

HOUSE BILL 657

B3

71r1192

By: **Cecil County Delegation**

Introduced and read first time: February 8, 2007

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2007

CHAPTER _____

1 AN ACT concerning

2 **Cecil County – Purchase of Development Rights Program – General**
3 **Obligation Installment Purchase Agreements**

4 FOR the purpose of authorizing and empowering the County Commissioners of Cecil
5 County, from time to time, to enter into installment purchase agreements for an
6 aggregate purchase price of not more than \$4,000,000, plus interest thereon, to
7 acquire development rights in tracts or parcels of agricultural land located in
8 Cecil County, Maryland as part of the County's Purchase of Development Rights
9 Program; empowering the County to fix and determine by resolution, the tracts
10 or parcels of land the ~~transfer~~ development rights of which are to be acquired
11 and the form, content, terms and conditions of each installment purchase
12 agreement, including, without limitation, the purchase price payable
13 thereunder, the maturity date of the installment purchase agreement, the
14 interest rate and schedule of payments of the purchase price (or the method of
15 determining such interest rate and payment schedule) and all other details
16 incident to the acquisition of the development rights and the installment
17 purchase agreements; providing that the County's obligation to make payments
18 of the purchase price under the installment purchase agreements and to pay
19 interest thereon shall be a general obligation of the County made upon its full
20 faith and credit; empowering and directing the County to levy, impose, and
21 collect, annually, ad valorem taxes in rate and amount sufficient to provide

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 funds for the payment of the maturing purchase price of an interest on the
2 installment purchase agreements; exempting the installment purchase
3 agreements and the interest thereon and any income derived therefrom from all
4 State, County, municipal, and other taxation in the State of Maryland;
5 authorizing and empowering the County to purchase and set aside in a
6 segregated fund or account U.S. Treasury STRIPs or other investments allowed
7 under certain provisions of the law and the investment guidelines of Cecil
8 County to pay the balance of the purchase price of the installment purchase
9 agreements payable on their maturity dates; and generally relating to the
10 County's entering into installment purchase agreements to acquire ~~transfer~~
11 development rights in agricultural lands in Cecil County.

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That, as used herein, the term "County" means the body politic and
14 corporate of the State of Maryland known as the County Commissioners of Cecil
15 County; and the term "Installment Purchase Agreement" means an agreement
16 pursuant to which the County will acquire development rights in one or more tracts or
17 parcels of agricultural land located in Cecil County, Maryland from the owners
18 thereof, will pay the purchase price for that land either in installments or at the
19 maturity of the Installment Purchase Agreement and will pay interest on the unpaid
20 balance of that purchase price.

21 SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby
22 authorized and empowered to enter into Installment Purchase Agreements for an
23 aggregate purchase price of not more than \$4,000,000, plus interest thereon, to
24 acquire ~~transfer~~ development rights in tracts or parcels of agricultural land located in
25 Cecil County, Maryland as part of the County's Purchase of Development Rights
26 Program. The County's obligation to make payments of the purchase price under each
27 Installment Purchase Agreement and to pay interest on the unpaid balance of the
28 purchase price under each Installment Purchase Agreement shall be a general
29 obligation of the County and shall be made upon its full faith and credit, and shall be
30 evidenced by the Installment Purchase Agreement.

31 SECTION 3. AND BE IT FURTHER ENACTED, That the County shall select
32 the tracts or parcels of agricultural land for which development rights are to be
33 acquired and shall negotiate the purchase price for such development rights and all
34 other terms and conditions of the Installment Purchase Agreement with the owner or
35 owners of such property, all in accordance with the County's Purchase of Development
36 Rights Program as in effect from time to time.

37 SECTION 4. AND BE IT FURTHER ENACTED, That each Installment
38 Purchase Agreement shall be entered into in accordance with a resolution of the
39 County, which shall provide for the acquisition of the ~~transfer~~ development rights in

1 one or more specified particular tracts or parcels of agricultural property located in
2 Cecil County, Maryland which is to be the subject of the Installment Purchase
3 Agreement. The County shall have and is hereby granted full and complete authority
4 and discretion in the resolution to specify the tracts or parcels of agricultural land the
5 development rights of which are to be acquired and to provide and approve the form,
6 tenor, and content of the Installment Purchase Agreement described in the resolution,
7 including, without limitation, (a) the designation, (b) the date, (c) the purchase price
8 thereunder (or the maximum purchase price and the method of determining the final
9 purchase price subject to such limitation), (d) the maturity date of the Installment
10 Purchase Agreement (not exceeding 30 years from the date of execution and delivery of
11 the Installment Purchase Agreement) on which the final balance of the purchase price
12 is payable, (e) whether any portion of the purchase price will be payable prior to the
13 maturity date of the Installment Purchase Agreement, and, if so, the dates of
14 payments of any installments of the purchase price and the amounts of such
15 installments (or the methods or formula for determining such installment dates and
16 amounts), (f) the interest rate per annum (or the method of determining such rate)
17 payable on the Installment Purchase Agreement from time to time and the dates for
18 payment of such interest, (g) the terms and conditions, if any, under which the
19 Installment Purchase Agreement may or shall be redeemed prior to its maturity date,
20 (h) provisions relating to the registration and transfer of the Installment Purchase
21 Agreement, (i) the required signatures on the Installment Purchase Agreement and all
22 related documents, (j) the appointment of a paying agent and registrar for the
23 Installment Purchase Agreement, which may be the Budget Director of the County,
24 any other employee of the County, any department of the County government or any
25 bank or trust company within or without the State of Maryland having corporate trust
26 powers, (k) covenants relating to compliance with applicable requirements of federal
27 income tax law, including (without limitation) covenants regarding the payment of
28 rebate or penalties in lieu of rebate, and (l) generally all matters incident to the
29 acquisition of the ~~transfer~~ development rights and the terms, conditions, execution,
30 and delivery of the Installment Purchase Agreement.

