

# HOUSE BILL 915

B3

71r3048

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By: ~~Delegate Smigiel~~ Delegates Smigiel, James, Riley, Rudolph, Sossi, and Walkup

Introduced and read first time: February 9, 2007

Assigned to: Appropriations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 27, 2007

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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 \$31,405,000 in order to  
5 finance the cost of the construction and improvement of certain public facilities  
6 in Cecil County and to effect that borrowing by the issuance and sale at public  
7 or private sale of its general obligation bonds in like amount; empowering the  
8 County to fix and determine, by resolution, the form, tenor, interest rate or  
9 rates or method of determining the same, terms, conditions, maturities, and all  
10 other details incident to the issuance and sale of the bonds; empowering the  
11 County to issue refunding bonds for the purchase or redemption of bonds in  
12 advance of maturity; empowering and directing the County to levy, impose, and  
13 collect, annually, ad valorem taxes in rate and amount sufficient to provide  
14 funds for the payment of the maturing principal of and interest on the bonds;  
15 exempting the bonds and refunding bonds, and the interest thereon and any  
16 income derived therefrom, from all State, county, municipal, and other taxation  
17 in the State of Maryland; and relating generally to the issuance and sale of the  
18 bonds by Cecil County.

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**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       SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That, as used in this Act, the term "County" means that body politic and  
3 corporate of the State of Maryland known as the County Commissioners of Cecil  
4 County; and the term "construction and improvement of public facilities" means the  
5 alteration, construction, reconstruction, enlargement, expansion, extension,  
6 improvement, replacement, rehabilitation, renovation, upgrading and repair, and  
7 related architectural, financial, legal, planning, designing, or engineering services, for  
8 public capital projects in Cecil County, including any finance charges or interest prior  
9 to or during such financing and any other costs or expenditures incurred by the  
10 County in connection with the projects.

11       SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby  
12 authorized to finance any part or all of the costs of the public facilities described in  
13 Section 1 of this Act, and to borrow money and incur indebtedness for that purpose, at  
14 one time or from time to time, in an amount not exceeding, in the aggregate,  
15 \$31,405,000 and to evidence its borrowing by the issuance and sale upon its full faith  
16 and credit of general obligation bonds in like amount, which may be issued at one time  
17 or from time to time, in one or more groups or series, as the County may determine.

18       SECTION 3. AND BE IT FURTHER ENACTED, That the bonds shall be issued  
19 pursuant to a resolution of the County which shall describe generally the public  
20 facilities for which the proceeds of the bond sale are intended and the amount needed  
21 for those purposes. The County shall have and is hereby granted full and complete  
22 authority and discretion in the resolution to fix and determine with respect to the  
23 bonds of any issue: the designation, date of issue, denomination or denominations,  
24 form or forms and tenor of the bonds which, without limitation, may be issued in  
25 registered form within the meaning of Section 30 of Article 31 of the Annotated Code  
26 of Maryland, as amended; the rate or rates of interest payable thereon, or the method  
27 of determining the same, which may include a variable rate; the date or dates and  
28 amount or amounts of maturity, which need not be in equal par amounts or in  
29 consecutive annual installments, provided only that no bond of any issue shall mature  
30 later than 30 years from the date of its issue; the manner of selling the bonds, which  
31 may be at either public or private sale, for such price or prices as may be determined  
32 to be in the best interests of the County; the manner of executing the bonds, which  
33 may be by facsimile; the terms and conditions, if any, under which bonds may be  
34 tendered for payment or purchase prior to their stated maturity; the terms or  
35 conditions, if any, under which bonds may or shall be redeemed prior to their stated  
36 maturity; the place or places of payment of the principal of and the interest on the  
37 bonds, which may be at any bank or trust company within or without the State of  
38 Maryland; and generally all matters incident to the terms, conditions, issuance, sale,  
39 and delivery thereof.

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

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

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

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

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

25       If the net proceeds of the sale of any issue of bonds exceeds the amount needed  
26 to finance the public facilities described in the resolution, the excess funds shall be  
27 applied to the payment of the next principal maturity of the bonds or to the  
28 redemption of any part of the bonds which have been made redeemable or to the  
29 purchase and cancellation of bonds, unless the County adopts a resolution allocating  
30 the excess funds to the construction, improvement, or development of other public  
31 facilities.

32       SECTION 5. AND BE IT FURTHER ENACTED, That the bonds hereby  
33 authorized shall constitute, and they shall so recite, an irrevocable pledge of the full  
34 faith and credit and unlimited taxing power of the County to the payment of the  
35 maturing principal of and interest on the bonds as and when they become payable. In  
36 each and every fiscal year that any of the bonds are outstanding, the County shall levy  
37 or cause to be levied ad valorem taxes upon all the assessable property within the

1 corporate limits of the County in rate and amount sufficient to provide for or assume  
2 the payment, when due, of the principal of and interest on all the bonds maturing in  
3 each such fiscal year and, if the proceeds from the taxes so levied in any fiscal year  
4 prove inadequate for such payment, additional taxes shall be levied in the succeeding  
5 fiscal year to make up any deficiency. The County may apply to the payment of the  
6 principal of and interest on any bonds issued under this Act any funds received by it  
7 from the State of Maryland, the United States of America, any agency or  
8 instrumentality of either, or from any other source. If such funds are granted for the  
9 purpose of assisting the County in financing the construction, improvement,  
10 development, or renovation of the public facilities defined in this Act and, to the extent  
11 of any such funds received or receivable in any fiscal year, taxes that might otherwise  
12 be required to be levied under this Act may be reduced or need not be levied.

13 SECTION 6. AND BE IT FURTHER ENACTED, That the County is hereby  
14 further authorized and empowered, at any time and from time to time, to issue its  
15 bonds in the manner hereinabove described for the purpose of refunding, upon  
16 purchase or redemption, any bonds issued under this Act. The validity of any  
17 refunding bonds shall in no way be dependent upon or related to the validity or  
18 invalidity of the obligations being refunded. The powers granted under this Act with  
19 respect to the issuance of bonds shall be applicable to the issuance of refunding bonds.  
20 Such refunding bonds may be issued by the County for the purpose of providing it with  
21 funds to purchase in the open market any of its outstanding bonds issued under this  
22 Act, prior to their maturity, or for the purpose of providing it with funds for the  
23 redemption prior to maturity of any outstanding bonds which are, by their terms,  
24 redeemable. The proceeds of the sale of any refunding bonds shall be segregated and  
25 set apart by the County as a separate trust fund to be used solely for the purpose of  
26 paying the purchase or redemption prices of the bonds to be refunded.

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

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

1       SECTION 9. AND BE IT FURTHER ENACTED, That the authority to borrow  
2 money and issue bonds conferred on the County by this Act shall be deemed to provide  
3 additional, alternative, and supplemental authority for borrowing money and shall be  
4 regarded as supplemental and additional to powers conferred upon the County by  
5 other laws and may not be regarded as in derogation of any power now existing; and  
6 all previously enacted laws authorizing the County to borrow money are hereby  
7 continued to the extent that the power contained in them is continuing or has not been  
8 exercised, unless any law is expressly repealed by this Act, and the validity of any  
9 bonds issued under previously enacted laws is hereby ratified, confirmed, and  
10 approved. This Act, being necessary for the welfare of the inhabitants of the County,  
11 shall be liberally construed to effect its purposes. All Acts and parts of Acts  
12 inconsistent with the provisions of this Act are hereby repealed to the extent of any  
13 inconsistency.

14       SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take  
15 effect June 1, 2007.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.