

BILL NO. 10-18

A BILL ENTITLED

“PUBLIC FACILITIES
BOND AUTHORIZATION OF 2010”

A PUBLIC LOCAL LAW TO AUTHORIZE AND EMPOWER QUEEN ANNE’S COUNTY, MARYLAND, FROM TIME TO TIME, TO BORROW NOT MORE THAN TWENTY-FOUR MILLION DOLLARS (\$24,000,000) FOR THE PUBLIC PURPOSE OF FINANCING OR REFINANCING CERTAIN PUBLIC FACILITIES, ALL AS MORE PARTICULARLY DESCRIBED HEREIN, AND TO EVIDENCE SUCH BORROWING BY THE ISSUANCE AND SALE AT PUBLIC OR PRIVATE SALE, UPON ITS FULL FAITH AND CREDIT, OF ONE OR MORE SERIES OF ITS GENERAL OBLIGATION BONDS IN LIKE PAR AMOUNT; EMPOWERING AND DIRECTING THE COUNTY TO ADOPT A RESOLUTION IN ACCORDANCE WITH SECTION 15(4) OF ARTICLE 25B OF THE ANNOTATED CODE OF MARYLAND (2005 REPLACEMENT VOLUME AND 2010 SUPPLEMENT) (THE “CODE”) PRIOR TO ISSUING ALL OR ANY PART OF THE BONDS; EMPOWERING AND DIRECTING THE COUNTY TO LEVY AD VALOREM TAXES IN RATE AND AMOUNT SUFFICIENT TO PROVIDE FUNDS FOR THE PAYMENT OF THE MATURING PRINCIPAL OF AND INTEREST ON THE BONDS AND PLEDGING THE COUNTY’S FULL FAITH AND CREDIT AND UNLIMITED TAXING POWER TO THE PAYMENT THEREOF; EXEMPTING THE BONDS FROM THE PROVISIONS OF SECTIONS 9 TO 11, INCLUSIVE, OF ARTICLE 31 OF THE CODE; AUTHORIZING THE ISSUANCE OF REFUNDING BONDS; AND RELATING GENERALLY TO THE ISSUANCE AND SALE OF SUCH BONDS.

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY:

Section 1. Queen Anne's County, Maryland (the "County") is hereby authorized and empowered to borrow money and incur indebtedness for the public purposes described in Section 2 hereof, at one time or from time to time as the County may determine, in an aggregate principal amount not exceeding TWENTY-FOUR MILLION DOLLARS (\$24,000,000), and to evidence such borrowing by the issuance and sale, at public or private sale, upon its full faith and credit, of its general obligation bonds in like par amount.

Section 2. The net proceeds from the sale of the bonds authorized to be issued hereunder shall be used and applied for financing or refinancing, in whole or in part, one or more of the following projects (which shall include design, engineering, planning, fiscal, and legal expenses related thereto whether or not specifically stated, and which may represent the County's share or contribution to the financing or refinancing of such projects):

(i) renovation, construction, furnishing and equipping at various educational facilities including the replacement of carpet and tile and installation of acoustical tiles in several schools; the repair and upgrade of the Bayside Elementary HVAC system, the Centreville Middle School boiler and the Queen Anne's County High School bleachers; repaving and other parking improvements at Bayside Elementary and Centreville Elementary; construction of an addition to Kennard Elementary School; improvement to the County's Board of Education offices including window upgrades, repair and upgrade of the phone system, repair of the roof and parking lot paving and expansion; and construction of playfields at Church Hill Elementary and Kent Island Elementary Schools; and construction furnishing and equipping of Sudlersville Middle School;

(ii) contribution to the Kennard Alumni Association, Inc. to provide matching funds for their state grant for the continued renovation of the Kennard Elementary School historic property and to the Grasonville Community Center, Inc. for computer and infrastructure upgrades;

(iii) construction and other related improvements at 4-H Park, Ferry Point Trail, White Marsh Park, the first phase of a 20 mile hiker/biker trail system that will link existing trails; development of a 94 acre active/passive recreation park to meet the increased demand for youth athletic fields, and other expansion and improvements to the County park trails system, and park land acquisition and development;

(iv) construction of environmental projects including improvements to public drainage and bio-swale drainage, stabilization of Church Hill pond and methyl tertiary butyl ether (MTBE) remediation at the Department of Public Works;

(v) renovation, furnishing and equipping of the Railroad Avenue Building which serves as the Office of the Sheriff;

(vi) acquisition of land for a future consolidated County office building;

(vii) emergency electrical generators for a communications tower;

(viii) provide a county match for a federal grant to be used to renovate the threshold and sealcoat the airport runway at the Bay Bridge Airport; and

(ix) other capital projects as approved by the Board of County Commissioners.

