

SENATE BILL 508

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CF HB 546

By: **Senators Shank, Edwards, and Young**

Introduced and read first time: January 31, 2013

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Washington County – Public Facilities Bonds**

3 FOR the purpose of authorizing and empowering the County Commissioners of
4 Washington County, from time to time, to borrow not more than \$60,000,000 in
5 order to finance the costs of the construction, improvement, or development of
6 certain public facilities in Washington County, as herein defined, and to effect
7 such borrowing by the issuance and sale at public or private sale of its general
8 obligation bonds in like par amount; empowering the County to fix and
9 determine, by resolution, the form, tenor, interest rate or rates or method of
10 determining the same, terms, conditions, maturities, and all other details
11 incident to the issuance and sale of the bonds; empowering the County to issue
12 refunding bonds for the purchase or redemption of bonds in advance of
13 maturity; empowering and directing the County to levy, impose, and collect,
14 annually, ad valorem taxes in rate and amount sufficient to provide funds for
15 the payment of the maturing principal of and interest on the bonds; exempting
16 the bonds and refunding bonds, and the interest thereon and any income
17 derived therefrom, from all State, county, municipal, and other taxation in the
18 State of Maryland; providing that nothing in this Act shall prevent the County
19 from authorizing the issuance and sale of bonds the interest on which is not
20 excludable from gross income for federal income tax purposes; providing that
21 such borrowing may be undertaken by the County in the form of installment
22 purchase obligations executed and delivered by the County for the purpose of
23 acquiring agricultural land, woodland preservation easements, and transferable
24 development rights; and relating generally to the issuance and sale of such
25 bonds.

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That, as used herein, the term “County” means the body politic and
28 corporate of the State of Maryland known as the County Commissioners of
29 Washington County, and the term “construction, improvement, or development of
30 public facilities” means the acquisition, alteration, construction, reconstruction,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 enlargement, equipping, expansion, extension, improvement, rehabilitation,
2 renovation, upgrading, and repair of public buildings and facilities and public works
3 projects, including, but not limited to, the following, together with related
4 architectural, financial, legal, planning, or engineering services:

5 (a) Public school buildings, a school for the arts, administrative facilities,
6 sites, and grounds;

7 (b) Community College buildings, sites, and grounds;

8 (c) Buildings and facilities for public safety, health and social services,
9 libraries, County administration purposes, County airport purposes, refuse collection,
10 recycling or disposal by whatever means, and park and recreation purposes;

11 (d) Acquisition of land or interests in land and any improvement thereon;
12 and

13 (e) Easements or similar or related rights in land, including transferable
14 development rights, that restrict the use of agricultural land or woodland to maintain
15 the character of the land as agricultural land or woodland.

16 SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby
17 authorized to finance any part or all of the costs of the facilities described in Section 1
18 of this Act, and to borrow money and incur indebtedness for that purpose, at one time
19 or from time to time, in an amount not exceeding, in the aggregate, \$60,000,000 and to
20 evidence such borrowing by the issuance and sale upon its full faith and credit of
21 general obligation bonds in like par amount, which may be issued at one time or from
22 time to time, in one or more groups or series, as the County may determine.

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

1 shall be redeemed prior to their stated maturity; the place or places of payment of the
2 principal of and the interest on the bonds, which may be at any bank or trust company
3 within or without the State of Maryland; covenants relating to compliance with
4 applicable requirements of federal income tax law, including (without limitation)
5 covenants regarding the payment of rebate or penalties in lieu of rebate; covenants
6 relating to compliance with applicable requirements of federal or state securities laws;
7 and generally all matters incident to the terms, conditions, issuance, sale, and delivery
8 thereof.

