BEST. ANY CONTRACT FOR THE ACQUISITION OF PROPERTY MAY PROVIDE
 26 THAT PAYMENT SHALL BE MADE IN BONDS. BONDS ISSUED UNDER THIS SECTION
 27 ARE NOT SUBJECT TO ARTICLE 31, §§ 9, 10, AND 11 OF THE ANNOTATED CODE OF
 28 MARYLAND.

29 (J) BONDS ISSUED UNDER THIS SECTION ARE SECURITIES:

30 (1) IN WHICH ALL PUBLIC OFFICERS AND PUBLIC BODIES OF THE STATE
 31 AND ITS POLITICAL SUBDIVISIONS, ALL INSURANCE COMPANIES, STATE BANKS AND
 32 TRUST COMPANIES, NATIONAL BANKING ASSOCIATIONS, SAVINGS BANKS, SAVINGS
 33 AND LOAN ASSOCIATIONS, INVESTMENT COMPANIES, EXECUTORS,
 34 ADMINISTRATORS, TRUSTEES, AND OTHER FIDUCIARIES MAY PROPERLY AND
 35 LEGALLY INVEST FUNDS, INCLUDING CAPITAL IN THEIR CONTROL OR BELONGING
 36 TO THEM; AND

37 (2) WHICH MAY PROPERLY AND LEGALLY BE DEPOSITED WITH AND
 38 RECEIVED BY ANY STATE OR COUNTY OFFICER OR ANY AGENCY OR POLITICAL
 39 SUBDIVISION OF THE STATE FOR ANY PURPOSE FOR WHICH THE DEPOSIT OF BONDS
 40 OR OBLIGATIONS OF THE STATE IS AUTHORIZED BY LAW.

41 (K) THE POWERS GRANTED UNDER THIS SECTION SHALL BE REGARDED AS
 42 SUPPLEMENTAL AND ADDITIONAL TO POWERS CONFERRED BY OTHER LAWS, AND
 43 MAY NOT BE REGARDED AS IN DEROGATION OF ANY POWERS NOW EXISTING.

1 (L) THIS SECTION, BEING NECESSARY FOR THE WELFARE OF THE STATE AND
2 ITS RESIDENTS, SHALL BE LIBERALLY CONSTRUED TO EFFECT THE PURPOSE
3 STATED IN SUBSECTION (B)(2) OF THIS SECTION.

4 (M) BEFORE THE FINAL ADOPTION OF AN ORDINANCE OR RESOLUTION
5 UNDER THIS SECTION THAT DESIGNATES A COMMUNITY DEVELOPMENT
6 AUTHORITY, AUTHORIZES THE ISSUANCE OF BONDS, OR LEVIES AD VALOREM
7 TAXES OR SPECIAL TAXES OR FEES, THE COUNTY COMMISSIONERS SHALL HOLD A
8 PUBLIC HEARING AFTER GIVING NOT LESS THAN 10 DAYS' NOTICE IN A NEWSPAPER
9 OF GENERAL CIRCULATION IN THE COUNTY.

10 (N) (1) AS AN ALTERNATIVE TO LEVYING AD VALOREM TAXES UNDER THIS
11 SECTION, THE COUNTY COMMISSIONERS MAY LEVY SPECIAL TAXES OR FEES ON
12 PROPERTY IN A COMMUNITY DEVELOPMENT AUTHORITY TO COVER THE COSTS OF
13 INFRASTRUCTURE IMPROVEMENTS.

14 (2) IN DETERMINING THE BASIS FOR AND THE AMOUNT OF THE TAX OR
15 FEE, THE COST OF AN IMPROVEMENT MAY BE CALCULATED AND LEVIED:

16 (I) EQUALLY PER FRONT FOOT, LOT, PARCEL, DWELLING UNIT,
17 OR SQUARE FOOT;

18 (II) ACCORDING TO THE VALUE OF THE PROPERTY AS
19 DETERMINED BY THE COUNTY COMMISSIONERS, WITH OR WITHOUT REGARD TO
20 IMPROVEMENTS ON THE PROPERTY; OR

21 (III) IN ANY OTHER REASONABLE MANNER THAT RESULTS IN
22 FAIRLY ALLOCATING THE COST OF THE INFRASTRUCTURE IMPROVEMENTS.

