

FINAL

AMENDED
June 20 and July 5, 2016

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2016, Legislative Day No. 19

Bill No. 46-16

Introduced by Mr. Fink, Chairman
(by request of the County Executive)

By the County Council, May 16, 2016

Introduced and first read on May 16, 2016
Public Hearing set for and held on June 20, 2016
Public Hearing on AMENDED BILL set for and held on July 5, 2016
Public Hearing on SECOND AMENDED BILL set for and held on July 18, 2016
Bill Expires August 19, 2016

By Order: Elizabeth E. Jones, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: the issuance, sale and delivery of Anne Arundel County,
2 Maryland, general obligation bonds and bond anticipation notes
3
4 FOR the purpose of authorizing the issuance by Anne Arundel County, Maryland, of bond
5 anticipation notes in an amount to be outstanding at any time not in excess of ~~Four Hundred~~
6 ~~Fifty Million Dollars (\$450,000,000)~~ Four Hundred Million Dollars (\$400,000,000) and
7 bonds in an amount not exceeding ~~One Billion Twenty Nine Million Seven Hundred Thirty-~~
8 ~~Nine Thousand Four Hundred Thirty Four Dollars (\$1,029,739,434)~~ One Billion Twenty-
9 Nine Million Eight Hundred One Thousand Eight Hundred Seventy-Nine Dollars
10 (\$1,029,801,879) in order to finance in whole or in part the construction of capital projects
11 set forth in the capital budget of the County for the fiscal year ending June 30, 2017, or in
12 such capital budgets for prior fiscal years, or usable portions thereof; authorizing the
13 issuance by the County of refunding bonds to refund some or all of the outstanding bond
14 issues of the County listed on Exhibit II attached hereto and incorporated herein in an
15 aggregate principal amount not to exceed 120% of the aggregate principal amount of the
16 outstanding bonds to be refunded subject to the requirement that debt service savings shall be
17 achieved in connection with any such refunding; authorizing the County to borrow money
18 and incur indebtedness otherwise authorized to be borrowed and incurred hereunder in the
19 form of bonds or bond anticipation notes by obtaining a loan or loans from the Maryland
20 Water Quality Financing Administration pursuant to and in accordance with Sections 9-1601
21 through 9-1622, inclusive, of the Environment Article of the Annotated Code of Maryland
22 (2014 Replacement Volume and 2015 Supplement) for the public purpose of financing a
23 portion of the costs of acquiring, constructing and equipping certain wastewater facilities and

EXPLANATION: Underlining indicates amendments to bill.
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 water supply systems; providing for the execution and delivery by the County of a loan
2 agreement and bond to evidence any such loan; reaffirming and clarifying the guides and
3 standards relating to the borrowing of money to finance such capital projects heretofore
4 adopted; listing the capital projects to be financed in whole or in part from the proceeds of
5 sale of the bonds hereby authorized, the usable portions, estimated costs and probable useful
6 lives thereof; showing compliance with the limitations on the power of the County to incur
7 indebtedness; providing for essential flexibility in the financing of such capital projects and
8 the issuance of such bonds by authorization of such bond anticipation notes to be repaid from
9 the proceeds of the sale of such bonds; prescribing the procedure for the issuance and sale of
10 such bond anticipation notes and bonds; empowering the County Executive, or the Chief
11 Administrative Officer if authorized by the County Executive, subject to such guides and
12 standards, to determine the time and method of sale of such bond anticipation notes and
13 refunding bonds, which sale may be a private (negotiated) sale or a public sale, and the time,
14 place, and procedure for the public sale of such bonds other than refunding bonds;
15 empowering the County Executive, or the Chief Administrative Officer if authorized by the
16 County Executive, subject to such guides and standards, to determine the forms of such
17 bonds and to determine the forms of such bond anticipation notes; empowering the County
18 Executive, or the Chief Administrative Officer if authorized by the County Executive, to
19 provide for or determine the private (negotiated) sale of any loan agreement or bond to the
20 Maryland Water Quality Financing Administration, the form or forms thereof and other
21 details with respect thereto and to the sales thereof; providing that such bond anticipation
22 notes may be issued as notes in the nature of commercial paper and, in such event,
23 authorizing the County Executive, or the Chief Administrative Officer if authorized by the
24 County Executive, to determine various matters and to take various actions in connection
25 with such issuance; providing that such bonds and bond anticipation notes may be issued as
26 variable rate demand or similar obligations and, in such event, authorizing the County
27 Executive, or the Chief Administrative Officer if authorized by the County Executive, to
28 determine various matters and to take various actions in connection with such issuance;
29 covenanting to appropriate sufficient revenues in each fiscal year following the issuance of
30 such bonds to pay the maturing principal thereof and the interest thereon and to meet such
31 appropriation either by revenues derived from self-liquidating projects or from the proceeds
32 of ad valorem taxes, or a combination of the foregoing; pledging the full faith and credit of
33 Anne Arundel County, Maryland, to the payment of the bonds and bond anticipation notes
34 issued hereunder and the interest thereon, when due; providing that the pledge of the taxing
35 power to secure such bonds and bond anticipation notes shall be subject to the limitation
36 imposed by Section 710(d) of the County Charter, except in the case where refunding bonds
37 are issued to refund bonds secured by the pledge of the full faith and credit and unlimited
38 taxing power of the County; covenanting that the proceeds of such bonds, or any moneys
39 which may be deemed to be proceeds, will not be used in a manner to cause such bonds to be
40 arbitrage bonds; canceling, rescinding, and repealing authority to issue certain bonds only to
41 the extent such authority has not been previously exercised under Bill No. 80-15, as
42 amended, and ratifying, confirming and validating the previous authorization, issuance, sale
43 and delivery of bonds and bond anticipation notes pursuant to applicable authority;
44 authorizing the execution and delivery of long-term Anne Arundel County, Maryland general
45 obligations in the form of installment purchase agreements in the maximum aggregate
46 principal amount of Eighty-Four Dollars (\$84.00) in accordance with Section 12-902 of the
47 Local Government Article of the Annotated Code of Maryland (2013 Replacement Volume
48 and 2015 Supplement), to effect the acquisition by the County of certain development rights
49 easements in accordance with the County's Agricultural Land and Woodland Preservation
50 Program; ratifying and authorizing the issuance of Shore Erosion Control Construction
51 Loans pursuant to and in accordance with Sections 8-1001 to 8-1008, inclusive, of the
52 Natural Resources Article of the Annotated Code of Maryland (2012 Replacement Volume

1 and 2015 Supplement) and generally providing for the consolidation and authorization of a
2 borrowing program for Anne Arundel County, Maryland, and matters generally related
3 thereto.
4

5 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,* That
6 in connection with the issuance of the bonds hereinafter authorized, (i) the STATEMENT OF
7 POLICY adopted by Bill No. 70-66 is hereby reaffirmed as it applies to the issuance of the bonds
8 authorized hereby, and as clarified herein, and restated below as so clarified, for the information
9 of the public and for the guidance of the County Executive or the Chief Administrative Officer,
10 as the case may be, in exercising the authority hereby conferred on him, and (ii) the following
11 FINDINGS OF FACT are hereby adopted for the purpose of demonstrating compliance with the
12 requirements and limitations of the County Charter on the borrowing of money and the issuance
13 of bonds by Anne Arundel County, Maryland, in evidence thereof:
14

15 STATEMENT OF POLICY 16

17 (1) It is essential that the County continue to provide, in timely fashion, the public facilities
18 necessary to serve its population, which has increased significantly in recent years, while at the
19 same time retaining and supporting substantial rural and agricultural elements of the County's
20 economy which enable the County to enjoy the benefits of a balanced and diverse economy. All
21 or a portion of the cost of such facilities will have to be financed through the borrowing of
22 money by the County on a reasonably long term basis in order that the burden of such cost may
23 be equitably apportioned among present and future taxpayers. However, it is equally essential
24 that the credit standing of Anne Arundel County, Maryland, be preserved and, if possible,
25 improved to the end that the cost of borrowing money by the County will not be unduly
26 burdensome. To aid in achieving these basic objectives, the County Executive or the Chief
27 Administrative Officer, as the case may be, shall, to the maximum extent possible, exercise the
28 authority hereby conferred upon him within the following guidelines as well as within the fixed
29 limitations prescribed herein and in the County Charter.
30

31 (2) Sale of bonds hereunder shall be spaced at least six (6) months apart when practicable;
32 provided, however, that bonds may be sold hereunder at such other intervals as the County
33 Executive, or the Chief Administrative Officer, as the case may be, may deem advisable due to
34 financial or market conditions prevailing at the time.
35

36 (3) To provide an adequate flow of funds for capital projects, to limit amounts borrowed to
37 the costs incurred for such projects, and to facilitate the selection of the most advantageous times
38 for the sale of bonds, bond anticipation notes may be sold for such projects from time to time,
39 repayable from the proceeds of the appropriate series of such bonds, when issued.
40

41 (4) The authority hereby conferred shall be so exercised that the estimated maximum annual
42 debt service obligation resulting therefrom plus current debt service payable by the County on
43 outstanding obligations does not exceed an amount equal to twenty percent (20%) of the
44 estimated net amount of all direct and indirect revenues of the County for the current fiscal year,
45 including utility revenues, calculated by subtracting from gross revenues all debt service
46 withheld or to be withheld by the State or any agency thereof during such fiscal year.
47

48 (5) All bonds issued and sold by the County hereunder shall be unconditional general
49 obligation bonds of the County within the limitations of indebtedness set forth below as
50 prescribed by the County Charter and the ordinances enacted pursuant thereto. Before any such
51 bonds are issued for revenue producing projects of water or wastewater utilities, the County
52 Executive, or the Chief Administrative Officer if authorized by the County Executive, shall

1 determine that the estimated revenues of such projects, or the actual and estimated revenues of
2 such projects and the utilities of which they are a part, are, or will be, sufficient to pay the cost of
3 operation and maintenance of such projects and the maturing principal of and interest on all
4 indebtedness incurred with respect thereto, including such bonds. The authorization herein of
5 general obligation bonds of the County for revenue producing projects shall not be construed to
6 preclude the County Council from authorizing in the future the issuance of bonds payable solely
7 from the revenues of similar projects or utilities.

8
9 (6) Pursuant to Resolution No. 45-15 adopted by the County Council on September 21, 2015,
10 as may be amended and supplemented, the County has heretofore adopted a debt management
11 policy (the "Debt Management Policy") that shall constitute the local debt policy of the County
12 required by Section 17-207 of the Local Government Article of the Annotated Code of Maryland
13 (2013 Replacement Volume and 2015 Supplement). The validity of any proceedings or action
14 taken pursuant to this Ordinance shall not be limited by or otherwise impaired by the Debt
15 Management Policy.

16 17 FINDINGS OF FACT

18 19 I

20
21 With respect to the maximum amount of bonds and bond anticipation notes of the County
22 hereinafter authorized, it is hereby found and determined that such amount is within applicable
23 debt limitations, as follows:

24
25 (1) With regard to the General County Debt Limitation (defined below):

26
27 (a) That the taxable assessed value of all real and personal property in Anne Arundel
28 County, Maryland, subject to unlimited county taxation (except by application of Section 710(d)
29 of the County Charter) as of April 30, 2016 is \$80,461,631,275 consisting of an assessable basis
30 of real property of \$78,195,257,115 and an assessable basis of personal property and operating
31 real property described in Section 8-109(c) of the Tax-Property Article of the Annotated Code of
32 Maryland (2012 Replacement Volume and 2015 Supplement) of \$1,324,786,410 and
33 \$941,587,750 respectively, and, in each case, is expected to be no less than such amount for the
34 fiscal year ending June 30, 2017.

35
36 (b) That, in accordance with Section 10-203 of the Local Government Article of the
37 Annotated Code of Maryland (2013 Replacement Volume and 2015 Supplement), and in
38 accordance with Section 4-10-101(a) of Article 4, Finance, Taxation, and Budget of the Anne
39 Arundel County Code the aggregate amount of the indebtedness of the County outstanding at one
40 time shall not exceed (I) 5.2% of the assessable basis of real property; (II) 13% of the County's
41 assessable basis of personal property; and (III) 13% of the operating real property described in
42 Section 8-109(c) of the Tax-Property Article of the Annotated Code of Maryland (2012
43 Replacement Volume and 2015 Supplement) (the "General County Debt Limitation"); *provided*,
44 however that (i) tax anticipation notes or other evidences of indebtedness having a maturity not
45 in excess of twelve months, (ii) bonds or other evidences of indebtedness issued or guaranteed by
46 the County payable primarily or exclusively from taxes levied or other revenues of special taxing
47 districts and (iii) bonds or other evidences of indebtedness issued for self-liquidating and other
48 projects payable primarily or exclusively from the proceeds of assessments or charges for special
49 benefits or services, including bonds or other evidences of indebtedness issued for water or
50 wastewater facilities, are not subject to, or required to be included as bonds or evidences of
51 indebtedness in computing or applying the General County Debt Limitation.
52

1 (c) That the maximum amount of outstanding debt permitted under the General County
2 Debt Limitation is \$4,360,782,011 as of April 30, 2016, and is expected to be no less than such
3 amount for the fiscal year ending June 30, 2017.
4

5 (d) That the total outstanding bonded debt of the County subject to the General County
6 Debt Limitation is \$1,158,710,000 as of April 30, 2016, and including, for purposes of this
7 presentation, the outstanding Special Obligation Refunding Bonds (Arundel Mills Project),
8 Series 2014, the outstanding Special Obligation Refunding Bonds (National Business Park
9 Project), Series 2014, the outstanding Tax Increment Refunding Bonds (Nursery Road Project),
10 Series 2014, the outstanding Special Obligation Bonds (National Business Park – North Project),
11 Series 2010, the Special Obligation Bonds (Village South at Waugh Chapel Project), Series
12 2010, and the outstanding Consolidated Golf Course Projects Series, 2015 Refunding Series.
13

14 (e) That the permissible borrowing capacity is \$3,202,072,011 as of April 30, 2016.
15

16 (f) That the bonds authorized by this Ordinance subject to the General County Debt
17 Limitation aggregate ~~\$774,024,689~~ \$776,596,134 (for the purposes of stating such amount, the
18 amount of refunding bonds authorized by this Ordinance has been reduced by the aggregate
19 principal amount of bonds authorized to be refunded, as required by Section 19-207 of the Local
20 Government Article of the Annotated Code of Maryland (2013 Replacement Volume and 2015
21 Supplement) and, in addition, the aggregate amount of bonds authorized to be refunded is
22 determined as of the date set forth on Exhibit II attached hereto.
23