9 The bonds may be made redeemable before maturity, at the option of the
10 County, at such price or prices and under such terms and conditions as may be fixed
11 by the County prior to the issuance of the bonds, either in the resolution or in
12 subsequent resolutions. In case any officer whose signature appears on any bond
13 ceases to be such officer before the delivery thereof, such signature shall nevertheless
14 be valid and sufficient for all purposes as if he had remained in office until such
15 delivery. The bonds and the issuance and sale thereof shall be exempt from the
16 provisions of Sections 2C, 9, 10, and 11 of Article 31 of the Annotated Code of
17 Maryland. The County may enter into agreements with agents, banks, fiduciaries,
18 insurers, or others for the purpose of enhancing the marketability of any security for
19 the bonds and for the purpose of securing any tender option that may be granted to
20 holders of the bonds, all as may be determined and presented in the aforesaid
21 resolution, which may (but need not) state as security for the performance by the
22 County of any monetary obligations under such agreements the same security given by
23 the County to bondholders for the performance by the County of its monetary
24 obligations under the bonds. If the County determines in the resolution to offer any of
25 the bonds by solicitation of competitive bids at public sale, the resolution shall fix the
26 terms and conditions of the public sale and shall adopt a form of notice of sale, which
27 shall outline the terms and conditions, including the manner of receipt of bids, and a
28 form of advertisement. At least one publication of the advertisement shall be made not
29 less than 10 days before the sale of the bonds.

30 Upon delivery of any bonds to the purchaser or purchasers, payment therefor
31 shall be made to the Treasurer of Washington County or such other official of the
32 County as may be designated to receive such payment in a resolution passed by the
33 County Commissioners of Washington County before such delivery. For purposes of
34 issuance and sale, bonds, authorized hereunder may be consolidated into a single issue
35 with any other bonds authorized to be issued by the County.

36 SECTION 4. AND BE IT FURTHER ENACTED, That the net proceeds of the
37 sale of bonds shall be used and applied exclusively and solely for the acquisition,
38 construction, improvement, or development of public facilities for which the bonds are
39 sold. If the amounts borrowed shall prove inadequate to finance the projects described
40 in the resolution, the County may issue additional bonds within the limitations hereof
41 for the purpose of evidencing the borrowing of additional funds for such financing,
42 provided the resolution authorizing the sale of additional bonds shall so recite, but if
43 the net proceeds of the sale of any issue of bonds exceeds the amount needed to finance
44 the projects described in the resolution, the excess funds so borrowed and not

1 expended shall be applied to the payment of the next principal maturity of the bonds
2 or to the redemption of any part of the bonds which have been made redeemable or to
3 the purchase and cancellation of bonds, unless the County shall adopt a resolution
4 allocating the excess funds to the acquisition, construction, improvement, or
5 development of other public facilities, as defined and within the limits set forth in this
6 Act.

7 SECTION 5. AND BE IT FURTHER ENACTED, That the bonds hereby
8 authorized shall constitute, and they shall so recite, an irrevocable pledge of the full
9 faith and credit and unlimited taxing power of the County to the payment of the
10 maturing principal of and interest on the bonds as and when they become payable. In
11 each and every fiscal year that any of the bonds are outstanding, the County shall levy
12 or cause to be levied ad valorem taxes upon all the assessable property within the
13 corporate limits of Washington County in rate and amount sufficient to provide for or
14 assure the payment, when due, of the principal of and interest on all the bonds
15 maturing in each such fiscal year and, in the event the proceeds from the taxes so
16 levied in any such fiscal year shall prove inadequate for such payment, additional
17 taxes shall be levied in the succeeding fiscal year to make up any such deficiency. The
18 County may apply to the payment of the principal of and interest on any bonds issued
19 hereunder any funds received by it from the State of Maryland, the United States of
20 America, any agency or instrumentality thereof, or from any other source, if such
21 funds are granted for the purpose of assisting the County in financing the acquisition,
22 construction, improvement, or development of the public facilities defined in this Act
23 and, to the extent of any such funds received or receivable in any fiscal year, the taxes
24 that are required to be levied may be reduced accordingly.

