
By: **Cecil County Delegation**

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CHAPTER _____

1 AN ACT concerning

2 **Cecil County - Public Facilities Bonds**

3 FOR the purpose of authorizing and empowering the County Commissioners of Cecil
4 County from time to time, to borrow not more than \$12,000,000 in order to
5 finance the cost of certain public facilities in Cecil County and to effect that
6 borrowing by the issuance and sale at public or private sale of its general
7 obligation bonds in like par amount; empowering the County to fix and
8 determine, by resolution, the form, tenor, interest rate or rates or method of
9 determining the same, terms, conditions, maturities, and all other details
10 incident to the issuance and sale of the bonds; empowering the County to issue
11 refunding bonds for the purchase or redemption of bonds in advance of maturity;
12 empowering and directing the County to levy, impose, and collect, annually, ad
13 valorem taxes in rate and amount sufficient to provide funds for the payment of
14 the maturing principal of and interest on the bonds; exempting the bonds and
15 refunding bonds, and the interest thereon and any income derived therefrom,
16 from all State, county, municipal, and other taxation in the State of Maryland;
17 and relating generally to the issuance and sale of the bonds by Cecil County.

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That, as used in this Act, the term "County" means that body politic
20 and corporate of the State of Maryland known as the County Commissioners of Cecil
21 County; and the term "public facilities" means the costs of alteration, construction,
22 reconstruction, enlargement, expansion, extension, improvement, replacement,
23 rehabilitation, renovation, upgrading and repair, and related costs for architectural,
24 financial, legal, planning, designing, or engineering services, for public capital
25 projects in Cecil County, including any finance charges or interest prior to or during
26 such financing and any other costs or expenditures incurred by the County in
27 connection with the projects.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby
2 authorized to finance any part or all of the costs of the public facilities described in
3 Section 1 of this Act, and to borrow money and incur indebtedness for that purpose, at
4 one time or from time to time, in an amount not exceeding, in the aggregate,
5 \$12,000,000 and to evidence its borrowing by the issuance and sale upon its full faith
6 and credit of general obligation bonds in like par amount, which may be issued at one
7 time or from time to time, in one or more groups or series, as the County may
8 determine.

9 SECTION 3. AND BE IT FURTHER ENACTED, That the bonds shall be issued
10 pursuant to a resolution of the County which shall describe generally the public
11 facilities for which the proceeds of the bond sale are intended and the amount needed
12 for those purposes. The County shall have and is hereby granted full and complete
13 authority and discretion in the resolution to fix and determine with respect to the
14 bonds of any issue: the designation, date of issue, denomination or denominations,
15 form or forms and tenor of the bonds; the rate or rates of interest payable thereon, or
16 the method of determining the same, which may include a variable rate; the date or
17 dates and amount or amounts of maturity, which need not be in equal par amounts or
18 in consecutive annual installments, provided only that no bond of any issue shall
19 mature later than 30 years from the date of its issue; the manner of selling the bonds,
20 which may be at either public or private sale, for such price or prices as may be
21 determined to be for the best interests of the County; the manner of executing the
22 bonds, which may be by facsimile; the terms and conditions, if any, under which bonds
23 may be tendered for payment or purchase prior to their stated maturity; the terms or
24 conditions, if any, under which bonds may or shall be redeemed prior to their stated
25 maturity; the place or places of payment of the principal of and the interest on the
26 bonds, which may be at any bank or trust company within or without the State of
27 Maryland; and generally all matters incident to the terms, conditions, issuance, sale
28 and delivery thereof.

29 The County may enter into agreements with agents, banks, fiduciaries, insurers
30 or others for the purpose of enhancing the marketability of and security for the bonds
31 and for the purpose of securing any tender option that may be granted to holders of
32 the bonds.

33 In case any officer whose signature appears on any bond ceases to be such
34 officer before delivery, the signature shall nevertheless be valid and sufficient for all
35 purposes as if the officer had remained in office until delivery. The bonds and their
36 issue and sale shall be exempt from the provisions of Sections 9, 10, and 11 of Article
37 31 of the Annotated Code of Maryland.

38 If the County determines in the resolution to offer any of the bonds by
39 solicitation of competitive bids at public sale, the resolution shall fix the terms and
40 conditions of the public sale and shall adopt a form of notice of sale, which shall
41 outline the terms and conditions, and a form of advertisement, which shall be
42 published in one or more daily or weekly newspapers having a general circulation in
43 the County and which may also be published in one or more journals having a
44 circulation primarily among banks and investment bankers. At least one publication
45 of the advertisement shall be made not less than 10 days before the sale of bonds.

1 Upon delivery of any bonds to the purchaser or purchasers, payment shall be
2 made to the Treasurer of Cecil County or such other official of the County as may be
3 designated to receive payment in a resolution passed by the County Commissioners of
4 Cecil County before delivery.