24 (g) That in stating the total outstanding debt in (1)(d) above, debt in the amount of
25 \$32,920,293 for self-liquidating solid waste projects, \$46,687,363 for dedicated revenue
26 watershed protection and restoration projects and ~~\$15,974,211~~ \$16,474,211 for impact fee
27 revenue projects was included, and in stating the debt subject to the General County Debt
28 Limitation in 1(f) above, debt in the amount of ~~\$25,501,295 for self-liquidating solid waste~~
29 ~~projects, \$209,466,173~~ \$22,723,295 for self-liquidating solid waste projects, \$209,466,174 for
30 dedicated revenue watershed protection and restoration projects, as well as \$3,194,842
31 \$3,294,842 for impact fee revenue projects was included; such presentation of debt for self-
32 liquidating solid waste projects, dedicated revenue watershed protection and restoration projects,
33 and impact fee revenue projects is made herein to provide a conservative statement of
34 indebtedness that evidences compliance with the General County Debt Limitation.
35

36 (2) With regard to the Water and Wastewater Debt Limitation (as defined below):
37

38 (a) That the taxable assessed value of all real and personal property within the Sanitary
39 District of Anne Arundel County subject to unlimited County taxation (except by application of
40 Section 710(d) of the County Charter) as of April 30, 2016 is \$74,091,437,617 consisting of an
41 assessable basis of real property of \$72,005,278,247 and an assessable basis of personal property
42 and operating real property described in Section 8-109(c) of the Tax-Property Article of the
43 Annotated Code of Maryland (2012 Replacement Volume and 2015 Supplement) of
44 \$1,232,123,800 and \$854,035,570, respectively, and, in each case is expected to be no less than
45 such amount for the fiscal year ending June 30, 2017.
46

47 (b) That, bonds formerly issued under the Sanitary Commission Act, and bonds of the
48 County issued for water and wastewater facilities, which are payable primarily from assessment
49 of charges for special benefits and services are exempted from the limitations outlined in
50 subparagraph (1)(b) above. Section 4-10-103(d) of Article 4, Finance, Taxation, and Budget of
51 the Anne Arundel County Code, limits the amount of such bonds, after crediting applicable
52 Sinking Fund balances, which may be outstanding to not greater than (I) 5.6% of the County's

1 assessable basis of real property; (II) 14% of the County's assessable basis of personal property;
2 and (III) 14% of the operating real property described in Section 8-109(c) of the Tax-Property
3 Article of the Annotated Code of Maryland (2012 Replacement Volume and 2015 Supplement)
4 (the "Water and Wastewater Debt Limitation").

5
6 (c) That the maximum amount of outstanding debt permitted under the Water and
7 Wastewater Debt Limitation is \$4,324,357,894 as of April 30, 2016, and is expected to be no less
8 than such amount for the fiscal year ending June 30, 2017.

9
10 (d) That the total outstanding bonded debt of the County subject to the Water and
11 Wastewater Debt Limitation is \$545,521,124 as of April 30, 2016.

12
13 (e) That the permissible borrowing capacity is \$3,778,836,770 as of April 30, 2016.

14
15 (f) That the bonds authorized by this Ordinance subject to the Water and Wastewater
16 Debt Limitation aggregate ~~\$577,222,970~~ \$574,713,970 (for the purposes of stating such amount,
17 the amount of refunding bonds authorized by this Ordinance has been reduced by the aggregate
18 principal amount of bonds authorized to be refunded, as required by Section 19-207 of the Local
19 Government Article of the Annotated Code of Maryland (2013 Replacement Volume and 2015
20 Supplement)).

21
22 II
23

24 (1) The bond anticipation notes authorized by Section 6 hereof and bonds authorized by
25 Section 2 hereof are to be issued to finance in whole or in part certain of the capital projects or
26 classes of projects included in the capital budget for the fiscal year 2017, or in capital budgets for
27 prior fiscal years. With respect to such projects the amount of borrowed funds to be expended
28 thereon, together with the funds shown as available from other sources, are estimated to be
29 sufficient to complete usable portions thereof, but if any such funds from other sources, intended
30 to defray in part the cost of any such project, shall become unavailable, the County Executive
31 shall either (i) direct the abandonment of any such project if, in his judgment, the unavailability
32 of funds from other sources would render any such project unusable or (ii) recommend an
33 appropriate amendment of the Capital Budget, as provided in Sections 711 and 716 of the County
34 Charter. The balances remaining to the credit of a completed or abandoned capital project for
35 which bond anticipation notes or bonds have been issued shall be available for appropriation by
36 the County Council in a subsequent capital budget, as provided in the Charter.

37
38 (2) No series of bond anticipation notes authorized by Section 6 hereof or bonds authorized
39 by Section 2 hereof shall be issued hereunder with a final maturity date extending beyond the
40 expiration of the probable useful life, or the average probable useful lives, of the capital project
41 or projects for which such series of bond anticipation notes or bonds are issued, accounting from
42 the date of issue of such series of bond anticipation notes or bonds. The provisions of Section
43 2(5) hereof shall apply to the consolidation of series of bonds as permitted therein.

44
45 (3) No series of refunding bonds authorized by Section 3 hereof shall be issued hereunder
46 with a final maturity date extending beyond the earliest to occur of (i) the thirtieth (30th)
47 anniversary of the date of issuance of the bonds to be refunded from the proceeds of the
48 refunding bonds being issued (the "Refunded Bonds") and (ii) the latest maturity date that would
49 have been permitted for the Refunded Bonds. Prior to the delivery of any refunding bonds
50 hereunder, the County Executive, or the Chief Administrative Officer if authorized by the County
51 Executive, shall deliver a written certificate stating that the maturity schedule of any series of

1 refunding bonds issued hereunder complies with the requirements set forth in this paragraph and
2 setting forth the facts upon which such conclusion is based.
3

4 (4) The table attached to this Ordinance as ~~Exhibit I~~ Exhibit I-A and incorporated herein lists
5 the capital projects, appearing in the capital budget of the County for fiscal year 2017, or in the
6 capital budgets for prior fiscal years, which are to be financed in whole or in part with the
7 proceeds of bond anticipation notes authorized by Section 6 hereof, bonds authorized by Section
8 2 hereof, with the reallocation of balances remaining to the credit of completed or abandoned
9 capital projects for which bond anticipation notes or bonds were previously issued or for which
10 funds were previously provided from other sources or bond premium, consisting of net bond
11 proceeds from the sale of bonds sold at a price above par, the estimated cost of a usable portion
12 of each project or class of projects, including capitalized interest on borrowed funds as herein
13 authorized, the portion of such costs of each project or class of projects to be financed hereunder,
14 the source or sources of funds to finance the balance of the cost of each such project or class of
15 projects, and the probable useful life of each such project or the average of the probable useful
16 lives of each class of projects. Totals listed in ~~Exhibit I~~ Exhibit I-A may not foot due to
17 rounding. Further, the first group of projects included in ~~Exhibit I~~ Exhibit I-A are those which are
18 not revenue producing, and a second group of projects are those which it is estimated will
19 generate or have available net revenues sufficient to pay all or a portion of debt service on the
20 borrowing therefore. In lieu of issuing all or any part of the bonds or bond anticipation notes
21 authorized to be issued by Sections 2 and 6, respectively, of this Ordinance to finance all or part
22 of a capital project, the County Executive, or the Chief Administrative Officer if authorized by
23 the County Executive, may, at his discretion apply to such project balances remaining to the
24 credit of any completed or abandoned capital projects for which bond anticipation notes or bonds
25 were previously issued or for which funds were previously provided from other sources, but only
26 to the extent that bond anticipation notes or bonds are authorized to be issued therefor in this
27 Ordinance, such expenditure of such balances or bond premium being within the appropriation
28 established for such project in the applicable capital budget or budgets; provided, however, that
29 such balances or bond premium shall not be applied in a manner that would adversely affect the
30 exemption from federal income taxation of the interest on any bonds to which such balances are
31 attributable.
32

33 (5) Bond premium generated from the issuance of any County bonds shall be expended on
34 capital improvements in accordance with Section 720(b) of the County Charter and as otherwise
35 prescribed by law.
36

37 (6) Without limitation, participation by the County in any county transportation bonds issued
38 by the Maryland Department of Transportation shall not result in any reduction in the amount of
39 bonds or bond anticipation notes authorized and deemed to be unissued under this Ordinance.
40

41 (7) The County anticipates the need to encumber or expend funds on an interim basis for a
42 portion of the costs of certain projects included in ~~Exhibit I~~ Exhibit I-A (the "Fund Availability
43 Certification Projects") early in fiscal year 2017, prior to the adoption and effective date of this
44 Ordinance. The costs that may be so encumbered or expended for these projects (the "Project
45 Costs") are included as part of the amounts stated as Pay-As-You-Go and Other Sources in
46 ~~Exhibit I~~ Exhibit I-A for the applicable Fund Availability Certification Project. The County
47 declares its present intent to permanently fund the Project Costs from the proceeds of debt to be
48 authorized and issued by the County in an aggregate principal amount equal to the amount of the
49 Project Costs. The Fund Availability Certification Projects and the amount of the Project Costs
50 for each Fund Availability Certification Project are as follows: ~~{C519600 Information~~
51 ~~Technology Enhance (\$4,000,000), C562300 Carwash Fac Comp/Equip (\$110,000), P536700~~
52 ~~Detention Center Renovations (\$250,000), P478900 Park Renovation (\$1,945,000), P509100~~

1 Facility Irrigation (\$200,000), P457000 School Outdoor Rec Facilities (\$327,000), P000517 N.
2 Arundel Swim Ctr Improve (\$846,000), H478600 Road Resurfacing (\$10,000,000), E549800
3 High Point ES (\$239,000), E550000 Jessup ES (\$5,726,000), E550100 Arnold ES (\$4,507,000),
4 EX00417 Crofton Area HS (\$17,154,000), and E549900 George Cromwell ES (\$4,778,000).]
5 C519600 Information Technology Enhance (\$4,000,000), C562300 Carwash Fac Comp/Equip
6 (\$110,000), F536700 Detention Center Renovations (\$250,000), P479800 Park Renovation
7 (\$1,945,000) (\$2,095,000), P509100 Facility Irrigation (\$200,000) (\$290,000), P457000 School
8 Outdoor Rec Facilities (~~\$327,000~~) (\$387,000), P570000 N. Arundel Swim Ctr Improve
9 (\$846,000), H478600 Road Resurfacing (\$10,000,000). This declaration of present intent stated
10 herein is intended to be immediately effective as a declaration of official intent for the purposes
11 of Section 1.150-2 of the Treasury Regulations. This declaration shall not constitute an
12 authorization to issue debt or otherwise obligate the County to issue debt for such purposes.
13

14 SECTION 2. *And be it further enacted*, That for the purpose of paying the portion of the
15 cost of the capital projects described in Section 1 hereof and ~~Exhibit I~~ Exhibit I-A hereto, to be
16 paid from borrowed funds, or for the purpose of redeeming bond anticipation notes issued
17 hereunder, the issuance and sale by Anne Arundel County, Maryland, of not exceeding ~~One~~
18 ~~Billion Twenty-Nine Million Seven Hundred Thirty-Nine Thousand Four Hundred Thirty-Four~~
19 ~~Dollars (\$1,029,739,434)~~ One Billion Twenty-Nine Million Eight Hundred One Thousand Eight
20 Hundred Seventy-Nine Dollars (\$1,029,801,879) aggregate principal amount of general
21 obligation, serial maturity bonds of the County is hereby authorized. To the extent required for
22 such purposes, the bonds hereby authorized shall be sold prior to June 30, 2019, in accordance
23 with the guides and standards set forth in Section 1 hereof, except that any such bonds may be
24 sold subsequent to such date if required to redeem, prepay or pay at maturity bond anticipation
25 notes. Such bonds shall be issued as registered bonds without coupons in the denomination of
26 five thousand dollars (\$5,000) or any integral multiple thereof within the limits of specified serial
27 maturities.
28

29 (1) Except as otherwise provided in this Ordinance, the bonds authorized by this Section 2
30 shall be sold at a sale price at, above, or below par, plus accrued interest to the date of delivery
31 and only after first soliciting competitive bids at public sale in accordance with the provisions of
32 Section 5 hereof. Such bonds are hereby specifically exempted from the provisions of Sections
33 19-205 and 19-206 of the Local Government Article of the Annotated Code of Maryland (2013
34 Replacement Volume and 2015 Supplement).
35

36 (2) Subject to the provisions of subsection (5) of this Section, such bonds shall be issued in
37 series intended to identify the public purpose or purposes for which each series is issued. On
38 each bond, there shall appear the words “_____ Series, 20__” and in the blank space
39 preceding the word “Series,” there shall be inserted the par amount of the series plus the public
40 purpose of such series; e.g., “Board of Education,” “Library,” “Recreation and Parks,” “Water
41 and Sewer”, and “Watershed Protection and Restoration”. The County Executive, or the Chief
42 Administrative Officer if authorized by the County Executive, may incorporate such additional
43 designations in the name of the series as he deems necessary or convenient to distinguish two or
44 more series issued for the same purpose within the same calendar year.
45

46 (3) The bonds of each series shall be dated on or prior to the date of the delivery of such
47 series and shall be numbered as determined by the County Executive, or the Chief Administrative
48 Officer if authorized by the County Executive. The bonds of each series, or of successive series
49 for the same public purpose, shall mature and be payable under an annual installment plan which
50 may be implemented by the issuance of serial maturity bonds or term bonds having mandatory
51 sinking fund requirements, beginning not later than the second anniversary of such series, or of
52 the first series of a group, and concluding on or before (a) the 30th anniversary thereof or (b)

1 such anniversary next prior to or on the 30th anniversary of the first bond anticipation note of
2 such series, whichever shall be earlier, or (c) the anniversary of such series representing the end
3 of the probable useful life, or the average of the probable useful lives of the project or projects to
4 be financed with the proceeds of such series, if such life or average lives shall be less than the
5 maximum term authorized in (a) or (b) of this subsection.
6

7 (4) Prior to the issue of any series of bonds authorized by this Section 2, the County
8 Executive, or the Chief Administrative Officer if authorized by the County Executive, shall cause
9 to be prepared a statement showing the annual debt service requirements of the County and a
10 proposed schedule of annual maturities for the series or several series of bonds then to be issued
11 and sold and an estimate of the annual interest charges to be incurred with respect to such bonds,
12 based on then-prevailing interest costs. Such debt service schedule shall be so prepared with a
13 view of achieving reasonably equal annual debt service payments for the entire outstanding
14 bonded indebtedness of the County and, in order to achieve this result, the consecutive annual
15 debt service payments on account of any series of such bonds need not be equal.
16 Notwithstanding the foregoing, the debt service schedule for the entire outstanding bonded
17 indebtedness of the County may be structured to retire debt at a rate faster than would be utilized
18 to achieve reasonably equal annual debt service payments. As hereinafter provided, the County
19 Executive, or the Chief Administrative Officer if authorized by the County Executive, is vested
20 with the discretion to accept such schedule of maturities or to make such variations therein as to
21 him may seem in the best interests of the County.
22