25 SECTION 6. AND BE IT FURTHER ENACTED, That the County is further
26 authorized and empowered, at any time and from time to time, to issue its bonds in
27 the manner hereinabove described for the purpose of refunding, by payment at
28 maturity or upon purchase or redemption, any bonds issued hereunder. The validity of
29 any such refunding bonds shall in no way be dependent upon or related to the validity
30 or invalidity of the obligations so refunded. The powers herein granted with respect to
31 the issuance of bonds shall be applicable to the issuance of refunding bonds. Such
32 refunding bonds may be issued by the County for the purpose of providing it with
33 funds to pay any of its outstanding bonds issued hereunder at maturity, for the
34 purpose of providing it with funds to purchase in the open market any of its
35 outstanding bonds issued hereunder, prior to the maturity thereof, or for the purpose
36 of providing it with funds for the redemption prior to maturity of any outstanding
37 bonds issued hereunder which are, by their terms, redeemable, for the purpose of
38 providing it with funds to pay interest on any outstanding bonds issued hereunder
39 prior to their payment at maturity of purchase or redemption in advance of maturity,
40 or for the purpose of providing it with funds to pay any redemption or purchase
41 premium in connection with the refunding of any of its outstanding bonds issued
42 hereunder. The proceeds of the sale of any such refunding bonds shall be segregated
43 and set apart by the County as a separate trust fund to be used solely for the purpose
44 of paying the purchase or redemption prices of the bonds to be refunded.

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

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

16 Nothing in this Act shall prevent the County from authorizing the issuance and
17 sale of bonds the interest on which is not excludable from gross income for federal
18 income tax purposes.

19 SECTION 9. AND BE IT FURTHER ENACTED, That the authority to borrow
20 money and issue bonds conferred on the County by this Act shall be deemed to provide
21 an additional and alternative authority for borrowing money and shall be regarded as
22 supplemental and additional to powers conferred upon the County by other laws and
23 shall not be regarded as in derogation of any power now existing; and all Acts of the
24 General Assembly of Maryland heretofore passed authorizing the County to borrow
25 money are hereby continued to the extent that the powers contained in such Acts have
26 not been exercised, and nothing contained in this Act may be construed to impair, in
27 any way, the validity of any bonds that may have been issued by the County under the
28 authority of any said Acts, and the validity of the bonds is hereby ratified, confirmed,
29 and approved. This Act, being necessary for the welfare of the inhabitants of
30 Washington County, shall be liberally construed to effect the purposes hereof. All Acts
31 and parts of Acts inconsistent with the provisions of this Act are hereby repealed to
32 the extent of such inconsistency.

33 SECTION 10. AND BE IT FURTHER ENACTED, That the borrowing
34 authorized by this Act may also be undertaken by the County in the form of
35 installment purchase obligations executed and delivered by the County for the purpose
36 of acquiring easements or similar or related rights in land, including transferable
37 development rights, that restrict the use of agricultural land or woodland to maintain
38 the character of the land as agricultural land or woodland. The form of installment
39 purchase obligations, the manner of accomplishing the acquisition of easements, which
40 may be by the direct exchange of installment purchase obligations for easements or
41 transferable development rights, and all matters incident to the execution and
42 delivery of the installment purchase obligations and acquisition of the easements or
43 transferable development rights by the County shall be determined in the resolution.

1 Except where the provisions of this Act would be inapplicable to installment purchase
2 obligations, the term “bonds” used in this Act shall include installment purchase
3 obligations and matters pertaining to the bonds under this Act, such as the security
4 for the payment of the bonds, the exemption of the bonds from State, county,
5 municipal, or other taxation, and authorization to issue refunding bonds and the
6 limitation on the aggregate principal amount of bonds authorized for issuance, shall be
7 applicable to installment purchase obligations.

8 SECTION 11. AND BE IT FURTHER ENACTED, That this Act shall take
9 effect June 1, 2013.