

SENATE BILL 323

B3

7lr0691
CF HB 251

By: **Carroll County Senators**

Introduced and read first time: January 24, 2017

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Carroll County – Public Facilities Bonds**

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

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
26 That, as used herein, the term “County” means the body politic and corporate of the State
27 of Maryland known as the County Commissioners of Carroll County, and the term
28 “construction, improvement, or development of public facilities” means the acquisition,
29 alteration, construction, reconstruction, enlargement, equipping, expansion, extension,
30 improvement, rehabilitation, renovation, upgrading, and repair of public buildings and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 facilities and public works projects, including, but not limited to, public works projects such
2 as roads, bridges and storm drains, public school buildings and facilities, landfills, Carroll
3 Community College buildings and facilities, public operational buildings and facilities such
4 as buildings and facilities for County administrative use, public safety, health and social
5 services, libraries, refuse disposal buildings and facilities, water and sewer infrastructure
6 facilities, easements or similar or related rights in land that restrict the use of agricultural
7 land or woodland to maintain the character of the land as agricultural land or woodland,
8 and parks and recreation buildings and facilities, together with the costs of acquiring land
9 or interests in land as well as any related architectural, financial, legal, planning, or
10 engineering services.

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 construction, improvements or
13 development of public facilities described in Section 1 of this Act, to make loans to each and
14 every volunteer fire department in the County upon such terms and conditions as may be
15 determined by the County for the purpose of financing certain fire or emergency-related
16 equipment, buildings, or other facilities of volunteer fire departments, and to borrow money
17 and incur indebtedness for those purposes, at one time or from time to time, in an amount
18 not exceeding, in the aggregate, \$25,000,000 and to evidence such borrowing by the
19 issuance and sale upon its full faith and credit of general obligation bonds in like par
20 amount, which may be issued at one time or from time to time, in one or more groups or
21 series, as the County may determine.

22 SECTION 3. AND BE IT FURTHER ENACTED, That the bonds shall be issued in
23 accordance with a resolution of the County, which shall describe generally the construction,
24 improvement, or development of public facilities, including water and sewer projects, the
25 fire or emergency-related equipment, buildings, or other facilities of volunteer fire
26 departments in the County for which the proceeds of the bond sale are intended and the
27 amount needed for those purposes. The County shall have and is hereby granted full and
28 complete authority and discretion in the resolution to fix and determine with respect to the
29 bonds of any issue: the designation, date of issue, denomination or denominations, form or
30 forms, and tenor of the bonds which, without limitation, may be issued in registered form
31 within the meaning of § 19-204 of the Local Government Article, 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 need
34 not be in equal par amounts or in consecutive annual installments, provided only that no
35 bond of any issue shall mature later than 30 years from the date of its issue; the manner of
36 selling the bonds, which may be at either public or private sale, for such price or prices as
37 may be determined to be for the best interests of Carroll County; the manner of executing
38 and sealing the bonds, which may be by facsimile; the terms and conditions of any loans
39 made to volunteer fire departments; the terms and conditions, if any, under which bonds
40 may be tendered for payment or purchase prior to their stated maturity; the terms or
41 conditions, if any, under which bonds may or shall be redeemed prior to their stated
42 maturity; the place or places of payment of the principal of and the interest on the bonds,
43 which may be at any bank or trust company within or without the State of Maryland;
44 covenants relating to compliance with applicable requirements of federal income tax law,
45 including (without limitation) covenants regarding the payment of rebate or penalties in

1 lieu of rebate; covenants relating to compliance with applicable requirements of federal or
2 State securities laws; and generally all matters incident to the terms, conditions, issuance,
3 sale, and delivery thereof.

4 The bonds may be made redeemable before maturity, at the option of the County, at
5 such price or prices and under such terms and conditions as may be fixed by the County
6 prior to the issuance of the bonds, either in the resolution or in subsequent resolutions. The
7 bonds may be issued in registered form, and provision may be made for the registration of
8 the principal only. In case any officer whose signature appears on any bond ceases to be
9 such officer before the delivery thereof, such signature shall nevertheless be valid and
10 sufficient for all purposes as if the officer had remained in office until such delivery. The
11 bonds and the issuance and sale thereof shall be exempt from the provisions of §§ 19–205
12 and 19–206 of the Local Government Article, as amended.

13 The borrowing authorized by this Act may also be undertaken by the County in the
14 form of installment purchase obligations executed and delivered by the County for the
15 purpose of acquiring easements or similar or related rights in land that restrict the use of
16 agricultural land or woodland to maintain the character of the land as agricultural or
17 woodland. The form of installment purchase obligations, the manner of accomplishing the
18 acquisition of easements, which may be the direct exchange of installment purchase
19 obligations for easement, and all matters incident to the execution and delivery of the
20 installment purchase obligations and acquisition of the easements by the County shall be
21 determined in the resolution. Except where the provisions of this Act would be inapplicable
22 to installment purchase obligations, the term “bonds” used in this Act shall include
23 installment purchase obligations and matters pertaining to the bonds under this Act, such
24 as the security for the payment of the bonds, the exemption of the bonds from State, County,
25 municipal, or other taxation, and authorization to issue refunding bonds and the limitation
26 on the aggregate principal amount of bonds authorized for issuance, shall be applicable to
27 installment purchase obligations.

28 The County may enter into agreements with agents, banks, fiduciaries, insurers, or
29 others for the purpose of enhancing the marketability of any security for the bonds and for
30 the purpose of securing any tender option that may be granted to holders of the bonds, all
31 as may be determined and presented in the aforesaid resolution, which may (but need not)
32 state as security for the performance by the County of any monetary obligations under such
33 agreements the same security given by the County to bondholders for the performance by
34 the County of its monetary obligations under the bonds.