23 (5) The County Executive, or the Chief Administrative Officer if authorized by the County
24 Executive, may provide that all or any portion of bonds sold pursuant to the authority of this
25 Section 2 at any one time to finance capital projects may be consolidated for sale and issued, sold
26 and delivered as a single issue or consolidated series of bonds to be designated "Consolidated
27 General Improvements Series, 20__," without identifying by separate series each public purpose
28 for which the bonds are issued as elsewhere provided in this Ordinance; provided that: (a) the
29 provisions of this Ordinance requiring the identification of each group or series of bonds by the
30 public purpose for which it is issued (e.g., "Board of Education," "Libraries," etc.) shall be fully
31 complied with for accounting purposes, (b) bonds issued to finance water and wastewater
32 projects shall be issued as a separate consolidated issue, (c) bonds issued to finance solid waste
33 projects, identified on ~~Exhibit I~~ Exhibit I-A as Self-Liquidating Bonds—Solid Waste and bonds
34 issued to evidence a loan from the Maryland Water Quality Financing Administration may be
35 issued as separate issues, and (d) prior to the delivery of the bonds, the County Executive, or the
36 Chief Administrative Officer if authorized by the County Executive, shall deliver a written
37 certificate stating (i) the public purpose of each series of bonds included in the consolidated
38 issue, (ii) the maturity schedule for each series of bonds so identified as a separate public
39 purpose, (iii) the consolidated maturity schedule and (iv) that the maximum maturity of the bonds
40 consolidated for issue as a single consolidated issue is not greater than the end of the probable
41 useful life or the average of the probable useful lives, as the case may be, of the project or
42 projects to be financed with the proceeds of such consolidated issue. A "Consolidated General
43 Improvements Series" shall be treated as a separate series of bonds for purposes of numbering
44 pursuant to this Ordinance. In the event that all or any portion of any bonds issued pursuant to
45 this Section at the same time are consolidated, the title or designation of the remaining series of
46 bonds issued at the same time may also be designated as a "consolidated" issue (e.g.
47 "Consolidated Water and Sewer Series, 20__", "Consolidated Solid Waste Projects Series,
48 20__"). Before any bonds are issued as part of a separate series to finance solid waste projects
49 identified on ~~Exhibit I~~ Exhibit I-A as Self-Liquidating Bonds—Solid Waste, a determination
50 must be made regarding such projects or the utility of which they are a part similar to the
51 determination required in Paragraph (5) of the Statement of Policy in Section 1 with regard to
52 bonds issued for revenue projects of water or wastewater utilities. The County Executive, or the

1 Chief Administrative Officer if authorized by the County Executive, is hereby authorized to
2 make such changes in the forms of bonds, notice of sale, proposal and other documents in
3 connection with any issue of bonds pursuant to this Section 2 as such County Executive or Chief
4 Administrative Officer, as the case may be, may deem necessary or desirable in order to effect
5 the consolidation and naming of bonds authorized hereby.
6

7 (6) All of (a) the bonds authorized by this Section 2, (b) bond anticipation notes authorized
8 by Section 6 hereof and (c) Refunding Bonds authorized by Section 3 hereof which are issued to
9 refund Refunded Bonds secured as unconditional general obligations of the County, shall all be
10 deemed and shall constitute unconditional general obligations of the County, to the payment of
11 which, both principal and interest, its full faith and credit are pledged. Subject to the following
12 provisions, the County hereby covenants that, in each fiscal year during which any such bonds
13 are outstanding, it will appropriate sufficient funds in each Current Expense Budget to pay the
14 principal of such bonds and the interest thereon due in such fiscal year. The County hereby
15 further covenants that, to the extent any such appropriation is not offset by funds from other
16 sources or by project revenues, it will, subject to the limitation on the tax levy set out in
17 Section 710(d) of the County Charter, fund any such appropriation by the levy of ad valorem
18 taxes on real estate, tangible personal property and intangible personal property subject to
19 taxation by the County, and in addition, on such other intangible property as may be subject to
20 taxation by the County within limitations prescribed by law.
21

22 In the case of any series of bonds issued to finance self-liquidating projects of the County or
23 of any Refunding Bonds issued to refund Refunded Bonds for water and wastewater projects or
24 solid waste projects, the proceeds of which were used to finance self-liquidating projects of the
25 County, the principal of and interest on any such bonds shall be payable primarily from the net
26 revenues and receipts from such projects, or the utilities of which they form a part. If any such
27 series of bonds shall be issued to finance such self-liquidating projects, then the County
28 covenants to fix such rates and charges for the use of any such project, or the utility of which it
29 forms a part, as will generate sufficient revenues to pay the annual cost of maintenance and
30 operation thereof and to pay the maturing principal of and interest on any such series of bonds
31 when due, and the County further covenants and agrees to apply such revenues against
32 appropriations for such maintenance, operation and debt service in each Current Expense Budget.
33 Interest on any bonds authorized by this Section 2 and bond anticipation notes authorized by
34 Section 6 hereof falling due during the fiscal year ending June 30, 2017, may be capitalized and
35 paid from the proceeds of sale, and in the annual Current Expense Budgets of the County for the
36 fiscal years ending June 30, 2018 and June 30, 2019, there shall be appropriated amounts
37 sufficient to pay the interest accruing on any such bonds or notes then outstanding, or to be
38 issued during such fiscal years, less the amount of interest capitalized, which, as to any such
39 series of notes and bonds, shall not exceed twelve (12) months interest on such notes and bonds,
40 respectively, or the amount of interest included in the cost of the capital projects to be financed
41 with such series, whichever is smaller.
42

43 Notwithstanding the foregoing, in accordance with Section 19-207 of the Local Government
44 Article of the Annotated Code of Maryland (2013 Replacement Volume and 2015 Supplement),
45 in the case of any Refunding Bonds issued to refund Refunded Bonds secured as unconditional
46 general obligations with a pledge of the full faith and credit and unlimited taxing power of the
47 County, the County covenants that, to the extent any such appropriation to pay principal of or
48 interest on such Refunding Bonds is not offset by funds from other sources or by project
49 revenues, it will fund any such appropriations by the levy of ad valorem taxes on real estate,
50 tangible personal property and intangible personal property subject to taxation by the County
51 without limitation as to rate or amount, and in addition upon such other intangible property as
52 may be subject to taxation by the County within limitations prescribed by law.

1
2 (7) The rate or rates of interest payable on any series of bonds sold pursuant to this Section 2
3 shall not exceed the maximum interest rate, if any, specified by the County Council by public
4 local law to be payable on obligations of Anne Arundel County, Maryland, and, except with
5 respect to the first interest payment, which may be either a long or short coupon, and except as
6 provided in Section 7 of this Ordinance in connection with the issuance and sale of Variable Rate
7 Demand Obligations, such interest rate shall be payable in semi-annual installments, accounting
8 from the date of issue of any such series of bonds. Interest on the bonds shall be payable by
9 checks mailed by the Paying Agent therein named to the registered holder or holders of such
10 bonds or, if such bonds shall be issued in the form of Variable Rate Demand Obligations, interest
11 thereon may be payable by wire transfer at the discretion of the County Executive, or the Chief
12 Administrative Officer if authorized by the County Executive. If the bonds are issued and sold in
13 book-entry form, alternative payment arrangements may be provided at the discretion of the
14 County Executive, or the Chief Administrative Officer if authorized by the County Executive.
15

16 (8) The principal of the bonds authorized by this Section 2 shall be payable at the principal
17 office of the Paying Agent therein named, unless the bonds are issued and sold in book-entry
18 form, in which event alternative payment arrangements may be provided at the discretion of the
19 County Executive, or the Chief Administrative Officer if authorized by the County Executive.
20

21 (9) With respect to each series of bonds sold pursuant to this Section 2, authority is hereby
22 conferred on the County Executive, or the Chief Administrative Officer if authorized by the
23 County Executive, to take the following actions and make the following commitments on behalf
24 of the County:
25

26 (a) to determine the date, time and place when proposals for the purchase of any such
27 series of bonds will be received, to publish and otherwise distribute, as prescribed in Section 5
28 hereof, a suitable notice of sale of such bonds and to award any series of bonds for which a
29 legally sufficient proposal has been received to the best bidder therefor, determined as provided
30 in such Section 5; provided, however, that the County Executive, or the Chief Administrative
31 Officer if authorized by the County Executive, may by written statement appoint a designee who
32 may conduct the sale on his behalf and accept bids and award bonds to the best bidder;
33

34 (b) to appoint a bank having trust powers, or a trust company, as Paying Agent for any
35 such series of bonds, notwithstanding the fact that such bank or trust company may have neither
36 its principal office nor any branch office within the County or the State of Maryland, and to
37 appoint a similarly qualified bank or trust company as Alternate Paying Agent, such authority to
38 include the power to agree with respect to the compensation of such Paying Agent and Alternate
39 Paying Agent for the services to be rendered by them and to appoint one or more of such banks
40 or trust companies as Bond Registrars and also to confer on the manager of the syndicate
41 purchasing any such series of bonds the right to designate an Alternate Paying Agent so to be
42 appointed;
43

44 (c) to fix the schedule of annual maturities of any series of bonds and the maximum rate
45 of interest payable thereon, both within the limitations prescribed above;
46

47 (d) to employ, as financial advisor with respect to the sale of any series of bonds hereby
48 authorized, a qualified firm of investment bankers having a municipal bond department, or some
49 other firm or corporation specializing in the municipal bond field; to arrange, together with such
50 financial advisor, for the preparation and distribution of an appropriate Offering Circular,
51 Official Statement or Official Circular with respect to the sale of any such series of bonds,
52 including (without limitation) the employment of a qualified financial printer to print such

1 Offering Circular, Official Statement or Official Circular; and to allocate in his discretion the
2 costs of employing such financial advisor and financial printer and the other costs of preparing
3 and distributing such Offering Circular, Official Statement or Official Circular among the
4 projects to be financed with the proceeds of any such series of bonds, as part of the costs thereof,
5 all such costs of employing such financial advisor and financial printer and all other costs of
6 preparing and distributing such Offering Circular, Official Statement or Official Circular to be
7 regarded as costs of specialized services of an unusual nature and not susceptible of being
8 obtained through competitive bidding;

9
10 (e) after considering any recommendations of such financial advisor, to reserve to the
11 County the option to redeem any such series of bonds in whole or in part, at such times and upon
12 payment of such premiums as such financial advisor may recommend;

13
14 (f) to retain qualified bond counsel (such qualifications to be subject to approval by the
15 County Attorney) to handle all legal proceedings with respect to the issue and sale of any such
16 series of bonds and to pass on the validity thereof and to employ, if bonds are not issued and sold
17 in book-entry form, or if otherwise deemed necessary by the County Executive, a qualified
18 banknote company to print or engrave such bonds in accordance with established standards, and
19 to allocate in his discretion the costs of retaining such counsel and employing such banknote
20 company among the projects to be financed with the proceeds of any such series of bonds, as part
21 of the costs thereof, all such costs of retaining such counsel and employing such banknote
22 company to be regarded as costs of specialized services of an unusual nature and not susceptible
23 of being obtained through competitive bidding; and

24
25 (g) to provide for the issuance of bonds in book-entry form, to provide for the manner of
26 payment of principal of and interest on bonds issued in book-entry form and to enter into
27 appropriate agreements regarding the custody of bonds issued in book-entry form.

28
29 SECTION 3. *And be it further enacted*, Acting pursuant to the authority of Section 10-203 of
30 the Local Government Article of the Annotated Code of Maryland (2013 Replacement Volume
31 and 2015 Supplement), The Anne Arundel County Charter and Section 19-207 of the Local
32 Government Article of the Annotated Code of Maryland (2013 Replacement Volume and 2015
33 Supplement) (the "Refunding Act"), the issuance and sale of bonds of the County (the
34 "Refunding Bonds") is hereby authorized for the purpose of refunding some or all of the
35 outstanding issues of bonds of the County listed on Exhibit II attached hereto, as follows:

36
37 (a) Refunding Bonds are hereby authorized to be issued to refund in whole or in part the
38 respective several series of Anne Arundel County Consolidated General Improvements Series,
39 Anne Arundel County Consolidated Water and Sewer Series and Anne Arundel County Water
40 and Sewer Series, and Anne Arundel County Consolidated Solid Waste Projects Series,
41 identified as to designation, date and aggregate outstanding principal amount on Exhibit II below
42 (to the extent refunded hereby, the "Refunded Series"). The amount of any Refunding Bonds
43 shall be reduced to take account of any principal payments made to such Refunded Series prior to
44 such refunding. With respect to each Refunded Series, Refunding Bonds may be issued pursuant
45 to this Ordinance in an aggregate principal amount sufficient to provide funds (a) to purchase
46 direct obligations of, or obligations the timely payment of the principal and interest on which is
47 unconditionally guaranteed by, the United States of America ("Government Obligations"), the
48 principal of and interest on which will be sufficient without reinvestment or to provide cash
49 sufficient, in either case, to pay in a timely manner all or any part of the principal of and
50 redemption premium, if any, and interest on the bonds of such Refunded Series and, if so
51 provided by the County Executive, or Chief Administrative Officer if authorized by the County
52 Executive, pursuant to Section 3(6) of this Ordinance, a portion of the interest on the Refunding

1 Bonds, and (b) to pay any and all other costs permitted to be paid from the proceeds of such
2 bonds under the Refunding Act, including (without limitation) the costs of issuance of such
3 bonds and applicable underwriting fees; provided, however, that the aggregate principal amount
4 of Refunding Bonds issued to refund one or more Refunded Series shall not exceed 120% of the
5 principal amount of bonds of the Refunded Series so refunded. Proceeds of Refunding Bonds,
6 including bond premium, consisting of net bond proceeds from the sale of bonds sold at a price
7 above par, shall be applied for the purposes set forth above and as prescribed in the Refunding
8 Act. Accordingly, bond premium, if any, derived from the sale of Refunding Bonds shall be
9 applied as described above and shall not be subject to any requirement for expenditure on capital
10 improvements.

