COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2022 Legislative Session

Bill No. CB-044-2022

Chapter No. 34

Proposed and Presented by The Chair (by request – County Executive)

Introduced by Council Members Harrison, Franklin, Turner, Glaros, Dernoga, Streeter, Ivey, and Medlock

Co-Sponsors

Date of Introduction June 7, 2022

BILL

AN ACT concerning

Borrowing to Finance Capital Projects for Public Works and Transportation Facilities

For the purpose of authorizing Prince George's County, Maryland, to borrow money upon its full faith and credit at any time and from time to time, in an aggregate principal amount not exceeding $208,686,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation, or repair of Public Works and Transportation Facilities, including the acquisition and development of sites therefor, the architectural and engineering services incident thereto, and the acquisition and installation of necessary fixed permanent equipment therefor, prescribing terms and conditions upon which bonds issued pursuant to this Act shall be issued and sold and other incidental details with respect thereto; providing generally for the issuance of such bonds and providing for such borrowing to be submitted to a referendum of the legal voters of the County.

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Prince George's County, Maryland (the "County"), is hereby authorized, pursuant to Section 323 of the Charter of Prince George's County, Maryland (the "Charter"), to borrow money and incur indebtedness upon its full faith and credit, at any time and from time to time, in an aggregate principal amount not exceeding $208,686,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation, or repair of, Public Works and Transportation Facilities (including
roads and bridges, parking lots and maintenance facilities), including the acquisition and
development of sites therefor, the architectural and engineering services incident thereto, and the
acquisition and installation of necessary fixed permanent equipment therefor, all such capital
projects hereby being found to be (and also being in fact) of the same generic class and being
described in the capital program of the County for the fiscal years 2023-2028, under the
following headings, which descriptions are incorporated by reference as if set forth herein:

<table>
<thead>
<tr>
<th>Project Number</th>
<th>Project Name</th>
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<tbody>
<tr>
<td>4.66.0024</td>
<td>ADDISON ROAD</td>
</tr>
<tr>
<td>4.66.0052</td>
<td>BRANDYWINE ROAD &amp; MD 223 INTERSECTION</td>
</tr>
<tr>
<td>4.66.0045</td>
<td>BRIDGE REHABILITATION FEDERAL AID</td>
</tr>
<tr>
<td>4.66.0029</td>
<td>BRIDGE REPLACEMENT – BRANDYWINE ROAD</td>
</tr>
<tr>
<td>4.66.0046</td>
<td>BRIDGE REPLACEMENT – CHESTNUT AVE</td>
</tr>
<tr>
<td>4.66.0028</td>
<td>BRIDGE REPLACEMENT – LIVINGSTON RD</td>
</tr>
<tr>
<td>4.66.0027</td>
<td>BRIDGE REPLACEMENT – SUNNYSIDE AVE</td>
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<tr>
<td>4.66.0010</td>
<td>BRIDGE REPLACEMENT – TEMPLE HILL ROAD</td>
</tr>
<tr>
<td>4.66.0006</td>
<td>BUS MASS TRANSIT/METRO ACCESS 2</td>
</tr>
<tr>
<td>8.66.0003</td>
<td>CARILLON PARKING</td>
</tr>
<tr>
<td>4.66.0002</td>
<td>CURB AND ROAD REHABILITATION 2</td>
</tr>
<tr>
<td>4.66.0031</td>
<td>DEVELOPER CONTRIBUTION PROJECTS</td>
</tr>
<tr>
<td>4.66.0049</td>
<td>EMERGENCY REPAIRS - ROADWAYS &amp; BRIDGES</td>
</tr>
<tr>
<td>4.66.0040</td>
<td>PEDESTRIAN SAFETY IMPROVEMENTS</td>
</tr>
<tr>
<td>1.66.0001</td>
<td>STREET LIGHTS AND TRAFFIC SIGNALS 2</td>
</tr>
<tr>
<td>4.66.0021</td>
<td>STREET TREE REMOVAL &amp; REPLACEMENT</td>
</tr>
<tr>
<td>4.66.0004</td>
<td>TRAFFIC CONGESTION IMPROVEMENTS 2</td>
</tr>
<tr>
<td>4.66.0039</td>
<td>TRANSIT ORIENTED DEVELOPMENT</td>
</tr>
<tr>
<td>4.66.0005</td>
<td>TRANSPORTATION ENHANCEMENTS 2</td>
</tr>
</tbody>
</table>

Reference to the County's capital program for the fiscal years 2023-2028 is made for
purposes of description only and such reference shall include the same capital projects in any
amended or subsequent capital program.