23 (3) THE COUNTY COMMISSIONERS MAY PROVIDE BY ORDINANCE OR
24 RESOLUTION FOR:

25 (I) A MAXIMUM AMOUNT TO BE ASSESSED WITH RESPECT TO ANY
26 PARCEL OF PROPERTY LOCATED WITHIN A COMMUNITY DEVELOPMENT
27 AUTHORITY;

28 (II) A TAX YEAR OR OTHER DATE AFTER WHICH NO FURTHER
29 SPECIAL TAXES OR FEES UNDER THIS SECTION SHALL BE LEVIED OR COLLECTED ON
30 A PARCEL; AND

31 (III) THE CIRCUMSTANCES UNDER WHICH THE SPECIAL TAX OR
32 FEE LEVIED AGAINST ANY PARCEL MAY BE INCREASED, IF AT ALL, AS A
33 CONSEQUENCE OF DELINQUENCY OR DEFAULT BY THE OWNER OF THAT PARCEL
34 OR ANY OTHER PARCEL WITHIN THE COMMUNITY DEVELOPMENT AUTHORITY.

35 (4) THE COUNTY COMMISSIONERS MAY REQUIRE SPECIAL TAXES OR
36 FEES TO BE PAID EITHER PERIODICALLY OVER THE TERMS OF THE BONDS OR IN
37 ONE LUMP-SUM AMOUNT DUE AT THE SALE OF A LOT, THE ISSUANCE OF A
38 BUILDING PERMIT, OR THE OCCURRENCE OF ANOTHER EVENT.

39 (5) THE COUNTY COMMISSIONERS MAY IMPOSE OR LEVY TAXES OR
40 FEES IN DIFFERENT AMOUNTS WITHIN A COMMUNITY DEVELOPMENT AUTHORITY
41 TO REFLECT THE EXTENT TO WHICH DIFFERENT PARCELS OF PROPERTY BENEFIT

9
1 DIFFERENTLY FROM THE INFRASTRUCTURE IMPROVEMENTS BEING FINANCED OR
2 OTHER APPROPRIATE DISTINCTIONS AMONG PARCELS OF PROPERTY. THE COUNTY
3 COMMISSIONERS MAY CREATE SUBAUTHORITIES WITHIN A COMMUNITY
4 DEVELOPMENT AUTHORITY TO FACILITATE THE LEVY OR IMPOSITION OF TAXES OR
5 FEES AT DIFFERENT RATES OR LEVELS WITHIN THE AUTHORITY.

6 (6) THE COUNTY COMMISSIONERS BY ORDINANCE OR RESOLUTION
7 MAY ESTABLISH PROCEDURES ALLOWING FOR THE PREPAYMENT OF SPECIAL
8 TAXES OR FEES UNDER THIS SUBSECTION.

9 (7) SPECIAL TAXES OR FEES LEVIED UNDER THIS SUBSECTION SHALL
10 BE COLLECTED AND SECURED IN THE SAME MANNER AS GENERAL AD VALOREM
11 TAXES UNLESS OTHERWISE PROVIDED IN THE ORDINANCE OR RESOLUTION AND
12 SHALL BE SUBJECT TO THE SAME PENALTIES AND THE SAME PROCEDURE, SALE,
13 AND LIEN PRIORITY IN CASE OF DELINQUENCY AS IS PROVIDED FOR GENERAL AD
14 VALOREM TAXES.

15 (O) BEFORE THE COUNTY COMMISSIONERS MAY DESIGNATE AN AREA
16 WHOLLY OR PARTLY WITHIN A MUNICIPAL CORPORATION AS A COMMUNITY
17 DEVELOPMENT AUTHORITY, THE GOVERNING BODY OF THE MUNICIPAL
18 CORPORATION MUST CONSENT TO THE DESIGNATION.

19 (P) BONDS ISSUED UNDER THIS SECTION ARE A SPECIAL OBLIGATION OF THE
20 COUNTY AND MAY NOT CONSTITUTE A GENERAL OBLIGATION DEBT OF THE
21 COUNTY OR A PLEDGE OF THE COUNTY'S FULL FAITH AND CREDIT OR TAXING
22 POWER.

23 (Q) NOTWITHSTANDING ANY LIMITATIONS OR OTHER PROVISIONS TO THE
24 CONTRARY UNDER ARTICLE 25 OF THE ANNOTATED CODE OF MARYLAND OR
25 UNDER OTHER PUBLIC GENERAL OR PUBLIC LOCAL LAW, THE COUNTY MAY ENTER
26 INTO CONTRACTS TO IMPLEMENT THIS SECTION, INCLUDING, WITHOUT
27 LIMITATION, CONTRACTS PROVIDING FOR THE CONSTRUCTION OR OPERATION OF
28 INFRASTRUCTURE IMPROVEMENTS FINANCED UNDER THIS SECTION.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 July 1, 1997.