11
12 (b) The Refunding Bonds shall be issued and sold in the same manner as Bonds authorized
13 by Section 2 hereof with the following exceptions and additions:

14
15 (1) Refunding Bonds shall be sold at private (negotiated) sale, and such procedure is
16 hereby determined to be in the public interest. Notwithstanding the foregoing, if the County
17 Executive, or the Chief Administrative Officer if authorized by the County Executive,
18 subsequently determines that it is in the best interests of the County to sell any or all of the
19 Refunding Bonds after first soliciting competitive bids at public sale, then the County Executive
20 or the Chief Administrative Officer, as the case may be, may sell such Refunding Bonds in such
21 manner in accordance with such procedures as he shall deem appropriate; provided, however,
22 that such procedures shall be substantially similar to the procedures set forth in Section 5 hereof.

23
24 (2) Refunding Bonds issued hereunder are hereby specifically exempted from the
25 provisions of Sections 19-205 and 19-206 of the Local Government Article of the Annotated
26 Code of Maryland (2013 Replacement Volume and 2015 Supplement).

27
28 (3) Refunding Bonds authorized to be issued for the purposes specified above may be
29 issued in series from time to time. Each such series shall identify the public purpose for which it
30 is issued, by the printing on each bond of the words "Consolidated General Improvements Series,
31 20__ Refunding Series", "Consolidated Water and Sewer Series, 20__ Refunding Series," or
32 "Consolidated Solid Waste Projects Series, 20__ Refunding Series," as the case may be. The
33 County Executive, or the Chief Administrative Officer if authorized by the County Executive,
34 may incorporate such additional designations in the name of the series as he deems necessary or
35 convenient to distinguish two or more series issued for the same purpose within the same
36 calendar year.

37
38 (4) The bonds of each series, or of successive series for the same public purpose, shall
39 mature and be payable under an annual Installment Plan which may be implemented by the
40 issuance of serial maturity bonds or term bonds having mandatory sinking fund requirements,
41 beginning not later than the second anniversary of such series, or of the first series of a group,
42 and concluding on or before (a) the thirtieth (30th) anniversary of the Refunded Bonds to be
43 refunded from the proceeds of such Series or (b) the final maturity date permitted for such series
44 under Paragraph 3 of Section II of the FINDINGS OF FACT set forth in Section 1 of this
45 Ordinance, whichever shall be earlier. In the event that bonds of more than one Series of
46 Refunded Bonds are refunded by a single series of Refunding Bonds, compliance with the
47 maturity limits contained herein shall be established with respect to each series of Refunded
48 Bonds in a certificate of the County Executive, or the Chief Administrative Officer if authorized
49 by the County Executive, delivered in connection with the issuance of such Refunding Bonds.

50
51 (5) The County Executive, or the Chief Administrative Officer if authorized by the
52 County Executive, shall determine the portions of each series of Refunded Bonds to be refunded

1 with the proceeds of each series of Refunding Bonds; provided, however, that such refunding
2 will effectuate and accomplish the public purpose of realizing savings to the County in the
3 aggregate cost of debt service on either a direct comparison or a present value basis with respect
4 to the portion of any series of Refunded Bonds being refunded.
5

6 (6) With respect to each series of Refunding Bonds sold pursuant to this Ordinance,
7 authority is hereby conferred on the County Executive, or the Chief Administrative Officer if
8 authorized by the County Executive, in addition to the authority conferred by Section 2 hereof, to
9 take the following actions and make the following commitments on behalf of the County:
10

11 (a) to sell any series of Refunding Bonds upon such terms he deems favorable under
12 the existing market conditions to a bank, investment banking firm or other financial institution
13 as, in his judgment, offers to purchase such series of bonds on terms he deems favorable to the
14 County under the existing market conditions;
15

16 (b) to execute and deliver, as a binding and enforceable obligation of the County, an
17 underwriting or purchase agreement for any series of Refunding Bonds;
18

19 (c) to determine whether the principal of Refunded Bonds shall be paid at maturity,
20 at the earliest redemption date pertaining thereto, or at some later redemption date; and
21

22 (d) to select a trust company or other banking institution as trustee, to hold the trust
23 fund into which the proceeds of the sale of any Refunding Bonds may be deposited under the
24 Refunding Act, to determine the terms of any such trust fund, including any provisions relating to
25 the payment of costs or the payment of a portion of the interest on such series of Refunding
26 Bonds therefrom, and to deliver, as a binding commitment of the County, a trust or escrow
27 agreement pursuant to which such trust fund is established.
28

29 SECTION 4. *And be it further enacted,* That the several series of bonds to be issued pursuant
30 to the authority of this Ordinance shall be executed on behalf of the County by the manual or
31 facsimile signature of the County Executive and the seal or a facsimile of the seal of the County
32 shall be impressed or imprinted thereon, attested by the manual or facsimile signature of the
33 County Executive, the secretary to the County Executive, the Administrative Officer to the
34 County Council or such other officer as may be specified by ordinance of the County Council.
35 Each such bond shall be authenticated by the manual or facsimile signature of the Chief
36 Administrative Officer or his authorized deputy and by the manual signature of an authorized
37 officer of the Bond Registrar. Notwithstanding the foregoing, in the event bonds are issued in
38 book-entry form the County Executive or the Chief Administrative Officer if authorized by the
39 County Executive, may provide that bonds issued in such form need not be authenticated by a
40 Bond Registrar. No bonds issued hereunder shall be valid for any purpose or constitute an
41 obligation of the County unless so authenticated.
42

43 Each series of bonds shall be in the form set forth in Exhibit III attached hereto and
44 incorporated herein, and bonds issued substantially in compliance with such forms, with such
45 insertions, alterations, additions or deletions as herein permitted, when properly executed and
46 authenticated as described above, shall be deemed to constitute unconditional general obligations
47 of the County, to the payment of which, in accordance with the terms thereof, its full faith and
48 credit are pledged, subject to the limitation on the taxing power set forth in Section 710(d) of the
49 County Charter, and all the covenants and conditions contained in such bonds shall be deemed to
50 be binding upon the County in accordance therewith.
51

1 In case any official of the County whose signature shall appear on any such bonds shall cease
2 to be such official prior to the delivery of such bonds, or in the case that any such official shall
3 take office subsequent to the date of issue of any such bonds, his signature, in either event, shall
4 nevertheless be valid for the purposes herein intended.
5

6 There shall be printed on the reverse side of each series of bonds issued hereunder, the text
7 of the applicable approving legal opinion with respect thereto, such text being duly certified by
8 the manual or facsimile signature of the County Executive, unless the bonds are issued in book-
9 entry form, in which event, the County Executive, or the Chief Administrative Officer if
10 authorized by the County Executive, may make alternate arrangements to make the approving
11 legal opinion available to the holder of such bonds.
12

13 Authority is hereby conferred on the County Executive, or the Chief Administrative Officer
14 if authorized by the County Executive, to complete the blanks in such forms with the required
15 information, to insert applicable paragraphs as indicated and to make such additions, deletions
16 and substitutions in such forms, not inconsistent herewith, as may be necessary or desirable in
17 the sale of any such series of bonds or to provide for the sale of any such series of bonds in book-
18 entry form including (without limitation) modifications in the form of bonds to provide for
19 Refunding Bonds issued to refund Refunded Bonds meeting the requirements of Section 19-207
20 of the Local Government Article of the Annotated Code of Maryland (2013 Replacement
21 Volume and 2015 Supplement) to be secured by a pledge of the full faith and credit and
22 unlimited taxing power of the County, or, with respect to bonds sold in book-entry form, to
23 provide for payment of the redemption price of such bonds without presentation thereof to the
24 County or to the Bond Registrar. Without limiting the generality of the foregoing, the County
25 Executive, or the Chief Administrative Officer if authorized by the County Executive, is hereby
26 specifically authorized to make such additions, deletions and substitutions in such forms, not
27 inconsistent herewith, as he may deem necessary or desirable in the event that any series of
28 bonds issued hereunder (i) is not made subject to redemption prior to their respective maturities
29 or (ii) is issued as Variable Rate Demand Obligations in accordance with the provisions of
30 Section 7 of this Ordinance.
31

32 SECTION 5. *And be it further enacted*, That any bonds hereafter sold pursuant to the
33 authority of Section 2 of this Ordinance shall first be offered at public sale to the best bidder
34 therefor and only after the solicitation of competitive bids on a sealed basis by publication of a
35 notice of sale substantially in the form set forth in Exhibit IV attached hereto and incorporated
36 herein, with such insertions, alterations, additions or deletions as are permitted by this
37 Ordinance.
38

39 The best bidder for such bonds shall be determined in accordance with a formula and subject
40 to such bid constraints as shall be determined by the County Executive, or the Chief
41 Administrative Officer if authorized by the County Executive, upon the recommendation of the
42 financial advisor selected pursuant to Section 2 hereof, to be appropriate for the solicitation or
43 determination of the best bid for the bonds. The notice shall be published at least once preceding
44 the date of sale in a newspaper published and of general circulation in the County. The first
45 publication of such notice shall be not less than 10 days prior to the date of sale. At the
46 discretion of the County Executive, or the Chief Administrative Officer if authorized by the
47 County Executive, such notice or a summary thereof may also be inserted one or more times in
48 financial journals published elsewhere in the United States. If more than one series or issue of
49 bonds are offered together, they shall be sold as a unit. Following any such sale, the County
50 Executive, or the Controller if authorized by the County Executive, shall report the results
51 thereof in writing at the next meeting of the County Council. All proposals for the purchase of
52 any such bonds shall be made substantially in the form set forth in Exhibit IV attached hereto and

1 incorporated herein, with such insertions, alterations, additions or deletions as are permitted by
2 this Ordinance.

3
4 The County may in such notice of sale reserve unto itself the right to reject any or all of the
5 bids made pursuant to such notice and if, pursuant to the power so reserved, all of such bids are
6 so rejected at the public sale of any of the bonds, then the County may, within 30 days, but not
7 thereafter, offer to sell or sell all or any part of such bonds by private sale for a price not less
8 than the best bid received by the County from an acceptable bidder at the public sale thereof, and
9 if such bonds are not sold either at such public sale or at private sale within such 30 day period,
10 then they may not be sold in any manner except upon a subsequent public sale duly advertised in
11 the manner herein specified.

12
13 The County may in such notice of sale reserve the right to adjust the principal amount of
14 each maturity of bonds of any series after publication of the notice of sale as provided herein,
15 provided that any such adjustment shall be made in accordance with the procedures set forth in
16 the notice of sale.

17
18 The forms of such notice of sale and of such proposals shall be substantially as set forth in
19 Exhibit IV, with the insertions therein indicated, and subject to such insertions, alterations,
20 additions or deletions as the County Executive, or the Chief Administrative Officer if authorized
21 by the County Executive, may deem advisable due to financial or market conditions prevailing at
22 the time or, in the event that bonds are issued as Variable Rate Demand Obligations in
23 accordance with Section 7 of this Ordinance or constitute Refunding Bonds meeting the
24 requirements of Section 19-207 of the Local Government Article of the Annotated Code of
25 Maryland (2013 Replacement Volume and 2015 Supplement), due to the particular
26 characteristics of such bonds or the security therefor. Without limiting the generality of the
27 foregoing, the County Executive, or the Chief Administrative Officer if authorized by the County
28 Executive, is hereby specifically authorized, upon recommendation of the financial advisor and
29 bond counsel, to make such insertions, alterations, additions or deletions as he may deem
30 necessary or desirable (A) in the event that the bonds of any series issued hereunder (i) are not
31 made subject to redemption prior to their respective maturities, (ii) are issued as Variable Rate
32 Demand Obligations in accordance with the provisions of Section 7 of this Ordinance or (iii)
33 constitute Refunding Bonds meeting the requirements of Section 19-207 of the Local
34 Government Article of the Annotated Code of Maryland (2013 Replacement Volume and 2015
35 Supplement), (B) to provide for receipt of bids submitted electronically, or (C) to reflect use of a
36 book-entry only system.

37
38 SECTION 6. *And be it further enacted,* That in order to avoid the issuance of a greater
39 amount of bonds for the capital projects listed in ~~Exhibit I~~ Exhibit I-A than is needed therefor,
40 and in order to permit the construction of such projects to proceed prior to the issuance of such
41 bonds and at the same time afford the County maximum flexibility in selecting the most
42 advantageous times for such issuance, the County may provide needed capital funds by the issue
43 and sale of its bond anticipation notes pursuant to the authority of Section 19-212 of the Local
44 Government Article of the Annotated Code of Maryland (2013 Replacement Volume and 2015
45 Supplement) (the "Bond Anticipation Note Act"). Such notes shall bear the same series
46 identification as the bonds authorized in Section 2 hereof.

47
48 (1) The maximum principal amount of such notes issued pursuant to this Section which may
49 be outstanding at any time shall be ~~Four Hundred Fifty Million Dollars (\$450,000,000)~~ Four
50 Hundred Million Dollars (\$400,000,000) unless and until otherwise provided by the County
51 Council by ordinance. The notes may be paid at or prior to maturity from the proceeds of the
52 issuance and sale of the bonds in anticipation of which such notes were issued or from the

1 proceeds of refunding bond anticipation notes. Except as otherwise provided herein, in the event
2 of such an advance refunding, the proceeds of such refunding bonds or notes shall be held in
3 escrow, to the extent and in the amount necessary to refund the outstanding series of notes, for
4 the benefit of the holders of the outstanding series of notes. Such refunding bond anticipation
5 notes, if issued, will constitute a reissuance of the bond anticipation notes authorized by this
6 Ordinance and shall not constitute additional indebtedness under such authorization.

7
8 (2) The notes shall be issued in registered form without coupons or in bearer form without
9 coupons, in the denomination of \$5,000 each or any integral multiple thereof, as may be
10 determined by the County Executive, or the Chief Administrative Officer if authorized by the
11 County Executive. Each such note shall be dated (i) as of the first or fifteenth day of the month
12 in which it is sold, and accrued interest shall be adjusted to such date or (ii) as of the date of the
13 initial sale and delivery of such note, all as may be determined by the County Executive, or the
14 Chief Administrative Officer if authorized by the County Executive. All of the notes authorized
15 hereby shall mature and be payable on such date as may be determined by the County Executive,
16 or the Chief Administrative Officer if authorized by the County Executive, within the limitations
17 of this Ordinance and the Bond Anticipation Note Act. The County Executive, or the Chief
18 Administrative Officer if authorized by the County Executive, may also provide for (a) the
19 extension of maturity of such notes, at the option of the County exercised by the County
20 Executive or the Chief Administrative Officer, for an additional period not in excess of six
21 months, upon such terms and conditions as the County Executive, or the Chief Administrative
22 Officer if authorized by the County Executive, shall prescribe and (b) the redemption of such
23 notes prior to their maturity, with or without premium or penalty.

24
25 (3) All or any part of such notes may be issued in series as funds are required. Authority is
26 hereby conferred on the County Executive, or the Chief Administrative Officer if authorized by
27 the County Executive, to determine whether such notes will be issued in such series and, if so,
28 when each such series of notes will be delivered to the purchaser thereof.

