

SENATE BILL 754

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By: **Senator Edwards**

Introduced and read first time: February 1, 2008

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Garrett County – Public Facilities Bonds**

3 FOR the purpose of authorizing and empowering the County Commissioners of
4 Garrett County, from time to time, to borrow not more than \$10,000,000 in
5 order to finance, with certain restrictions, certain projects in Garrett County, as
6 herein defined, and to effect such borrowing by the issuance and sale at public
7 or private sale of its general obligation bonds in like par amount; empowering
8 the 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 providing that nothing in this Act shall prevent the County from authorizing
16 the issuance and sale of bonds or refunding bonds, if the interest on or income
17 derived from the bonds is not exempt from State, local, or other taxation in the
18 State; providing that nothing in this Act shall prevent the County from
19 authorizing the issuance and sale of bonds the interest on which is not
20 excludable from gross income for federal income tax purposes; and relating
21 generally to the issuance and sale of such bonds.

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That, as used herein, the term “County” means that body politic and
24 corporate of the State of Maryland known as the County Commissioners of Garrett
25 County, and the term “projects” means the cost of the purchase and acquisition of
26 property, the installation, construction, repair, or renovation of the infrastructure, the
27 creation and renovation of capital projects for the benefit of the Garrett County Roads
28 Department, the Garrett County Department of Economic Development, the Garrett
29 County Department of General Services, the Garrett County Department of Public
30 Safety, and other projects in Garrett County, as well as the alteration, construction,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 reconstruction, enlargement, expansion, extension, improvement, rehabilitation,
2 renovation, upgrading, equipping, and repair of other facilities in Garrett County, all
3 of which includes related costs for architectural, financial, legal, planning, or
4 engineering services, any finance charges or interest prior to or during such
5 financings, and any other costs or expenditures incurred by the County in connection
6 therewith.

7 SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby
8 authorized to finance any part or all of the costs of the projects described in Section 1
9 of this Act, and to borrow money and incur indebtedness for that purpose, at one time
10 or from time to time, in an amount not exceeding, in the aggregate, \$10,000,000 and to
11 evidence such borrowing by the issuance and sale upon its full faith and credit of
12 general obligation bonds in like par amount, which may be issued at one time or from
13 time to time, in one or more groups or series, as the County may determine.

14 SECTION 3. AND BE IT FURTHER ENACTED, That the bonds shall be issued
15 pursuant to a resolution of the County, which shall describe generally the economic
16 development projects for which the proceeds of the bond sale are intended and the
17 amount needed for those purposes. The County shall have and is hereby granted full
18 and complete authority and discretion in the resolution to fix and determine with
19 respect to the bonds of any issue: the designation, date of issue, denomination or
20 denominations, form or forms, and tenor of the bonds, which, without limitation, may
21 be issued in registered form within the meaning of Section 30 of Article 31 of the
22 Annotated Code of Maryland as effective from time to time; the rate or rates of
23 interest payable thereon, or the method of determining the same, which may include a
24 variable rate; the date or dates and amount or amounts of maturity, which need not be
25 in equal par amounts or in consecutive annual installments, provided only that no
26 bond of any issue shall mature later than 30 years from the date of its issue; the
27 manner of selling the bonds, which may be at either public or private sale, for such
28 price or prices as may be determined to be for the best interests of Garrett County; the
29 manner of executing and sealing the bonds, which may be by facsimile; the terms and
30 conditions, if any, under which bonds may be tendered for payment or purchase prior
31 to their stated maturity; the terms or conditions, if any, under which bonds may or
32 shall be redeemed prior to their stated maturity; the place or places of payment of the
33 principal of and the interest on the bonds, which may be at any bank or trust company
34 within or without the State of Maryland; covenants relating to compliance with
35 applicable requirements of federal income tax law, including (without limitation)
36 covenants regarding the payment of rebate or penalties in lieu of rebate; covenants
37 relating to compliance with applicable requirements of federal or State securities laws;
38 and generally all matters incident to the terms, conditions, issuance, sale, and delivery
39 thereof. The County may enter into agreements with agents, banks, fiduciaries,
40 insurers, or others for the purpose of enhancing the marketability of any security for
41 the bonds and for the purpose of securing any tender option that may be granted to
42 holders of the bonds, all as may be determined and presented in the aforesaid
43 resolution, which may (but need not) state as security for the performance by the
44 County of any monetary obligations under such agreements the same security given by
45 the County to bondholders for the performance by the County of its monetary
46 obligations under the bonds. In case any officer whose signature appears on any bond

1 ceases to be such officer before delivery, the signature shall nevertheless be valid and
2 sufficient for all purposes as if the officer had remained in office until delivery. The
3 bonds and their issue and sale shall be exempt from the provisions of Sections 9, 10,
4 and 11 of Article 31 of the Annotated Code of Maryland as effective from time to time.
5 If the County determines in the resolution to offer any of the bonds by solicitation of
6 competitive bids at public sale, the resolution shall fix the terms and conditions of the
7 public sale and shall adopt a form of notice of sale, which shall outline the terms and
8 conditions, and a form of advertisement, which shall be published in one or more daily
9 or weekly newspapers having a general circulation in the County and which may also
10 be published in one or more journals having a circulation primarily among banks and
11 investment bankers. At least one publication of the advertisement shall be made not
12 less than 10 days before the sale of the bonds. Upon delivery of any bonds to the
13 purchaser or purchasers, payment therefor shall be made to the Treasurer of Garrett
14 County or such other official of Garrett County as may be designated to receive such
15 payment in a resolution passed by the County before such delivery.