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

1 Upon delivery of any bonds to the purchaser or purchasers, payment therefor shall
2 be made to the Comptroller of Carroll County or such other official of Carroll County as
3 may be designated to receive such payment in a resolution passed by the County before
4 such delivery.

5 SECTION 4. AND BE IT FURTHER ENACTED, That the net proceeds of the sale
6 of bonds shall be used and applied exclusively and solely for the acquisition, construction,
7 improvement, or development of public facilities, including water and sewer projects, to
8 make loans to volunteer fire departments for the financing of fire or emergency-related
9 equipment, buildings, or other facilities of volunteer fire departments in the County for
10 which the bonds are sold. If the amounts borrowed shall prove inadequate to finance the
11 projects described in the resolution, the County may issue additional bonds with the
12 limitations hereof for the purpose of evidencing the borrowing of additional funds for such
13 financing, provided the resolution authorizing the sale of additional bonds shall so recite,
14 but if the net proceeds of the sale of any issue of bonds exceed the amount needed to finance
15 the projects described in the resolution, the excess funds so borrowed and not expended
16 shall be applied to the payment of the next principal maturity of the bonds or to the
17 redemption of any part of the bonds which have been made redeemable or to the purchase
18 and cancellation of bonds, unless the County shall adopt a resolution allocating the excess
19 funds to the acquisition, construction, improvement, or development of other public
20 facilities, including water and sewer projects, or to the making of loans for fire or
21 emergency-related equipment, buildings, or other facilities of volunteer fire departments
22 in the County, as defined and within the limits set forth in this Act.

23 SECTION 5. AND BE IT FURTHER ENACTED, That the bonds hereby authorized
24 shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit
25 and unlimited taxing power of the County to the payment of the maturing principal of and
26 interest on the bonds as and when they become payable. In each and every fiscal year that
27 any of the bonds are outstanding, the County shall levy or cause to be levied ad valorem
28 taxes upon all the assessable property within the corporate limits of the County in rate and
29 amount sufficient to provide for or assure the payment, when due, of the principal of and
30 interest on all the bonds maturing in each such fiscal year and, in the event the proceeds
31 from the taxes so levied in any such fiscal year shall prove inadequate for such payment,
32 additional taxes shall be levied in the succeeding fiscal year to make up any such deficiency.
33 The County may apply to the payment of the principal of and interest on any bonds issued
34 hereunder any funds received by it as loan repayments from volunteer fire departments
35 and any funds received by it from the State of Maryland, the United States of America, any
36 agency or instrumentality thereof, or from any other source, if such funds are granted for
37 the purpose of assisting the County in financing the acquisition, construction,
38 improvement, or development of the public facilities defined in this Act, including the water
39 and sewer projects or the making of loans for the aforementioned fire or emergency-related
40 equipment, buildings, or other facilities for volunteer fire departments in the County and,
41 to the extent of any such funds received or receivable in any fiscal year, the taxes that are
42 required to be levied may be reduced accordingly.

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 the

manner herein above described for the purpose of refunding, by payment at maturity or upon purchase or redemption, any bonds issued hereunder. The validity of any such refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the obligations so refunded. The powers herein granted with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds. Such refunding bonds may be issued by the County for the purpose of providing it with funds to pay any of its outstanding bonds issued hereunder at maturity, for the purpose of providing it with funds to purchase in the open market any of its outstanding bonds issued hereunder, prior to the maturity thereof, or for the purpose of providing it with funds for the redemption prior to maturity of any outstanding bonds issued hereunder which are, by their terms, redeemable, for the purpose of providing it with funds to pay interest on any outstanding bonds issued hereunder prior to their payment at maturity of purchase or redemption in advance of maturity, or for the purpose of providing it with funds to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds issued hereunder. The proceeds of the sale of any such refunding bonds shall be segregated and set apart by the County as a separate trust fund to be used solely for the purpose of paying the purchase or redemption prices of the bonds to be refunded.

SECTION 7. AND BE IT FURTHER ENACTED, That the County may, prior to the preparation of definitive bonds, issue interim certificates or temporary bonds, exchangeable for definitive bonds when such bonds have been executed and are available for such delivery, provided, however, that any such interim certificates or temporary bonds shall be issued in all respects subject to the restrictions and requirements set forth in this Act. The County may, by appropriate resolution, provide for the replacement of any bonds issued hereunder which shall have become mutilated or lost or destroyed upon such conditions and after receiving such indemnity as the County may require.

SECTION 8. AND BE IT FURTHER ENACTED, That any and all obligations issued pursuant to the authority of this Act, their transfer, the interest payable thereon, and any income derived therefrom in the hands of the holders thereof from time to time (including any profit made in the sale thereof) shall be and are hereby declared to be at all times exempt from State, County, municipal, or other taxation of every kind and nature whatsoever within the State of Maryland. Nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes.

SECTION 9. AND BE IT FURTHER ENACTED, That the authority to borrow money and issue bonds conferred on the County by this Act shall be deemed to provide an additional and alternative authority for borrowing money and shall be regarded as supplemental and additional to powers conferred upon the County by other laws and shall not be regarded as in derogation of any power now existing; and all Acts of the General Assembly of Maryland heretofore passed authorizing the County to borrow money are hereby continued to the extent that the powers contained in such Acts have not been exercised, and nothing contained in this Act may be construed to impair, in any way, the validity of any bonds that may have been issued by the County under the authority of any said Acts, and the validity of the bonds is hereby ratified, confirmed, and approved. This Act, being necessary for the welfare of the inhabitants of Carroll County, shall be liberally

1 construed to effect the purposes hereof. All Acts and parts of Acts inconsistent with the
2 provisions of this Act are hereby repealed to the extent of such inconsistency.

3 SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 June 1, 2017.