29
30 (4) The County Executive, or the Chief Administrative Officer if authorized by the County
31 Executive, shall provide for the establishment and maintenance of books for the registration and
32 transfer of registered notes, which books may be maintained by a Note Registrar appointed by the
33 County Executive, or the Chief Administrative Officer if authorized by the County Executive.

34
35 (5) Notes to be issued pursuant to the authority of this Ordinance shall be executed on behalf
36 of the County by the manual or facsimile signature of the County Executive and the seal of the
37 County or a facsimile thereof shall be impressed or imprinted thereon, attested by the manual or
38 facsimile signature of the County Executive, the secretary to the County Executive, the
39 Administrative Officer to the County Council or such other officer as may be specified by
40 ordinance of the County Council. Each note shall be authenticated by the manual or facsimile
41 signature of the Chief Administrative Officer or his authorized deputy. In the event that
42 registered notes are issued, the County Executive, or the Chief Administrative Officer if
43 authorized by the County Executive, may provide for authentication of such registered notes by a
44 Note Registrar in such form as he shall deem appropriate. In the event that Program Notes
45 (hereinafter defined) are issued, or in the event that the notes are issued as Variable Rate
46 Demand Obligations, the County Executive, or the Chief Administrative Officer if authorized by
47 the County Executive, may provide for authentication of such Program Notes or Variable Rate
48 Demand Obligations by such agents or entities and in such form as he shall deem appropriate.

49
50 (6) The notes shall bear interest at such rate or rates as shall be established by the County
51 Executive, or the Chief Administrative Officer if authorized by the County Executive, which rate
52 or rates may vary according to an established index. Interest on the notes shall be payable on

1 such dates and in such manner as shall be established by the County Executive, or the Chief
2 Administrative Officer if authorized by the County Executive.

3
4 (7) Unless otherwise provided by an ordinance of the County Council prior to the issuance of
5 any of such notes, authority is hereby conferred on the County Executive, or the Chief
6 Administrative Officer if authorized by the County Executive, to sell such notes on the most
7 favorable terms available from time to time, without solicitation of competitive bids, at private
8 (negotiated) sale, and such method of sale is hereby found and determined to be in the best
9 interests of the County. If the County Executive, or the Chief Administrative Officer if
10 authorized by the County Executive, shall determine that the best interests of the County will be
11 served by the sale of all or part of the notes at a public sale with the solicitation of competitive
12 bids, the County Executive or the Chief Administrative Officer, as the case may be, is hereby
13 authorized to sell such notes in such manner. Except as hereinafter provided with respect to
14 Commercial Paper Notes (hereinafter defined), (a) such notes shall be sold at a price equal to the
15 par value thereof plus accrued interest to the date of delivery, or (b) upon written
16 recommendation of the financial advisor selected pursuant to subsection (9) of Section 2 that a
17 discount bid would be expected to provide a more favorable interest rate to the County by
18 facilitating the underwriting of the County's notes in then-current market conditions, the County
19 Executive, or the Chief Administrative Officer if authorized by the County Executive, may
20 authorize such notes to be sold at a price not less than 99% of par plus accrued interest to date of
21 delivery. None of such notes shall bear interest at a rate in excess of the maximum interest rate,
22 if any, specified by the County Council by Public Local Law to be payable on obligations of
23 Anne Arundel County, Maryland.

24
25 In the event that such notes are sold at private (negotiated) sale, the County Executive, or the
26 Chief Administrative Officer if authorized by the County Executive, is hereby authorized to
27 negotiate with any bank, banker or other financial institution for a loan commitment and to
28 deliver to such bank, banker or other financial institution such notes at one time or from time to
29 time, as funds are required, pursuant to the terms of such commitment, and to execute and deliver
30 any and all documents necessary or deemed appropriate by the County Executive or the Chief
31 Administrative Officer, as the case may be, to consummate the sale of such notes at private
32 (negotiated sale) and to accomplish any and all actions necessary or deemed appropriate by the
33 County Executive or the Chief Administrative Officer, as the case may be, to issue and deliver
34 such notes to the purchaser thereof in accordance with the provisions of this Ordinance and any
35 such commitment.

36
37 In the event that such notes are sold at public sale, the County Executive, or the Chief
38 Administrative Officer if authorized by the County Executive, is hereby authorized (i) to
39 determine the timing, terms and conditions thereof, (ii) to publish an appropriate notice of sale,
40 such notice of sale to be in the general form of the form of the notice of sale included herein in
41 Section 5 for the sale of bonds authorized by Section 2 hereof, with such alterations, deletions,
42 substitutions and additions as the County Executive, or the Chief Administrative Officer if
43 authorized by the County Executive, shall deem necessary or appropriate to provide for proper
44 notice of the sale of notes, (iii) to determine the date, time and place when proposals will be
45 accepted for such notes, such proposals to specify the interest rate or rates to be paid on such
46 notes, the price to be paid for such notes and such other matters as the County Executive or the
47 Chief Administrative Officer, as the case may be, may deem necessary or desirable in order to
48 sell and deliver such notes and to award such notes at public sale to the successful bidder for
49 such notes, and (iv) to execute and deliver any and all documents necessary or deemed
50 appropriate by the County Executive or the Chief Administrative Officer, as the case may be, to
51 consummate the sale of such notes at public sale and to accomplish any and all actions necessary
52 or deemed appropriate by the County Executive or the Chief Administrative Officer, as the case

1 may be, to issue and deliver such notes to such underwriters or purchasers in accordance with the
2 provisions of this Ordinance and any contract of sale with the successful bidder for the notes.
3

4 Following each such sale, or the negotiation of each such commitment, including the
5 execution of any agreements in connection with the issuance of Program Notes or Variable Rate
6 Demand Obligations, the County Executive, or the Controller if authorized by the County
7 Executive, shall report the same at the next meeting of the County Council and shall accompany
8 such report with the data upon which he had relied to satisfy himself that he had obtained terms
9 favorable to the County in the then-prevailing market for comparable obligations.
10

11 (8) The authority conferred on the County Executive, or the Chief Administrative Officer if
12 authorized by the County Executive, in paragraph (9) of Section 2 of this Ordinance in
13 connection with the issuance of bonds hereunder, with respect to the appointment of paying
14 agents and a registrar, the employment of a financial advisor, a financial printer and a securities
15 printer, retaining bond counsel and the preparation and distribution of an appropriate Offering
16 Circular, Official Statement or Official Circular, may also be exercised with respect to the
17 issuance and sale of bond anticipation notes hereunder.
18

19 (9) With respect to any notes issued, the County hereby covenants and agrees with the holder
20 or holders thereof to issue, upon its full faith and credit, the bonds in anticipation of the sale of
21 which such notes are issued when, and as soon as, the reason for deferring the issuance thereof
22 no longer exists and to pay the principal of and interest on (to the extent such interest has not
23 been capitalized, or otherwise paid, by appropriations from current revenues as hereinbefore
24 authorized) such notes from the proceeds of such bonds. This covenant shall be binding upon the
25 County notwithstanding any limitation set forth in this Ordinance, including (without limitation)
26 any limitation with respect to the interest rate or rates that the bonds may bear. If the County
27 shall be unable, for reasons beyond its control, to issue and sell its bonds as described above, or
28 if the proceeds from the sale of such bonds shall be insufficient to pay the principal of and
29 interest on any notes issued, then the revenues from taxes and other sources intended for
30 application to debt service on such bonds shall be applied to the payment of the interest on and
31 principal of the notes. The foregoing provisions shall not be construed so as to prohibit the
32 County from paying the principal or redemption price of and interest on any note issued
33 hereunder from the proceeds of the sale of any other note issued hereunder, or from any other
34 funds legally available for that purpose.
35

36 If the County shall be unable, for reasons beyond its control, to issue and sell its bonds, or if
37 the proceeds from the sale of such bonds shall be insufficient to pay the principal of or interest
38 on any notes issued, then the County hereby covenants that, in each fiscal year during which any
39 such bond anticipation notes are outstanding, it will appropriate sufficient funds in each Current
40 Expense Budget to pay the principal of such bond anticipation notes and the interest thereon due
41 in such fiscal year. The County hereby further covenants that, to the extent any such
42 appropriation is not offset by funds from other sources or by project revenues, it will, subject to
43 the limitation on the tax levy set out in Section 710(d) of the County Charter, fund any such
44 appropriation by the levy of ad valorem taxes on real estate, tangible personal property and
45 intangible personal property subject to taxation by the County, and in addition, on such other
46 intangible property as may be subject to taxation by the County within limitations prescribed by
47 law. In such event, in the case of any series of bond anticipation notes issued to finance
48 self-liquidating projects of the County, the principal of and interest on any such notes shall be
49 payable primarily from the net revenues and receipts from such projects, or the utilities of which
50 they form a part. If any such series of bond anticipation notes shall be issued to finance such
51 self-liquidating projects and the County shall be unable for reasons beyond its control to issue
52 and sell the bonds in anticipation of the sale of which such notes are issued, or if the proceeds

1 from the sale of such bonds shall be insufficient to pay the principal of or interest on such notes,
2 then the County covenants to fix such rates and charges for the use of any such project, or the
3 utility of which it forms a part, as will generate sufficient revenues to pay the annual cost of
4 maintenance and operation thereof and to pay the maturing principal of and interest on any such
5 series of bond anticipation notes when due, and the County further covenants and agrees to apply
6 such revenues against appropriations for such maintenance, operation and debt service in each
7 Current Expense Budget. The County may apply to the payment of the principal of and interest
8 on the aforementioned notes any funds granted or otherwise obtained and legally available for
9 the payment of the principal of and interest on the notes; and to the extent that any such funds
10 received or receivable in any fiscal year are applied to such purposes, the taxes, rates and charges
11 required to be levied or assessed pursuant to this paragraph shall be reduced proportionately.
12

13 (10) In the event that any notes (the "Outstanding Notes") issued hereunder are outstanding
14 on the date that the bonds in anticipation of which such notes are issued are delivered in
15 exchange for the purchase price thereof (the "Delivery Date"), the Controller shall deposit with
16 the paying agent for the notes, or a trustee or escrow agent, on the Delivery Date (i) cash in an
17 amount equal to the principal of the Outstanding Notes or (ii) direct obligations of, or obligations
18 the payment of which is unconditionally guaranteed by, the United States of America, the
19 principal of and interest on which will be sufficient without reinvestment to pay in a timely
20 manner the principal of the Outstanding Notes when due. Such paying agent or trustee or escrow
21 agent is hereby irrevocably directed to apply such cash or the proceeds of such obligations to the
22 payment of the principal of the Outstanding Notes when due. The County may provide such cash
23 or obligations from the proceeds of the sale of such bonds or from any other funds legally
24 available for such purpose. On the Delivery Date, the Controller shall also deposit with the
25 paying agent for the Outstanding Notes, or a trustee or escrow agent (i) cash in an amount equal
26 to the interest on the Outstanding Notes when due or (ii) direct obligations of, or obligations the
27 payment of which is unconditionally guaranteed by, the United States of America, the principal
28 of and interest on which will be sufficient without reinvestment to pay in a timely manner
29 interest on the Outstanding Notes when due. The County may provide such cash or obligations
30 from the proceeds of the sale of bonds available for that purpose or from any other funds legally
31 available for such purpose. Notwithstanding the foregoing, if the Delivery Date and the date on
32 which the Outstanding Notes mature are in different fiscal years, and moneys for the payment of
33 the interest on the Outstanding Notes have not been finally appropriated in the fiscal year in
34 which the bonds are delivered, and if the Delivery Date is after the date on which the budget for
35 the succeeding fiscal year has been submitted to the County Council and provision for the
36 payment of the interest on such Outstanding Notes has been made in such budget, in lieu of the
37 deposit of such cash or obligations for the payment of interest on the Outstanding Notes, the
38 County Executive, the Controller and the Chief Administrative Officer may deliver a certificate
39 on the Delivery Date of the bonds stating that funds sufficient to pay the interest on the
40 Outstanding Notes have been included in the budget for the next succeeding fiscal year (it being
41 provided by the Bond Anticipation Note Act that the notes shall be payable from the first
42 proceeds of the sale of the bonds, or from the tax or other revenue which the County shall have
43 previously determined to apply to the payment of the bonds and the interest thereon). Upon the
44 deposit with the paying agent for the Outstanding Notes, or a trustee or escrow agent, of cash or
45 obligations sufficient to provide for the payment of the principal of and interest on such notes
46 when due, as described above, such notes shall be deemed to be paid and no longer outstanding
47 hereunder.
48

49 (11) Pursuant to the Bond Anticipation Note Act, the County is hereby authorized to issue
50 the aforementioned bond anticipation notes as notes in the nature of commercial paper and to
51 establish a commercial paper program. Accordingly, the County is hereby authorized to issue
52 two or more separate and distinct series of its bond anticipation notes, which may include (1) a

1 series of its bond anticipation notes in the nature of commercial paper (the "Commercial Paper
2 Notes") and (2) a series of its bond anticipation notes in connection with a liquidity facility, such
3 as a revolving loan agreement, or a series of its bond anticipation notes in connection with a
4 credit facility, such as a letter of credit and related agreements (collectively, the "Revolving Loan
5 Notes") (the Commercial Paper Notes and the Revolving Loan Notes being collectively referred
6 to herein as the "Program Notes"). The words "bond anticipation notes," as used in this
7 Ordinance, include Program Notes, and it is intended that the provisions of this Ordinance
8 applying to bond anticipation notes shall include Program Notes unless the context clearly
9 requires a contrary meaning.