16 SECTION 4. AND BE IT FURTHER ENACTED, That the net proceeds of the
17 sale of the bonds shall be used and applied exclusively and solely for the economic
18 development projects in Garrett County. If the net proceeds of the sale of any issue of
19 bonds exceeds the amount needed to finance the economic development projects
20 described in the resolution, the excess funds shall be applied to the payment of the
21 next principal maturity of the bonds or to the redemption of any part of the bonds
22 which have been made redeemable or to the purchase and cancellation of bonds, as the
23 County may determine to be in its best interest, unless the County shall adopt a
24 resolution allocating the excess funds to other capital projects.

25 SECTION 5. AND BE IT FURTHER ENACTED, That the bonds hereby
26 authorized shall constitute, and they shall so recite, an irrevocable pledge of the full
27 faith and credit and unlimited taxing power of the County to the payment of the
28 maturing principal of and interest on the bonds as and when they become payable. In
29 each and every fiscal year that any of the bonds are outstanding, the County shall levy
30 or cause to be levied ad valorem taxes upon all the assessable property within the
31 corporate limits of the County in rate and amount sufficient to provide for or assure
32 the payment, when due, of the principal of and interest on all the bonds maturing in
33 each such fiscal year and, in the event the proceeds from the taxes so levied in any
34 such fiscal year shall prove inadequate for such payment, additional taxes shall be
35 levied in the succeeding fiscal year to make up any such deficiency. The County may
36 apply to the payment of the principal of and interest on any bonds issued hereunder
37 any funds received by it from the State of Maryland, the United States of America, any
38 agency or instrumentality thereof, or from any other source, if such funds are granted
39 for the purpose of assisting the County in financing the economic development projects
40 to the extent of any such funds received or receivable in any fiscal year, the taxes that
41 are required to be levied under this Act may be reduced proportionately or need not be
42 levied.

43 SECTION 6. AND BE IT FURTHER ENACTED, That the County is further
44 authorized and empowered, at any time and from time to time, to issue its bonds in
45 the manner herein above described for the purpose of refunding, by payment at

1 maturity or upon purchase or redemption, any bonds issued hereunder. The validity of
2 any such refunding bonds shall in no way be dependent upon or related to the validity
3 or invalidity of the obligations so refunded. The powers herein granted with respect to
4 the issuance of bonds shall be applicable to the issuance of refunding bonds. Such
5 refunding bonds may be issued by the County for the purpose of providing it with
6 funds to pay any of its outstanding bonds issued hereunder at maturity, for the
7 purpose of providing it with funds to purchase in the open market any of its
8 outstanding bonds issued hereunder, prior to the maturity thereof, or for the purpose
9 of providing it with funds for the redemption prior to maturity of any outstanding
10 bonds issued hereunder which are, by their terms, redeemable, for the purpose of
11 providing it with funds to pay interest on any outstanding bonds issued hereunder
12 prior to their payment at maturity of purchase or redemption in advance of maturity,
13 or for the purpose of providing it with funds to pay any redemption or purchase
14 premium in connection with the refunding of any of its outstanding bonds issued
15 hereunder. The proceeds of the sale of any such refunding bonds shall be segregated
16 and set apart by the County as a separate trust fund to be used solely for the purpose
17 of paying the purchase or redemption prices of the bonds to be refunded.

18 SECTION 7. AND BE IT FURTHER ENACTED, That the County may, prior to
19 the preparation of definitive bonds, issue interim certificates or temporary bonds, with
20 or without coupons, exchangeable for definitive bonds when such bonds have been
21 executed and are available for such delivery, provided, however, that any such interim
22 certificates or temporary bonds shall be issued in all respects subject to the
23 restrictions and requirements set forth in this Act. The County may, by appropriate
24 resolution, provide for the replacement of any bonds issued hereunder which shall
25 have become mutilated or lost or destroyed upon such conditions and after receiving
26 such indemnity as the County may require.

27 SECTION 8. AND BE IT FURTHER ENACTED, That nothing in this Act shall
28 prevent the County from authorizing the issuance and sale of bonds:

29 (a) on which the interest or income derived is not excludable from gross
30 income for federal income tax purposes; or

31 (b) which are subject to any State, county, municipal, or other taxation
32 within the State of Maryland.

33 SECTION 9. AND BE IT FURTHER ENACTED, That the authority to borrow
34 money, to issue bonds, and to provide loans and grants of the same that is conferred on
35 the County by this Act shall be deemed to provide an additional and alternative
36 authority for borrowing, loaning, and granting money and shall be regarded as
37 supplemental and additional to powers conferred upon the County by other laws and
38 shall not be regarded as in derogation of any power now existing; and all Acts of the
39 General Assembly of Maryland heretofore passed authorizing the County to borrow
40 money are hereby continued to the extent that the powers contained in such Acts have
41 not been exercised, and nothing contained in this Act may be construed to impair, in
42 any way, the validity of any bonds that may have been issued by the County under the
43 authority of any said Acts, and the validity of the bonds is hereby ratified, confirmed,

1 and approved. This Act, being necessary for the welfare of the inhabitants of Garrett
2 County, shall be liberally construed to effect the purposes hereof. All Acts and parts of
3 Acts inconsistent with the provisions of this Act are hereby repealed to the extent of
4 such inconsistency.

5 SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take
6 effect June 1, 2008.