SECTION 2. BE IT FURTHER ENACTED that any general obligation bonds to be issued
pursuant to this Act shall be issued and sold pursuant to Bond Issue Authorization Ordinances
adopted in accordance with Sections 323 and 823 of the Charter and other applicable provisions of MD. CODE ANN., LOCAL GOV’T. §§ 19-205 to 19-206, as amended, replaced, or re-codified from time to time, but the County shall sell such bonds only by solicitation of competitive bids therefor at public sale in such manner and after giving such public notice as the County Council may by ordinance determine. Such bonds may be sold for such price or prices as may be determined to be for the best interest of the County, either at, above or below the par value of any such bonds, and such bonds may be sold in conjunction with other series of bonds issued by the County in which event the notice of sale soliciting bids for the purchase of such bonds may require that the acceptance of any bid for any series of bonds be made contingent upon the acceptance of the bid or bids on all or any of the series being offered by the County for sale at the same time. When such bonds are sold in conjunction with other series of bonds, the said notice of sale may also require that consolidated bids shall be submitted on any two or more of such series of bonds.

Nothing in this Act shall in any way limit the authority provided for the refunding of County indebtedness by MD. CODE ANN., LOCAL GOV’T. §§ 19-205 to 19-206, as amended or supplemented from time to time or by any other applicable law, and all such authority is intended to be available to the County to refund any indebtedness incurred pursuant to this Act to the maximum extent provided by such authority.

Such bonds may be issued in an amount sufficient to finance the costs of the Public Works and Transportation Facilities and the cost of issuance of the bonds. Prior to the application of the proceeds of such bonds to finance the costs of the Public Works and Transportation Facilities, the cost of issuance of such bonds for such Public Works and Transportation Facilities may be deducted from such proceeds.

SECTION 3. BE IT FURTHER ENACTED that this Act shall be submitted to the legal voters of the County, for their approval or disapproval, at the general election to be held in the County on Tuesday, November 8, 2022. The question to be certified to the Board of Supervisors of Elections of the County for inclusion on the ballot for said general election shall be in substantially the following form:

PUBLIC WORKS AND TRANSPORTATION FACILITIES BONDS

AN ACT enabling the County to borrow money and issue bonds in an amount not exceeding $208,686,000 to finance the design, construction, reconstruction, extension,
acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair
of Public Works and Transportation Facilities (including roads and bridges, parking lots, and
maintenance facilities), including the acquisition and development of sites therefor, the
architectural and engineering services incident thereto, and the acquisition and installation of
necessary fixed permanent equipment therefor, as defined therein.

SECTION 4. BE IT FURTHER ENACTED that the powers granted by this Act are
additional and cumulative and the bonds to be issued pursuant to this Act may be issued,
notwithstanding that other bond acts or laws may provide for the issuance of other bonds or the
borrowing of money for the same or similar purposes on the same or other terms and conditions.
This Act shall be liberally construed to effectuate its purposes, namely, to authorize the
borrowing of money and the incurring of indebtedness to finance the described capital projects of
the same generic class set forth in this Act. Provisions of this Act shall be deemed met and
satisfied if there is substantial compliance with such provisions, including (without limitation)
provisions relating to the submission of any question to the legal voters of the County which are
intended only to provide fair and adequate notice to such voters and not to prescribe provisions
which must be literally satisfied. This Act is not intended to provide or imply that this act or any
prior act not containing a similar provision precludes the County from exercising any power or
prerogative provided by this Act or any other law whether exercised solely pursuant to such
other law or in conjunction with the powers provided by this Act so that, without limiting the
generality of this section, the County may exercise the power to issue (i) bond anticipation notes
(in anticipation of the issuance of bonds pursuant to this Act or otherwise) and grant anticipation
notes pursuant to MD. CODE ANN., LOCAL GOV’T. §§ 19-205 to 19-206, as amended,
replaced, or re-codified from time to time, and (ii) bonds (or any related bond anticipation or
other notes) authorized by MD. CODE ANN., LOCAL GOV’T. §§ 19-205 to 19-206, as
amended, replaced, or re-codified from time to time, and in exercising such powers, the County
may sell such notes or bonds at private (negotiated) sale as authorized by these or any other
applicable laws.

SECTION 5. BE IT FURTHER ENACTED that the provisions of this Act are hereby
declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

SECTION 6. BE IT FURTHER ENACTED that this Act shall become effective immediately upon the date of the official certification of its approval by the voters at said general election.

Adopted this 5th day of July, 2022.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

BY: _____________________________________________
   Calvin S. Hawkins, II
   Chair

ATTEST:

__________________________________________
Donna J. Brown
Clerk of the Council

APPROVED:

DATE: ________________________  BY: ________________________
   Angela D. Alsobrooks
   County Executive

APPROVED BY A MAJORITY OF THE VOTERS AT THE REFERENDUM ON NOVEMBER 8, 2022, AS CERTIFIED BY THE BOARD OF ELECTIONS ON DECEMBER 1, 2022.

EFFECTIVE: DECEMBER 1, 2022