10
11 For the purposes of this Ordinance, the term "principal amount," when used with respect to
12 the Program Notes, shall mean (i) in the case of Commercial Paper Notes, the face amount of any
13 such Commercial Paper Note, less any original issue discount on such Commercial Paper Note,
14 and (ii) in the case of Revolving Loan Notes, the principal amount actually advanced under the
15 applicable liquidity facility or credit facility that is evidenced by any such Revolving Loan Note.
16 Accordingly, it is contemplated by this Ordinance that the aggregate face amount of the Program
17 Notes that may be outstanding from time to time hereunder, together with other bond anticipation
18 notes issued hereunder and outstanding from time to time, may exceed the aggregate principal
19 amount of bond anticipation notes authorized to be outstanding hereunder at any one time.
20

21 It is recognized that the procedures necessary or desirable to implement a commercial paper
22 program within the framework of existing commercial practices in the commercial paper market
23 may require the County to prescribe procedures to facilitate the prompt determination and
24 approval of certain matters in connection with the authorization, issuance, execution, sale,
25 delivery and payment of and for Commercial Paper Notes. Accordingly, the County Executive,
26 by or pursuant to executive order or other appropriate action or proceedings, is hereby authorized
27 (1) to establish such procedures, including (without limitation) procedures for (a) the
28 determination of the dates and maturities of any Program Notes, or the method by which the
29 same shall be determined, (b) the determination of the interest rate to be borne by any Program
30 Notes, which may be separately stated by rate or amount or which may be in an amount equal to
31 the discount thereon, or the method by which the same shall be determined, and (c) the
32 determination of the price or prices at which Commercial Paper Notes may be sold, which may
33 be at, above or below the face value thereof, or the method by which the same shall be
34 determined; and (2) to determine any and all other matters relating to the terms, specifications
35 and form of such Program Notes, including (without limitation) any modification required in the
36 forms of bond anticipation note set forth herein to accommodate the needs of the commercial
37 paper program. Any such procedures may include provisions for telephonic approval and
38 subsequent telegraphic or written confirmation of one or more of such matters by the Chief
39 Administrative Officer, the Controller or such other officers or employees of the County as the
40 County Executive shall designate within guidelines or parameters prescribed by the County
41 Executive. The establishment of such procedures and all such determinations and actions shall
42 be deemed to be of an administrative nature.
43

44 In connection with the establishment of a commercial paper program, the County Executive
45 is hereby authorized, by or pursuant to executive order or other appropriate action or proceedings
46 (i) to approve the form of any indenture necessary or appropriate in connection with the issuance
47 of any Program Notes (the "Indenture") and to appoint a trustee (the "Trustee") thereunder, (ii)
48 to approve the form of any dealer agreement relating to any Commercial Paper Notes (the
49 "Dealer Agreement") and to select a dealer to act thereunder, (iii) to approve the form of a
50 liquidity facility, such as a revolving loan agreement, or a credit facility, such as a letter of credit
51 and related agreements (each a "Credit Facility") and to select one or more financial institutions
52 to provide loans or otherwise to act thereunder, and (iv) to approve the form of any issuing and

1 paying agency agreement (the “Issuing and Paying Agency Agreement”) and to appoint an
2 issuing and paying agent of the County for the purpose of completing, authenticating and
3 delivering the Program Notes from time to time.
4

5 The County Executive is hereby authorized, pursuant to executive order or other appropriate
6 action or proceedings, to execute and deliver on behalf of the County the Issuing and Paying
7 Agency Agreement, one or more Credit Facilities, the Dealer Agreement, and all and any other
8 documents that he may deem necessary or appropriate to implement the commercial paper
9 program contemplated by this Ordinance and, in each case, to cause the seal of the County to be
10 impressed thereon, attested by the County Executive, the secretary to the County Executive, the
11 Administrative Officer to the County Council or such other officer as may be specified by
12 ordinance of the County Council.
13

14 (12) All of such notes shall be in such form as the County Executive, or the Chief
15 Administrative Officer if authorized by the County Executive, shall deem appropriate shall be
16 binding on the County when and as any such notes are issued and sold hereunder.
17

18 SECTION 7. *And be it further enacted*, That it is hereby found and determined as follows: (i)
19 general economic conditions are extremely unsettled and require sensitive and careful debt
20 management in order to reduce to the extent practicable the cost of borrowing to the County and
21 it is in the best interests of the County to be able to implement a flexible approach to borrowing
22 (that is, one which provides the ability to utilize variable rate demand obligations, commercial
23 paper and short-term municipal obligations [“Variable Rate Demand Obligations”]); (ii) there is
24 an expanding market for Variable Rate Demand Obligations, which have varying and flexible
25 maturities or redemption features, tender or purchase dates and bear interest at variable rates
26 established by a remarketing agent on the basis of current market conditions, or combinations of
27 such maturities or redemption, tender or purchase dates and rates and to access this market the
28 County must establish procedures consistent with market practices for Variable Rate Demand
29 Obligations; and (iii) existing practices in the market for Variable Rate Demand Obligations and
30 existing requirements of nationally recognized rating agencies require that there be available to
31 the issuer of Variable Rate Demand Obligations a supporting credit arrangement, such as a letter
32 of credit, line of credit or revolving loan agreement, pursuant to which an alternate source of
33 borrowing will be available during any period in which such obligations cannot be remarketed.
34

35 The County Executive, or the Chief Administrative Officer if authorized by the County
36 Executive, may determine that bond anticipation notes authorized by Section 6 hereof or bonds
37 authorized by Section 2 hereof shall be issued as short-term or demand obligations or commercial
38 paper, defined above as Variable Rate Demand Obligations, including obligations that are
39 required to be purchased or redeemed prior to stated maturity dates, and bear interest at variable
40 rates established from time to time by a remarketing agent on the basis of current market
41 conditions. The County Executive, or the Chief Administrative Officer if authorized by the
42 County Executive, is hereby authorized to establish procedures for the determination of the
43 interest rates, the interest payment dates and any mandatory redemption, tender or purchase dates
44 of bonds or notes described in this Section 7 in order to implement the financing authorized
45 hereby. If any bonds or notes issued in accordance with this Section 7 provide for the mandatory
46 redemption, tender or purchase thereof prior to stated maturity dates, the form of bond or note (as
47 the case may be) may provide, to the extent permitted by law and deemed advisable by the
48 County Executive, or the Chief Administrative Officer if authorized by the County Executive,
49 that the full faith and credit and, subject to the limitations set forth in Section 710(d) of the
50 County Charter, taxing power of the County are pledged to the payment of the purchase or
51 redemption price on the due dates for such payments.
52

1 In connection with the issuance of such obligations, the County Executive is hereby
2 authorized, by executive order or other appropriate action or proceeding (i) to approve the form
3 of any indenture necessary or appropriate in connection with the issuance of such obligations
4 (the "Demand Indenture") and to appoint a trustee thereunder, (ii) to approve the form of a
5 remarketing agreement relating to such obligations (the "Demand Remarketing Agreement") and
6 to select a remarketing agent to act thereunder, (iii) to approve the form of a credit or liquidity
7 facility, such as a letter of credit, line of credit, revolving loan agreement or other similar
8 agreement (a "Demand Credit Facility") and to enter into a reimbursement agreement or other
9 similar agreement (a "Demand Credit Facility Agreement") with one or more financial
10 institutions in connection therewith and (iv) to approve the form of a registrar and paying agency
11 agreement (the "Demand Registrar and Paying Agency Agreement") and to appoint a registrar
12 and paying agent for the purpose of completing, authenticating and delivering such obligations
13 from time to time.

14
15 The County Executive is hereby authorized pursuant to executive order or other appropriate
16 action or proceeding, to execute and deliver on behalf of the County a Demand Indenture, a
17 Demand Remarketing Agreement, one or more Demand Credit Facility Agreements and a
18 Demand Registrar and Paying Agency Agreement and any and all other documents that he may
19 deem necessary or appropriate in connection with the issuance of obligations authorized by this
20 Section 7, and, in each case, to cause the seal of the County to be impressed thereon, attested by
21 the County Executive, the secretary to the County Executive, the Administrative Officer to the
22 County Council and such other officers as may be specified by ordinance of the County Council.

23
24 SECTION 8. *And be it further enacted*, That the provisions hereinafter set forth in Sections
25 8(1), (2), (3), (4) and (5) shall be applicable with respect to bonds (including Refunding Bonds)
26 or bond anticipation notes issued and sold hereunder on the basis that the interest on such bonds
27 or notes will be excludable from gross income for federal income tax purposes and the provisions
28 hereinafter set forth in Section 8(7) shall be applicable with respect to any bonds or bond
29 anticipation notes issued and sold hereunder on the basis that such bonds or notes are allowed a
30 tax credit, that the County is entitled to a subsidy from the United States of America or any
31 agency or instrumentality thereof with respect to such bonds or notes or the interest payable
32 thereon, or that any such bond or note or the interest thereon is entitled to any other available
33 benefits under the Internal Revenue Code of 1986, as amended (any such bonds or notes being
34 referred to herein as "Tax Advantaged Obligations").

35
36 (1) The County Executive shall be the officer of the County responsible for the issuance of
37 any bonds or bond anticipation notes hereunder within the meaning of the Arbitrage Regulations
38 (defined herein). The County Executive shall also be the officer of the County responsible for
39 the execution and delivery (on the date of issuance of the bonds or bond anticipation notes) of a
40 certificate of the County (the "Section 148 Certificate") which complies with the requirements of
41 Section 148 of the Internal Revenue Code of 1986, as amended ("Section 148"), and the
42 applicable regulations thereunder (the "Arbitrage Regulations"), and such official is hereby
43 directed to execute the Section 148 Certificate and to deliver the same to bond counsel on the
44 date of the issuance of the bonds or bond anticipation notes.

45
46 (2) The County shall set forth in the Section 148 Certificate its reasonable expectations as to
47 relevant facts, estimates and circumstances relating to the use of the proceeds of the bonds or
48 bond anticipation notes, or of any moneys, securities or other obligations to the credit of any
49 account of the County which may be deemed to be proceeds of the bonds or bond anticipation
50 notes pursuant to Section 148 or the Arbitrage Regulations (collectively, "Bond Proceeds"). The
51 County covenants that the facts, estimates and circumstances set forth in the Section 148
52 Certificate will be based on the County's reasonable expectations on the date of issuance of the

1 bonds or bond anticipation notes and will be, to the best of the certifying officials' knowledge,
2 true and correct as of that date.

3
4 (3) The County covenants and agrees with each of the holders of any of the bonds or bond
5 anticipation notes that it will not make, or (to the extent that it exercises control or direction)
6 permit to be made, any use of the Bond Proceeds which would cause the bonds or bond
7 anticipation notes to be "arbitrage bonds" within the meaning of Section 148 and the Arbitrage
8 Regulations. The County further covenants that it will comply with Section 148 and the
9 regulations thereunder which are applicable to the bonds or bond anticipation notes on the date
10 of issuance of the bonds or bond anticipation notes and which may subsequently lawfully be
11 made applicable to the bonds or bond anticipation notes.

12
13 (4) The County further covenants that it shall make such use of the proceeds of the bonds or
14 bond anticipation notes, regulate the investment of the proceeds thereof, and take such other and
15 further actions as may be required to maintain the excludability from gross income for federal
16 income tax purposes of interest on the bonds or bond anticipation notes. All officers, employees
17 and agents of the County are hereby authorized and directed to take such actions, and to provide
18 such certifications of facts and estimates regarding the amount and use of the proceeds of the
19 bonds or bond anticipation notes, as may be necessary or appropriate from time to time to
20 comply with, or to evidence the County's compliance with, the covenants set forth in this
21 Section.

22
23 (5) The County Executive, on behalf of the County, may make such covenants or agreements
24 in connection with the issuance of bonds or bond anticipation notes issued hereunder as he or she
25 shall deem advisable in order to assure the registered owners of such bonds or notes that interest
26 thereon shall be and remain excludable from gross income for federal income tax purposes, and
27 such covenants or agreements shall be binding on the County so long as the observance by the
28 County of any such covenants or agreements is necessary in connection with the maintenance of
29 the exclusion of the interest on such bonds or notes from gross income for federal income tax
30 purposes. The foregoing covenants and agreements may include such covenants or agreements
31 on behalf of the County regarding compliance with the provisions of the Internal Revenue Code
32 of 1986, as amended, as the County Executive shall deem advisable in order to assure the
33 registered owners of such bonds or notes that the interest thereon shall be and remain excludable
34 from gross income for federal income tax purposes, including (without limitation) covenants or
35 agreements relating to the investment of the proceeds of such bonds or notes, the payment of
36 rebate (or payments in lieu of rebate) to the United States, limitations on the times within which,
37 and the purpose for which, such proceeds may be expended, or the use of specified procedures
38 for accounting for and segregating such proceeds.

39
40 (6) Notwithstanding anything in this Ordinance to the contrary, bonds or bond anticipation
41 notes issued and sold hereunder may be issued and sold on the basis that the interest on such
42 bonds or notes will not be excludable from gross income for federal income tax purposes.

43
44 (7) With respect to Tax Advantaged Obligations, the County Executive is hereby authorized
45 to make such covenants or agreements in connection with the issuance thereof as he shall deem
46 advisable in order to assure (i) the holders of any such Tax Advantaged Obligations that such
47 Tax Advantaged Obligations will be entitled to federal tax benefits of such Tax Advantaged
48 Obligations, and (ii) that the County is entitled to any subsidy available for any such Tax
49 Advantaged Obligations. Such covenants or agreements shall be binding on the County so long
50 as the observance by the County of any such covenants or agreements is necessary in connection
51 with the entitlement of such Tax Advantaged Obligations to applicable federal tax benefits. The
52 foregoing covenants and agreements may include (without limitation) covenants or agreements

1 on behalf of the County relating to the investment of proceeds of such Tax Advantaged
2 Obligations, the rebate of certain earnings resulting from such investment to the United States of
3 America (or the payment of penalties in lieu of such rebate), limitations on the times within
4 which, and the purposes for which, such proceeds may be expended or the utilization of specified
5 procedures for accounting for and segregating such proceeds. Any covenant or agreement made
6 by the County Executive pursuant to this paragraph may be authorized by an order or certificate
7 of the County Executive and such covenant or agreement shall be binding on the County.
8

9 In furtherance of the foregoing, in order to qualify for the benefits inuring with respect to any
10 tax advantaged obligation, the County Executive shall be authorized to make any elections or
11 designations permitted or required under the Internal Revenue Code of 1986, as amended, to
12 apply for an allocation from the State of Maryland or the federal government in the case of bonds
13 or notes subject to any volume limitation and to apply for any tax credit, to take such actions as
14 shall be necessary to permit any tax credit to be stripped and sold separately from the ownership
15 interest in any Tax Advantaged Obligations and to claim any cash subsidy with respect to any tax
16 advantaged obligation. It is confirmed that the County Executive is authorized to declare official
17 intent to reimburse expenditures from proceeds of Tax Advantaged Obligations.
18

19 For purposes of establishing compliance with Section 148 regarding the expenditure of
20 proceeds Tax Advantaged Obligations, the source of general fund monies for capital
21 expenditures may be specifically attributed to funds deposited to the general fund as a
22 reimbursement from the proceeds of County debt issuances in accordance with a certificate
23 executed by the County Executive.
24

25 Notwithstanding anything in this Ordinance to the contrary, Tax Advantaged Obligations
26 may be issued pursuant to Section 19-208 of the Local Government Article of the Annotated
27 Code of Maryland (2013 Replacement Volume and 2015 Supplement) or any other laws of the
28 State of Maryland authorizing the issuance thereof and may be sold for a price at, above or below
29 par, plus accrued interest to the date of delivery. Authority is hereby conferred on the county
30 executive to sell any such Tax Advantaged Obligations through a public sale or through a private
31 (negotiated) sale, without solicitation of competitive bids, as the County Executive, upon
32 consultation with the Controller and the County's financial advisor, shall determine to be in the
33 best interests of the county. Any sale of Tax Advantaged Obligations hereunder by private
34 negotiation is hereby determined to be in the county's best interest. Tax Advantaged Obligations
35 issued hereunder are hereby specifically exempted from the provisions of Sections 19-205 and
36 19-206 of the Local Government Article of the Annotated Code of Maryland (2013 Replacement
37 Volume and 2015 Supplement).
38