31 Each Installment Purchase Agreement may be made redeemable before
32 maturity, at the option of the County, at such price or prices and under such terms
33 and conditions as may be fixed by the County prior to the execution and delivery of the
34 Installment Purchase Agreement. The Installment Purchase Agreement shall be in
35 registered form. In case any officer whose signature appears on any bond or on any
36 coupon attached thereto ceases to be such officer before the delivery thereof, such
37 signature shall nevertheless be valid and sufficient for all purposes as if he or she had
38 remained in office until such delivery. Any Installment Purchase Agreements entered
39 into from time to time under the authority of this Act shall be specifically exempt from
40 provisions of Article 31, §§ 9, 10, and 11 of the Annotated Code of Maryland.

1 SECTION 5. AND BE IT FURTHER ENACTED, That the Installment
2 Purchase Agreements hereby authorized shall constitute, and they shall so recite, an
3 irrevocable pledge of the full faith and credit and unlimited taxing power of the
4 County to the payment of the maturing purchase price under the Installment
5 Purchase Agreements and the interest on the unpaid balance of that purchase price as
6 and when they become payable. In each and every year until all of the purchase price
7 payable under the Installment Purchase Agreements and the interest thereon are paid
8 in full, the County shall levy or cause to be levied ad valorem taxes upon all the
9 assessable property within the corporate limits of the County in rate and amount
10 sufficient, together with any recordation tax revenues designated for such payments
11 and other available funds, to provide for or assure the payment, when due, of the
12 purchase price of all outstanding Installment Purchase Agreements and the interest
13 thereon maturing in each such fiscal year and, in the event the proceeds from the
14 taxes so levied in any such fiscal year shall prove inadequate for such payment,
15 additional taxes shall be levied in the succeeding fiscal year to make up any such
16 deficiency. The County may apply to the payment of the purchase price of the
17 outstanding Installment Purchase Agreements and interest payable thereon any funds
18 received by it from the State of Maryland, the United States of America, or any agency
19 or instrumentality thereof, or from any other source, if such funds are granted for the
20 purpose of assisting the County in financing the acquisition of ~~transfer~~ development
21 rights in agricultural land located in Cecil County, Maryland and to the extent of any
22 such funds received or receivable in any fiscal year, the taxes that are required to be
23 levied may be reduced accordingly.

24 SECTION 6. AND BE IT FURTHER ENACTED, That the County is authorized
25 and empowered to purchase and set aside in a segregated fund or account U.S.
26 Treasury STRIPs or other obligations allowed under Article 95, §§ 22, 22F, and 22G of
27 the Annotated Code of Maryland (or any successor provision of law) and the County's
28 investment guidelines, as in effect from time to time. It is intended that investments
29 in that segregated fund or account will be applied to the payment of the balance of the
30 purchase price of the Installment Purchase Agreements on their respective maturity
31 dates; but the investments shall not be pledged to the payment of the purchase price of
32 any of the Installment Purchase Agreements or the interest thereon, and no person
33 other than the County shall have any interest therein.

34 SECTION 7. AND BE IT FURTHER ENACTED, That any and all Installment
35 Purchase Agreements entered into by the County pursuant to the authority of this
36 Act, their transfer, the interest payable thereon, and any income derived therefrom in
37 the hands of the registered owners thereof from time to time (including any profit
38 made in the sale thereof) shall be and are hereby declared to be at all times exempt
39 from State, County, municipal or other taxation of every kind and nature whatsoever
40 within the State of Maryland.

1 SECTION 8. AND BE IT FURTHER ENACTED, That the authority conferred
 2 on the County by this Act to enter into Installment Purchase Agreements and create
 3 debt of the County shall be deemed to provide an additional and alternative authority
 4 for borrowing money and creating debt and shall be regarded as supplemental and
 5 additional to powers conferred upon the County by other laws and shall not be
 6 regarded as in derogation of any power now existing; and all Acts of the General
 7 Assembly of Maryland heretofore passed authorizing the County to borrow money and
 8 incur debt are hereby continued to the extent that the powers contained in those prior
 9 Acts have not been exercised, and nothing contained in this Act may be construed to
 10 impair, in any way, the validity of any bonds or other obligations that may have been
 11 entered into by the County under the authority of any of said Acts, and the validity of
 12 the bonds or other obligations is hereby ratified, confirmed, and approved. This Act,
 13 being necessary for the welfare of the inhabitants of Cecil County, shall be liberally
 14 construed to effect the purposes hereof. All Acts and parts of Acts inconsistent with the
 15 provisions of this Act are hereby repealed to the extent of such inconsistency.

16 SECTION 9. AND BE IT FURTHER ENACTED, That this Act shall take effect
 17 June 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.