5 SECTION 4. AND BE IT FURTHER ENACTED, That the net proceeds of the
6 sale of bonds shall be used and applied exclusively and solely for the public facilities
7 for which the bonds are sold.

8 If the net proceeds of the sale of any issue of bonds exceeds the amount needed
9 to finance the public facilities described in the resolution, the excess funds shall be
10 applied to the payment of the next principal maturity of the bonds or to the
11 redemption of any part of the bonds which have been made redeemable or to the
12 purchase and cancellation of bonds, unless the County adopts a resolution allocating
13 the excess funds to the construction, improvement, or development of other public
14 facilities.

15 SECTION 5. AND BE IT FURTHER ENACTED, That the bonds hereby
16 authorized shall constitute, and they shall so recite, an irrevocable pledge of the full
17 faith and credit and unlimited taxing power of the County to the payment of the
18 maturing principal of and interest on the bonds as and when they become payable. In
19 each and every fiscal year that any of the bonds are outstanding, the County shall
20 levy or cause to be levied ad valorem taxes upon all the assessable property within the
21 corporate limits of the County in rate and amount sufficient to provide for or assume
22 the payment, when due, of the principal of and interest on all the bonds maturing in
23 each such fiscal year and, if the proceeds from the taxes so levied in any fiscal year
24 prove inadequate for such payment, additional taxes shall be levied in the succeeding
25 fiscal year to make up a deficiency. The County may apply to the payment of the
26 principal of and interest on any bonds issued under this Act any funds received by it
27 from the State of Maryland, the United States of America, any agency or
28 instrumentality of either, or from any other source. If such funds are granted for the
29 purpose of assisting the County in financing the construction, improvement,
30 development, or renovation of the public facilities defined in this Act and, to the
31 extent of any such funds received or receivable in any fiscal year, taxes that might
32 otherwise be required to be levied under this Act may be reduced or need not be
33 levied.

34 SECTION 6. AND BE IT FURTHER ENACTED, That the County is hereby
35 further authorized and empowered, at any time and from time to time, to issue its
36 bonds in the manner hereinabove described for the purpose of refunding, upon
37 purchase or redemption, any bonds issued under this Act. The validity of any
38 refunding bonds shall in no way be dependent upon or related to the validity or
39 invalidity of the obligations being refunded. The powers granted under this Act with
40 respect to the issuance of bonds shall be applicable to the issuance of refunding bonds.
41 Such refunding bonds may be issued by the County for the purpose of providing it
42 with funds to purchase in the open market any of its outstanding bonds issued under
43 this Act, prior to their maturity, or for the purpose of providing it with funds for the
44 redemption prior to maturity of any outstanding bonds which are, by their terms,
45 redeemable. The proceeds of the sale of any refunding bonds shall be segregated and

1 set apart by the County as a separate trust fund to be used solely for the purpose of
2 paying the purchase or redemption prices of the bonds to be refunded.

3 SECTION 7. AND BE IT FURTHER ENACTED, That the County may, prior to
4 the preparation of definitive bonds, issue interim certificates or temporary bonds,
5 exchangeable for definitive bonds when such bonds have been executed and are
6 available for delivery. The County may, by appropriate resolution, provide for the
7 replacement of any bonds issued under this Act which may have become mutilated or
8 lost or destroyed upon whatever conditions and after receiving whatever indemnity as
9 the County may require.

10 SECTION 8. AND BE IT FURTHER ENACTED, That any and all obligations
11 issued under this Act, their transfer, the interest payable on them, and any income
12 derived from them from time to time (including any profit made in their sale) shall be
13 and are hereby declared to be at all times exempt from State, county, municipal or
14 other taxation of every kind and nature whatsoever within the State of Maryland.

15 SECTION 9. AND BE IT FURTHER ENACTED, That the authority to borrow
16 money and issue bonds conferred on the County by this Act shall be deemed to provide
17 additional, alternative and supplemental authority for borrowing money and shall be
18 regarded as supplemental and additional to powers conferred upon the County by
19 other laws and may not be regarded as in derogation of any power now existing; and
20 all previously enacted laws authorizing the County to borrow money are hereby
21 continued to the extent that the power contained in them is continuing or has not
22 been exercised, unless any law is expressly repealed by this Act, and the validity of
23 any bonds issued under previously enacted laws is hereby ratified, confirmed and
24 approved. This Act, being necessary for the welfare of the inhabitants of the County,
25 shall be liberally construed to effect its purposes. All Acts and parts of Acts
26 inconsistent with the provisions of this Act are hereby repealed to the extent of any
27 inconsistency.

28 SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take
29 effect June 1, 1999.