39 It is recognized that the market for Tax Advantaged Obligations is evolving and that the
40 issuance and sale from time to time of Tax Advantaged Obligations with one stated maturity may
41 be the most practicable method for successfully accomplishing the sale of Tax Advantaged
42 Obligations by the County. Accordingly, the County is hereby authorized to issue Tax
43 Advantaged Obligations with a single stated maturity and to provide for an annual installment
44 plan (the "Installment Plan") with respect to the payment of Tax Advantaged Obligations, such
45 Installment Plan to be approved by an order of the County Executive. The Installment Plan shall
46 provide for annual payments to a sinking fund account (the "Escrow Account") to be pledged or
47 otherwise applied to the payment of the Tax Advantaged Obligations and to be held by a trust
48 company or other banking institution, as trustee or escrow agent, such annual payments to
49 commence not later than two years from the date of issuance of the Tax Advantaged Obligations.
50 Amounts so deposited to the Escrow Account shall be invested and reinvested in direct
51 obligations of, or obligations the principal of, and the interest on which, are guaranteed by, the
52 United States of America, or in certificates of deposit or time deposits secured by direct

1 obligations or obligations the principal of, and the interest on which, are guaranteed by, the
2 United States of America. Each annual payment deposited to the Escrow Account under the
3 Installment Plan shall be invested and reinvested in a manner determined by the County so as to
4 provide for the payment of a portion of the stated principal amount of such Tax Advantaged
5 Obligations and related interest, if any. The issuance and sale of Tax Advantaged Obligations as
6 a single bond with one stated maturity and the establishment of an Installment Plan as herein
7 described are hereby authorized notwithstanding the requirement in Section 2 of this Ordinance
8 that bonds be issued as serial maturity bonds or term bonds having mandatory sinking fund
9 requirements, beginning not later than the second anniversary of such series, or of the first series
10 of a group.

11
12 (8) Notwithstanding anything in this Ordinance to the contrary, it is confirmed that bond
13 premium, consisting of net bond proceeds from the sale of bonds sold at a price above par, may
14 be allocated for expenditure purposes permitted under provisions of federal income tax law
15 pertaining to excludability of interest on the bonds from gross income or the tax status of Tax
16 Advantaged Obligations, as applicable.

17
18 SECTION 9. *And be it further enacted*, That, the County Council hereby affirmatively
19 approves the exercise of eminent domain in the acquisition of any land parcels acquired for the
20 projects hereinbefore described in this Ordinance.

21
22 SECTION 10. *And be it further enacted*, That, notwithstanding any other provisions of this
23 Ordinance, in order (i) to comply with the bond registration requirements of, and to conform
24 with, developing practices in the municipal bond market, including practices of bond registrars
25 and paying agents, (ii) to facilitate generally the issuance and sale of general obligation bonds
26 and bond anticipation notes by the County, including compliance with disclosure and similar
27 requirements and (iii) insofar as possible, to simplify issuance procedures, the County Executive,
28 or the Chief Administrative Officer if authorized by the County Executive, as the case may be, is
29 hereby authorized (a) to apply the provisions of this Ordinance, (b) to make determinations and
30 decisions required by this Ordinance, (c) to make such insertions, modifications and corrections
31 to the forms of bonds, the forms of notes, form of notice of sale and form of proposal for bonds
32 authorized hereby, including modifications to the method of publication in connection with the
33 redemption of any bonds, (d) to enter into agreements on behalf of the County and (e) to take all
34 and any other actions under this Ordinance in the manner and to the extent that the County
35 Executive or the Chief Administrative Officer, as the case may be, may deem necessary or
36 appropriate to accomplish the stated purposes, taking into account the recommendations of bond
37 counsel and financial advisor to the County, including the making of agreements to facilitate the
38 foregoing.

39
40 SECTION 11. *And be it further enacted*, That, the Budget Officer and the Controller are
41 hereby designated as the authorized deputies of the Chief Administrative Officer for the purpose
42 of authenticating any bonds or bond anticipation notes issued hereunder. In addition, the County
43 Executive may deliver a written certificate at or prior to the time of the issuance of any bonds or
44 bond anticipation notes issued hereunder designating such other person or persons as he shall
45 deem appropriate as an authorized deputy or deputies of the Chief Administrative Officer for the
46 purpose of authenticating any bonds or bond anticipation note issued hereunder.

47
48 SECTION 12. *And be it further enacted*, That the County is hereby authorized to borrow
49 money and incur indebtedness otherwise authorized to be borrowed and incurred hereunder in
50 the form of bonds or bond anticipation notes by obtaining a loan (a "Water Quality Loan") from
51 the Maryland Water Quality Financing Administration (the "Administration") pursuant to and in
52 accordance with Sections 9-1601 to 9-1622, inclusive, of the Environment Article of the

1 Annotated Code of Maryland (2014 Replacement Volume and 2015 Supplement) (the "Act").
2 Such Water Quality Loans may be obtained by the County hereunder from time to time. Any
3 such Loan shall be evidenced by a loan agreement (a "Water Quality Loan Agreement") between
4 the County and the Administration and a bond issued by the County (a "Water Quality Bond").
5

6 It is acknowledged that the proceeds of any Water Quality Loan will be used for the public
7 purposes of financing a portion of the costs of acquiring, constructing and equipping certain
8 wastewater facilities or water supply systems, each as defined in the Act (collectively, the
9 "Water Quality Facilities"), including the development of property, the acquisition and
10 installation of equipment and furnishings and any architectural, financial, legal, planning and
11 engineering expenses. It is intended that the proceeds of any Water Quality Loan undertaken by
12 the County pursuant to this Section 12 may be expended on the applicable Water Quality Facility
13 and any related costs, including costs of the Administration and the funding of reserves, to the
14 extent permitted by the Act and to the extent provided in the applicable Water Quality Loan
15 Agreement or Water Quality Bond. It is acknowledged that Water Quality Facilities as defined
16 above may include projects that the County classifies as wastewater projects, water projects or
17 under some other classification.
18

19 Unless otherwise provided in this Section 12, limitations, procedures or requirements set
20 forth in this Ordinance for the issuance, sale and delivery of bonds or bond anticipation notes, as
21 applicable, to the extent practicable, shall apply to obtaining any Water Quality Loan and to the
22 execution and delivery of any Water Quality Loan Agreement or Water Quality Bond.
23

24 The County Executive, or the Chief Administrative Officer, if authorized by the County
25 Executive, is hereby authorized to approve the form of any Water Quality Loan Agreement or
26 Water Quality Bond, the terms thereof, including the interest rate, maturity schedule, redemption
27 provisions and covenants to be set forth therein, and the manner of executing and authenticating
28 the same. The form of Water Quality Bond need not conform to the forms otherwise provided in
29 this Ordinance.
30

31 Notwithstanding any other provision to the contrary in this Ordinance:
32

33 (a) Any Water Quality Loan (including any Water Quality Loan Agreement and Water
34 Quality Bond) need not be in denominations of \$5,000 or any integral multiple thereof, nor in a
35 serial maturity format, provided, however, borrowings and evidences thereof shall be on an
36 installment basis with annual principal payments beginning not more than two years from the
37 date of issue;
38

39 (b) Any Water Quality Loan (including any Water Quality Loan Agreement and Water
40 Quality Bond) may be sold at less than par and without regard to any limitation set forth in
41 Section 2(1) hereof or Section 6(7) hereof, as applicable;
42

43 (c) Any Water Quality Loan (including any Water Quality Loan Agreement and Water
44 Quality Bond) may provide for interest payments on other than a semiannual basis;
45

46 (d) Paying agents and registrars may be provided for in the discretion of the County
47 Executive, or the Chief Administrative Officer, if authorized by the County Executive;
48

49 (e) The County is hereby authorized to sell any Water Quality Loan (including any Water
50 Quality Loan Agreement and Water Quality Bond) at private (negotiated) sale to the
51 Administration, public advertisement and sale of the same not being required by the terms of the
52 Act and the best interests of the County being hereby declared to be served by such private sale;

1
2 (f) Provisions for the redemption of any Water Quality Loan (including any Water Quality
3 Loan Agreement and Water Quality Bond) may be provided for in the discretion of the County
4 Executive, or the Chief Administrative Officer, if authorized by the County Executive; and
5

6 (g) Any signature required in connection with the issuance and sale of any Water Quality
7 Loan (including any Water Quality Loan Agreement and Water Quality Bond) may be manual
8 and any affixing of the County Seal may be accomplished by impressing the same on the
9 applicable document.
10

11 The County Executive, or the Chief Administrative Officer, if authorized by the County
12 Executive, is hereby authorized to take any and all actions in the manner and to the extent that
13 the County Executive or the Chief Administrative Officer, as the case may be, may deem
14 necessary or appropriate to accomplish the purposes of this Section.
15

16 Any Water Quality Loan (including any Water Quality Loan Agreement and Water Quality
17 Bond) shall be secured as provided in Section 2(6) of this Ordinance.
18

19 With respect to any Water Quality Loan authorized by this Section or by similar authority
20 contained in a prior ordinance of the County, the County Executive, or the Chief Administrative
21 Officer if authorized by the County Executive, may, in accordance with Paragraph 4 of Section II
22 of the Findings of Fact, apply to any project authorized to be financed with a Water Quality Loan
23 the balance remaining to any completed or abandoned project previously financed with the
24 proceeds of a Water Quality Loan. In exercising such authority, the County Executive, or the
25 Chief Administrative Officer if authorized by the County Executive, may enter into such
26 amendments of Water Quality Loan Agreements and related documents as he deems necessary or
27 appropriate in the exercise of the authority granted hereby. In lieu of applying the balance of any
28 completed or abandoned project financed with a Water Quality Loan to new or additional
29 projects, the County Executive, or the Chief Administrative Officer if authorized by the County
30 Executive, may determine to prepay or otherwise effect a reduction in the stated principal
31 amount or permitted maximum principal amount any such Water Quality Loan as permitted in
32 the Water Quality Loan Agreement and the Water Quality Bond or as otherwise permitted and, in
33 connection therewith, may take such action and make such amendments to the Water Quality
34 Loan Agreement and Water Quality Bond as he deems necessary or appropriate to permit the
35 reamortization of the principal amount outstanding and to effect such prepayment or reduction in
36 stated principal amount.
37

38 Following the execution and delivery of any written commitment specifying the material
39 terms of any Water Quality Loan, or if no such written commitment is entered into, following the
40 execution and delivery of any Water Quality Loan (including any Water Quality Loan
41 Agreement and Water Quality Bond), the County Executive, or the Comptroller, if authorized by
42 the County Executive, shall report the terms thereof in writing at the next meeting of the County
43 Council.
44

45 SECTION 13. *And be it further enacted*, that the County is hereby authorized to borrow
46 money and incur indebtedness in a maximum aggregate principal amount of Eighty-Four Dollars
47 (\$84.00), otherwise authorized to be borrowed or incurred hereunder in accordance with Section
48 12-902 of the Local Government Article of the Annotated Code of Maryland (2013 Replacement
49 Volume and 2015 Supplement). Section 12-902 of the Local Government Article of the
50 Annotated Code of Maryland (2013 Replacement Volume and 2015 Supplement) authorizes the
51 County to enter into an agreement to purchase development rights (an "Installment Purchase
52 Agreement") which is a general obligation of the County to which its full faith and credit and

1 taxing power is pledged. Such pledge is hereby made subject to the limitation imposed by
2 Section 710(d) of the County Charter.

3
4 Each Installment Purchase Agreement shall be executed and delivered by the County to
5 effect, together with direct cash payments, where applicable, the purchase by the County of
6 development rights easements (the "Development Rights Easements") for the protection and
7 preservation of agricultural land and woodlands in accordance with Sections 17-10-201 through
8 17-10-212, inclusive, of the Subdivision and Development Article, of the Anne Arundel County
9 Code (2005, as amended), as the same may be amended from time to time (the "Agricultural
10 Land and Woodland Preservation Act").

11
12 Properties for which the County intends to purchase Development Rights Easements shall be
13 designated from time to time by resolution (an "Easement Schedule Resolution"). The Easement
14 Schedule Resolution with respect to each Development Rights Easement to be purchased shall
15 designate (i) the maximum purchase price for such Development Rights Easements, (ii) the
16 maximum principal amount payable under the Installment Purchase Agreement pertaining to
17 such Development Rights Easement and (iii) the provisions, terms, conditions and duration of
18 such Installment Purchase Agreement.

19
20 The County hereby determines that the issuance and sale of indebtedness in connection with
21 the purchase by the County of Development Rights Easements is in the public interest.

22
23 The issuance of indebtedness authorized hereby pertains to the project designated in the
24 County's capital budget as Agricultural Preservation Program, Capital Project No. C443400.

25
26 Unless otherwise provided in this Section 13, limitations, procedures or requirements set
27 forth in this Ordinance for the issuance, sale and delivery of indebtedness shall apply to the
28 issuance of any indebtedness under this Section 13 and to the execution and delivery of any
29 Installment Purchase Agreement.

30
31 The County Executive is hereby authorized to determine the form of Installment Purchase
32 Agreements and the execution and delivery thereof shall be conclusive evidence of the approval
33 of the form of such Installment Purchase Agreements on behalf of the County. Installment
34 Purchase Agreements shall be executed by the County Executive, and the seal of the County
35 shall be affixed or imprinted thereon, attested by the Secretary to the County Executive. Each
36 Installment Purchase Agreement, when properly executed and delivered in the manner prescribed
37 for the execution and delivery of bonds in this Ordinance shall be deemed to constitute
38 unconditional general obligations of the County, to the payment of which, in accordance with the
39 terms thereof, its full faith and credit are pledged, and all the covenants and conditions contained
40 in such Installment Purchase Agreements shall be deemed to be binding upon the County in
41 accordance therewith. In accordance with Section 2-207(d) of the Agricultural Land and
42 Woodland Preservation Act, it is hereby otherwise provided that payments of amounts payable
43 under an Installment Purchase Agreement shall be payable in accordance with Section 2(6)
44 hereof and shall not be required to be fully available or encumbered in the fiscal year that the
45 Development Rights Easement relating to such Installment Purchase Agreement is purchased.

46
47 Subject to and in accordance with the provisions of this Ordinance, the County Executive
48 shall determine by order, for each and every Installment Purchase Agreement, all matters relating
49 thereto, including (without limitation) the purposes for which such Installment Purchase
50 Agreement is issued, the prepayment provisions, if any, thereof, the manner of authentication of
51 such Installment Purchase Agreement, if any, the date from which interest on such Installment
52 Purchase Agreement shall accrue, the rate or rates of interest borne by such Installment Purchase

1 Agreement or the method of determining the same, the interest payment and maturity dates
2 thereof, the denomination of the Installment Purchase Agreement, and the provisions for the
3 registration of Installment Purchase Agreements.

4
5 In making the determinations described above, the County Executive shall consider the
6 recommendation of the Planning and Zoning Officer, or such officer as shall be designated by
7 ordinance from time to time, with the advice of the Controller, concerning the appropriate terms
8 of an Installment Purchase Agreement and the Officer's determination, with the advice of the
9 Controller, that the face value of the Installment Purchase Agreement is less than or
10 commensurate with the value of the Development Rights Easement based on an appraisal and
11 taking into account the amount of any cash payment made by the County. Notwithstanding the
12 foregoing, upon the execution and delivery of an Installment Purchase Agreement in the manner
13 prescribed herein, such Installment Purchase Agreement shall constitute a binding general
14 obligation of the County in accordance with its terms without regard to any determination,
15 dispute or contrary assertion, report or finding regarding the value of the Development Rights
16 Easement or Installment Purchase Agreement or the appropriateness of the terms set forth in any
17 Installment Purchase Agreement.

18
19 Notwithstanding any other provision to the contrary in this Ordinance:

20
21 (a) any indebtedness issued under this Section 13 may be sold in denominations as shall be
22 prescribed by the County Executive by executive order as described above;

23
24 (b) any indebtedness issued under this Section 13 may be sold at less than par and without
25 regard to any limitation set forth in Section 2(1) hereof;

26
27 (c) any indebtedness issued under this Section 13 may provide for interest payments other
28 than on a semiannual basis;

29
30 (d) the final maturity date of any Installment Purchase Agreement shall not be later than
31 thirty (30) years from the date of the execution and delivery of such Installment Purchase
32 Agreement;

33
34 (e) the maximum principal amount of each Installment Purchase Agreement executed and
35 delivered by the County in connection with the County's purchase of a Development Rights
36 Easement shall be the amount set forth in the Easement Schedule Resolution; provided, however,
37 that the County Executive may by executive order as described above reduce such principal
38 amount;

39
40 (f) Paying Agents and Registrars may be provided for in the discretion of the County
41 Executive, or the Chief Administrative Officer, if authorized by the County Executive;

42
43 (g) the County is hereby authorized to sell any indebtedness issued under this Section 13 at
44 private (negotiated) sale; and

45
46 (h) the Installment Purchase Agreements may be issued as a separate series of indebtedness.

47
48 The County Executive, or the Chief Administrative Officer, if authorized by the County
49 Executive, is hereby authorized to take any and all actions in the manner and to the extent that
50 the County Executive or the Chief Administrative Officer, as the case may be, may deem
51 necessary or appropriate to accomplish the purposes of this Section 13.

1 Any indebtedness issued under this Section 13 shall be secured as provided in Section 2(6)
2 of this Ordinance.

3
4 Following the execution and delivery of any Installment Purchase Agreement, the County
5 Executive, or the Controller, if authorized by the County Executive, shall report the terms thereof
6 in writing at the next meeting of the County Council.

7
8 SECTION 14. *And be it further enacted*, That the County is hereby authorized to borrow
9 money and incur indebtedness for shore erosion control projects hereinafter specified by
10 obtaining a loan (a "Shore Erosion Control Construction Loan") from the Shore Erosion Control
11 Construction Loan Fund pursuant to and in accordance with Sections 8-1001 through 8-1008,
12 inclusive, of the Natural Resources Article of the Annotated Code of Maryland (2007
13 Replacement Volume and 2015 Supplement) (the "Soil Erosion Control Act"). Each Shore
14 Erosion Control Construction Loan shall be evidenced by a loan agreement (a "Shore Erosion
15 Control Construction Loan Agreement") between the County and the Department of Natural
16 Resources ("DNR") in a form determined by order of the County Executive as hereinafter
17 provided.

18
19 Shore Erosion Control Construction Loans may be repaid from benefit charges levied on
20 benefited property and may be further secured by a pledge of the full faith and credit of the
21 County, as determined by order of the County Executive as hereinafter provided. It is
22 acknowledged and declared that the levy of any ad valorem taxes by the County to provide for
23 repayment of the Shore Erosion Control Construction Loans shall be subject to the limitation on
24 the tax levy set out in Section 710(d) of the County Charter.

25
26 Pursuant to and in accordance with requirements of this Ordinance and the Shore Erosion
27 Control Act, the County Executive by order is hereby authorized to approve the form of any
28 Shore Erosion Control Construction Loan Agreement, the terms thereof, including the source or
29 sources and security for repayment, the repayment schedule and covenants to be set forth therein,
30 and the manner of executing and authenticating the same. Pursuant to Section 8-1005(f) of the
31 Soil Erosion Control Act, the County may borrow interest-free funds and repay the funds at a
32 uniform rate over a period not exceeding 25 years.

33
34 The County Executive, or the Chief Administrative Officer, if authorized by the County
35 Executive, is hereby authorized to take any and all actions in the manner and to the extent that
36 the County Executive or the Chief Administrative Officer, as the case may be, may deem
37 necessary or appropriate to accomplish the purposes of this Section.

38
39 A Shore Erosion Control Construction Loan Agreement by and between the County and
40 DNR in connection with a loan for Arundel on the Bay SECD, Capital Project No. Q570800 in
41 the amount of \$420,000 is hereby authorized without further action.

42
43 Without limitation, Shore Erosion Control Construction Loan Agreements by and between
44 the County and DNR heretofore approved, are hereby approved and ratified, subject to reductions
45 in loan amounts made in accordance with the respective loan agreements, as obligations of the
46 County without further action.

47
48 SECTION 15. *And be it further enacted*, That pursuant to the authority granted by Section
49 19-103 of the Local Government Article of the Annotated Code of Maryland (2013 Replacement
50 Volume and 2015 Supplement), the County Executive, or the Chief Administrative Officer if
51 authorized by the County Executive, is hereby authorized in connection with the issuance of any
52 bonds or notes hereunder to (i) provide, covenant or agree that, in the event that sufficient funds

1 for the timely payment when due of principal of or interest on bonds or notes issued pursuant to
2 the authority of this Ordinance are not available or in the event of a default in the payment of the
3 principal of or interest on such bonds or notes, the first general fund revenues of the County
4 received thereafter shall be applied to the payment when due of such principal or interest or to
5 cure such default, as the case may be, and (ii) pledge any of the County's revenues to the
6 payment of the principal of and interest on the bonds and notes issued pursuant to the authority
7 of this Ordinance. In the event that the County Executive, or the Chief Administrative Officer if
8 authorized by the County Executive, determines to exercise all or any part of the authority
9 granted under this Section, the County Executive, or the Chief Administrative Officer if
10 authorized by the County Executive, shall determine the form, terms and provisions of any order,
11 certificate, agreement or related documents as he shall deem necessary or appropriate to evidence
12 any agreement or pledge authorized hereby, including (without limitation) terms and provisions
13 regarding the application of such pledge or agreement to borrowings of the County other than
14 bonds or notes issued pursuant to the authority of this Ordinance. Any such order, certificate,
15 agreement or related document shall be executed by the County Executive and the seal of the
16 County shall be impressed thereon, attested by the County Executive, the secretary to the County
17 Executive, the Administrative Officer to the County Council or such other officer as may be
18 specified by ordinance of the County Council.

19
20 SECTION 16. *And be it further enacted*, That, as determined and specified in a certificate of
21 the County Executive, or of the Chief Administrative Officer if authorized by the County
22 Executive, executed and delivered prior to the issuance of bonds, notes or Variable Rate Demand
23 Obligations, such bonds, notes or Variable Rate Demand Obligations may be issued to provide
24 for the financing of one or more projects included within a specified class of projects set forth in
25 ~~Exhibit I~~ Exhibit I-A. In addition, the amount of proceeds allocated to projects included within a
26 specified class of projects financed by any issuance of bonds, notes or Variable Rate Demand
27 Obligations may be amended after the issuance of such bonds, notes or Variable Rate Demand
28 Obligations, as determined and specified in a certificate of the County Executive, or of the Chief
29 Administrative Officer if authorized by the County Executive.

30
31 In connection with the foregoing, the County Executive, or the Chief Administrative Officer
32 if authorized by the County Executive, shall execute a certificate demonstrating or determining,
33 as applicable:

34
35 (a) That all bonds, notes or Variable Rate Demand Obligations are payable within the
36 probable useful life of the improvement or undertaking being financed or, if the bonds, notes or
37 Variable Rate Demand Obligations are to be issued for several improvements or undertakings,
38 then within the average probable useful life of all such improvements or undertakings being
39 financed;

40
41 (b) That the amount of bonds, notes or Variable Rate Demand Obligations to be applied
42 to any project to be financed shall not exceed the maximum amount set forth in ~~Exhibit I~~
43 Exhibit I-A authorized for such project; and

44
45 (c) Such other matters as the County Executive or the Chief Administrative Officer (as
46 the case may be) deems appropriate to establish compliance with the provisions of the Charter
47 and this Ordinance in connection with the issuance of bonds, notes and Variable Rate Demand
48 Obligations to provide for the financing of one or more projects included within a specified
49 class or to provide for the amendment of the list of projects from the specified class of projects
50 financed by an issuance of bonds, note and Variable Rate Demand Obligations, as described
51 above.

1 SECTION 17. *And be it further enacted*, That, subject to the following paragraphs of this
2 Section 17, the authority to issue bonds under Bill No. 80-15, as amended, effective November 6,
3 2015 (“Bill No. 80-15”) is hereby canceled, rescinded and repealed, but only to the extent that
4 such authority has not been exercised prior to the effective date of this Ordinance.
5

6 Appropriate reductions shall be recognized in the amounts of bonds authorized for issuance
7 under this Ordinance for bonds issued after April 30, 2016, under the authority of Bill No. 80-15,
8 for projects authorized to be financed by Bill No. 80-15 and also authorized to be financed under
9 this Ordinance.
10

11 Nothing contained in this Ordinance shall be construed as impairing the validity of any
12 proceedings or action taken, or the validity of any bonds or bond anticipation notes issued, or
13 Shore Erosion Control Construction Loan Agreements, executed, prior to the effective date of
14 this Ordinance, under the provisions of Bill No. 80-15, or under prior bond authorization
15 ordinances, and the authorization, sale and issuance of all bonds and bond anticipation notes
16 issued prior to the effective date of this Ordinance pursuant to the authority of such ordinances,
17 including (without limitation) the various series of general obligation bonds and bond
18 anticipation notes of Anne Arundel County, Maryland, set forth in Section 10 of Bill No. 57-08,
19 Exhibit V of Bill No. 51-09, Exhibit V of Bill No. 53-10, Exhibit V of Bill No. 52-11, Exhibit V
20 of Bill No. 60-12, Exhibit V of Bill No. 63-13, Exhibit V of Bill No. 55-14, Exhibit V of Bill No.
21 80-15 and, in addition, the indebtedness set forth in Exhibit V attached hereto and incorporated
22 herein (the “Prior Obligations”), and all such Prior Obligations be and they are hereby ratified
23 and confirmed, together with all and several of the terms thereof and the action taken in
24 connection with the issuance, sale and delivery thereof, are hereby validated as being validly
25 authorized, sold, issued and executed, as applicable, and delivered by Anne Arundel County,
26 Maryland. The ratification of the Prior Obligations as set forth above shall be effective
27 notwithstanding noncompliance with any provisions of the aforementioned ordinances that
28 provide general fiscal or budgetary guidelines, such as provisions directing that specified
29 portions of the Prior Obligations be issued during certain fiscal years.
30

31 The validity of the revolving loan notes authorized to be issued pursuant to the Master Note
32 Order adopted by the County Executive on December 18, 2014 (as amended or supplement from
33 time to time, the “Note Order”) and designated as the County’s “Master General Obligation Bond
34 Anticipation Note, Series A (Consolidated General Improvements Series),” “Master General
35 Obligation Bond Anticipation Note, Series B (Consolidated Water and Sewer Series),” and
36 “Master General Obligation Bond Anticipation Note, Series C (Consolidated Solid Waste
37 Projects Series - AMT)” (collectively, the “Master Notes”), and all related documents, such as a
38 revolving credit agreement (the “Revolving Loan Documents”) executed and delivered prior to
39 the effective date of this Ordinance shall not be impaired in any manner by the passage of this
40 Ordinance, and such Master Notes and Revolving Loan Documents executed and delivered in
41 connection with the Master Notes are hereby ratified and confirmed. Bond anticipation notes
42 authorized by this Ordinance may be evidenced by advances under the Revolving Loan
43 Documents in the amount and in the manner set forth in the Note Order, as supplemented.
44

45 Bonds and bond anticipation notes may be issued under this Ordinance to pay bond
46 anticipation notes issued pursuant to and in accordance with a note order or credit agreement
47 provided that such bonds or bond anticipation notes are authorized to be issued hereunder for
48 projects financed by such bond anticipation notes issued pursuant to and in accordance with the
49 note order or credit agreement.
50

51 SECTION 18. *And be it further enacted*, That, if any one or more of the provisions of this
52 Ordinance, including any covenants or agreements provided herein on the part of the County to

1 be performed, should be contrary to law, then such provision or provisions shall be null and void
2 and shall in no way affect the validity of the other provisions of this Ordinance or of the bonds or
3 the bond anticipation notes.

4
5 SECTION 19. *And be it further enacted*, That, this Ordinance shall take effect 45 days from
6 the date it becomes law.

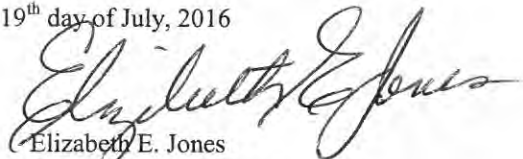
AMENDMENTS ADOPTED: June 20 and July 5, 2016

READ AND PASSED this 18th day of July, 2016


By Order:


Elizabeth E. Jones
Administrative Officer

PRESENTED to the County Executive for his approval this 19th day of July, 2016


Elizabeth E. Jones
Administrative Officer

APPROVED AND ENACTED this 19th day of July, 2016


Steven R. Schuh
Act. i County Executive

EFFECTIVE DATE: September 2, 2016

**I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
46-16. THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.**


Elizabeth E. Jones
Administrative Officer