If the proceeds received from the sale of the bonds exceed the amount actually expended or required for such public purposes, the amount of such unexpended excess shall be set apart in a separate fund and applied to the payment of the next principal maturity of the bonds of that issue or to the redemption of bonds of that issue or to the purchase and cancellation of bonds of

that issue or to otherwise provide for payment of debt service on that issue, unless a resolution is adopted by the Board of County Commissioners to provide for the expenditure of that excess for some other valid purpose authorized by law.

Section 3. Prior to issuing all or any part of the bonds authorized to be issued hereunder, the Board of County Commissioners of Queen Anne's County shall adopt a resolution containing all of the provisions required under Section 15(4) of Article 25B of the Annotated Code of Maryland (2005 Replacement Volume and 2010 Supplement) (the "Code"). The resolution may also contain such other provisions as the Board of County Commissioners may deem appropriate. The resolution may be adopted by the Board of County Commissioners at any time after the enactment of this public local law and the appropriate officers of the County may take any action deemed appropriate to effect the timely issuance and sale of the bonds pursuant to the resolution at any time after the enactment of this public local law, provided only that the resolution may not become finally effective until the effective date of this public local law. The bonds may be sold on any date or dates after the effective date of this public local law.

Section 4. For the purpose of satisfying the debt service requirements on the bonds, the County shall levy for each and every fiscal year during which any of the bonds may be outstanding ad valorem taxes upon all real and tangible personal property within its boundaries subject to assessment for unlimited County taxation in rate and amount sufficient to provide for the prompt payment of the principal of and the interest on the bonds maturing in each fiscal year; and, in the event the proceeds from the collection of the taxes so levied in any such fiscal year prove to be inadequate for such purpose, additional taxes shall be levied in the subsequent fiscal year to make up any deficiency.

The full faith and credit and unlimited taxing power of the County are hereby irrevocably pledged to the prompt payment of the maturing principal of and interest on the bonds as and when the same become due, and to the levy and collection of the taxes hereinabove described as and when such taxes become necessary in order to provide sufficient funds to meet the debt service requirements of the bonds. The County hereby covenants with each holder of any of the bonds to take any action that may be appropriate from time to time during the period that any of the bonds remain outstanding and unpaid to provide the funds necessary to make the principal and interest payments due thereon and further covenants and agrees to levy and collect the taxes hereinabove described.

Section 5. The bonds authorized to be issued hereunder are hereby specifically exempted from the provisions of Sections 9 to 11, inclusive, of Article 31 of the Code.

Section 6. The County is hereby authorized pursuant to Sections 14 through 21 inclusive of Article 25B and Section 24 of Article 31 of the Code (the "Refunding Act") to issue its bonds ("Refunding Bonds") for the purpose of refunding any bonds issued hereunder. References to the bonds in Sections 2 through 5, inclusive, above shall include the Refunding Bonds, unless the context requires otherwise. The Refunding Bonds may be issued at one time or from time to time, for one or more of the public purposes specified for the issuance of refunding bonds in the Refunding Act, and may be sold at public or private sale, as provided in the resolution of the Board of County Commissioners of Queen Anne's County adopted pursuant to Section 3 hereof. The aggregate principal amount of Refunding Bonds shall not exceed 120% of the principal amount of the bonds being refunded. The validity of any such Refunding Bonds shall in no way be dependent upon or affected by the validity or invalidity of the obligations so refunded.

Section 7. This public local law shall take effect 45 days after it is enacted.

COUNTY COMMISSIONERS OF
QUEEN ANNE'S COUNTY, MARYLAND

Steven J. Arentz, President

David L. Dunmyer, Commissioner

Bob Simmons, Commissioner

Philip L. Dumenil, Commissioner

Dave Olds, Commissioner

Enacted on _____, 2010

INTRODUCED BY: Commissioner Arentz

DATE: December 14, 2010

PUBLIC HEARING HELD:

VOTE: _ Yea _ Nay

DATE OF ADOPTION:

EFFECTIVE DATE: