

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 8

Bill No. 31-21

Introduced by Ms. Lacey, Chair
(by request of the County Executive)

By the County Council, April 19, 2021

Introduced and first read on April 19, 2021
Public Hearing set for and held on May 17, 2021
Public Hearing on AMENDED bill set for and held on June 7, 2021
Bill Expires July 23, 2021

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Boards, Commissions, and Similar Bodies – Resilience
2 Authority of Annapolis and Anne Arundel County

3
4 FOR the purpose of establishing the “Resilience Authority of Annapolis and Anne Arundel
5 County”; defining certain terms; providing for articles of incorporation and amendment
6 of articles of incorporation for the Resilience Authority; reserving certain authority of
7 the County and the City with respect to the Resilience Authority; providing for the
8 composition, term, and removal of members, meeting standards, and reimbursement of
9 expenses of members; providing the qualifications, duties, compensation, and
10 appointment of the Resilience Authority Director and Chief Financial Officer;
11 establishing the powers of the Resilience Authority; providing for the issuance of bonds
12 by the Resilience Authority; requiring annual reports and audited financials by the
13 Resilience Authority; allowing for the examination of the books, accounts, and records
14 of the Resilience Authority; approving proposed Articles of Incorporation for the
15 Resilience Authority of Annapolis and Anne Arundel County; providing for a delayed
16 effective date; making this Ordinance subject to a certain contingency; and generally
17 relating to Boards, Commissions, and Similar Bodies.

18
19 BY adding: §§ 3-8A-101 through 3-8A-113 to be under the new title “Title 8A. Resilience
20 Authority of Annapolis and Anne Arundel County”
21 Anne Arundel County Code (2005, as amended)

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter repealed from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Underlining indicates matter added to bill by amendment.

1 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
2 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

3
4 **ARTICLE 3. BOARDS, COMMISSIONS, AND SIMILAR BODIES**

5
6 **TITLE 8A. RESILIENCE AUTHORITY OF ANNAPOLIS AND ANNE ARUNDEL**
7 **COUNTY**

8
9 **3-8A-101. Definitions.**

10
11 IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

12
13 (1) (I) "BOND" MEANS AN OBLIGATION FOR THE PAYMENT OF MONEY, BY
14 WHATEVER NAME KNOWN OR SOURCE OF FUNDS SECURED, ISSUED BY THE RESILIENCE
15 AUTHORITY UNDER STATE OR COUNTY LAW.

16
17 (II) "BOND" INCLUDES A REFUNDING BOND, A NOTE, AND ANY OTHER
18 OBLIGATION.

19
20 (2) "CAPITAL COSTS" MEAN COSTS INCURRED FOR ACQUISITION, PLANNING,
21 DESIGN, CONSTRUCTION, REPAIR, RENOVATION, RECONSTRUCTION, EXPANSION, SITE
22 IMPROVEMENT, AND CAPITAL EQUIPPING.

23
24 (3) "CLIMATE CHANGE" INCLUDES SEA LEVEL RISE, NUISANCE FLOODING,
25 INCREASED RAINFALL EVENTS, EROSION, AND TEMPERATURE RISE.

26
27 (4) "RESILIENCE AUTHORITY" MEANS THE RESILIENCE AUTHORITY OF ANNAPOLIS
28 AND ANNE ARUNDEL COUNTY.

29
30 (5) (I) "RESILIENCE INFRASTRUCTURE" MEANS INFRASTRUCTURE THAT
31 MITIGATES THE EFFECTS OF CLIMATE CHANGE FOR THE GENERAL WELFARE OR SAFETY
32 OF THE PUBLIC.

33
34 (II) "RESILIENCE INFRASTRUCTURE" INCLUDES FLOOD BARRIERS, GREEN
35 SPACES, BUILDING ELEVATION, AND STORMWATER INFRASTRUCTURE.

36
37 (6) "RESILIENCE INFRASTRUCTURE PROJECT" MEANS A PROJECT TO FINANCE OR
38 REFINANCE THE CAPITAL COSTS ASSOCIATED WITH RESILIENCE INFRASTRUCTURE.

39
40 **3-8A-102. Resilience Authority created.**

41
42 **(A) Creation; articles of incorporation.**

43
44 (1) PURSUANT TO TITLE 22 OF THE LOCAL GOVERNMENT ARTICLE OF THE STATE
45 CODE, THERE IS A RESILIENCE AUTHORITY OF ANNAPOLIS AND ANNE ARUNDEL COUNTY,
46 THE PURPOSE OF WHICH IS TO UNDERTAKE AND SUPPORT RESILIENCE INFRASTRUCTURE
47 PROJECTS IN ANNE ARUNDEL COUNTY AND THE CITY OF ANNAPOLIS.

48
49 (2) UPON THE ACCEPTANCE BY THE STATE DEPARTMENT OF ASSESSMENTS AND
50 TAXATION OF THE ARTICLES OF INCORPORATION REQUIRED BY STATE LAW, THE
51 RESILIENCE AUTHORITY OF ANNAPOLIS AND ANNE ARUNDEL COUNTY SHALL BE A BODY
52 CORPORATE AND POLITIC OF THE COUNTY AND THE CITY OF ANNAPOLIS.

53
54 (3) ACCEPTANCE OF THE ARTICLES OF INCORPORATION FOR RECORD BY THE
55 STATE DEPARTMENT OF ASSESSMENTS AND TAXATION IS CONCLUSIVE EVIDENCE OF THE
56 FORMATION OF THE RESILIENCE AUTHORITY.

1 **(B) Amendment of articles of incorporation.**

2
3 (1) THE COUNTY, WITH THE CONCURRENCE OF THE CITY OF ANNAPOLIS, MAY
4 ADOPT AMENDMENTS TO THE ARTICLES OF INCORPORATION OF THE RESILIENCE
5 AUTHORITY.

6
7 (2) THE AMENDMENTS SHALL BE PROPOSED BY THE COUNTY EXECUTIVE AND
8 APPROVED BY RESOLUTION OF THE COUNTY COUNCIL.

9
10 (3) THE AMENDMENTS MAY CONTAIN ANY PROVISION THAT LAWFULLY COULD BE
11 CONTAINED IN THE ARTICLES OF INCORPORATION AT THE TIME OF THE AMENDMENT.

12
13 (4) THE AMENDMENTS SHALL BE FILED FOR RECORD WITH THE STATE
14 DEPARTMENT OF ASSESSMENTS AND TAXATION.

15
16 (5) THE AMENDMENTS ARE EFFECTIVE AS OF THE DATE AND TIME THAT THE STATE
17 DEPARTMENT OF ASSESSMENTS AND TAXATION ACCEPTS THE AMENDMENTS FOR
18 RECORD.

19
20 (6) ACCEPTANCE OF THE AMENDMENTS FOR RECORD BY THE STATE DEPARTMENT
21 OF ASSESSMENTS AND TAXATION IS CONCLUSIVE EVIDENCE THAT THE AMENDMENTS
22 HAVE BEEN LAWFULLY AND PROPERLY ADOPTED.

23
24 **(C) Modification or termination.**

25
26 (1) SUBJECT TO THE PROVISIONS OF THIS TITLE AND ANY LIMITATIONS IMPOSED
27 BY LAW ON THE IMPAIRMENT OF CONTRACTS, THE COUNTY, WITH THE CONCURRENCE OF
28 THE CITY OF ANNAPOLIS, MAY:

29
30 (I) SET OR CHANGE THE POWERS, STRUCTURE, ORGANIZATION, PROCEDURES,
31 PROGRAMS, OR ACTIVITIES OF THE RESILIENCE AUTHORITY;

32
33 (II) DETERMINE THE REVENUE SOURCES OF THE RESILIENCE AUTHORITY,
34 INCLUDING ANY USE OF GENERAL FUND REVENUE AND GENERAL OBLIGATION BONDS;

35
36 (III) ESTABLISH THE BUDGETARY AND FINANCIAL PROCEDURES OF THE
37 RESILIENCE AUTHORITY; AND

38
39 (IV) TERMINATE THE RESILIENCE AUTHORITY.

40
41 (2) ON TERMINATION OF THE RESILIENCE AUTHORITY:

42
43 (I) TITLE TO ALL PROPERTY OF THE RESILIENCE AUTHORITY SHALL BE
44 TRANSFERRED TO AND VEST IN THE COUNTY AND THE CITY OF ANNAPOLIS; AND

45
46 (II) ALL OBLIGATIONS OF THE RESILIENCE AUTHORITY SHALL BE
47 TRANSFERRED TO AND ASSUMED BY THE COUNTY AND THE CITY OF ANNAPOLIS.

48
49 **3-8A-103. Membership.**

50
51 **(A) Composition.**

52
53 (1) THE RESILIENCE AUTHORITY CONSISTS OF TWELVE MEMBERS APPOINTED AS
54 FOLLOWS:

55
56 (I) NINE MEMBERS SHALL BE RESIDENTS OF THE COUNTY APPOINTED BY THE
57 COUNTY EXECUTIVE; AND

1 (II) THREE MEMBERS SHALL BE RESIDENTS OF THE CITY OF ANNAPOLIS
2 APPOINTED BY THE MAYOR.

3
4 (2) EACH OF THE MEMBERS SHALL BE AN INDIVIDUAL OF INTEGRITY WHO HAS
5 DEMONSTRATED ABILITIES IN BUSINESS AND PUBLIC AFFAIRS BASED ON EDUCATION OR
6 RELEVANT EXPERIENCE AND SHALL BE SELECTED WITHOUT REGARD TO THE MEMBER'S
7 REPRESENTATION OF OR SUPPORT FOR ANY SPECIAL INTEREST.

8
9 (3) NEITHER THE MEMBER NOR THE MEMBER'S GRANDPARENT, PARENT, CHILD,
10 GRANDCHILD, STEP-PARENT, STEP-CHILD, SIBLING, STEP-SIBLING, UNCLE, AUNT, NIECE,
11 OR NEPHEW, OR THE SPOUSE OF ANY OF THEM, MAY HAVE A FINANCIAL INTEREST IN ANY
12 PROJECT WITH RESPECT TO WHICH THE RESILIENCE AUTHORITY HAS JURISDICTION OR
13 ANY POWER OR AUTHORIZATION TO ACT.

14
15 (4) A MEMBER MAY NOT BE A COUNTY OR CITY ELECTED OFFICIAL, APPOINTED
16 OFFICIAL, OR EMPLOYEE.

17
18 (5) THE COUNTY DIRECTOR OF PUBLIC WORKS, THE COUNTY DIRECTOR OF
19 EMERGENCY MANAGEMENT, THE COUNTY PLANNING AND ZONING OFFICER, THE
20 DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS FOR THE CITY OF ANNAPOLIS, THE
21 DIRECTOR OF EMERGENCY MANAGEMENT FOR THE CITY OF ANNAPOLIS, AND THE
22 DIRECTOR OF PLANNING AND ZONING FOR THE CITY OF ANNAPOLIS, OR ANY OF THEIR
23 DESIGNEES, SHALL SERVE AS NON-VOTING ADVISORS TO THE RESILIENCE AUTHORITY.

24
25 (B) **Oath.** BEFORE UNDERTAKING THE DUTIES OF A MEMBER, EACH MEMBER OF THE
26 RESILIENCE AUTHORITY SHALL TAKE A CONSTITUTIONAL OATH OF OFFICE BEFORE THE
27 CLERK OF THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY.

28
29 (C) **Term.** THE TERM OF A MEMBER IS FOUR YEARS. AT THE END OF A TERM, A MEMBER
30 CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES. A MEMBER
31 WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REMAINDER OF
32 THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES. A MEMBER MAY BE
33 REAPPOINTED.

34
35 (D) **Removal.**

36
37 (1) THE APPOINTING AUTHORITY OF A MEMBER OF THE RESILIENCE AUTHORITY
38 MAY REMOVE THE MEMBER FOR CAUSE, INCLUDING ABSENCE FROM 25% OR MORE OF THE
39 SCHEDULED MEETINGS AND HEARINGS OF THE RESILIENCE AUTHORITY DURING ANY 12-
40 MONTH PERIOD.

41
42 (2) THE CHAIR OF THE RESILIENCE AUTHORITY SHALL:

43
44 (I) NOTIFY THE APPOINTING AUTHORITY OF ANY MEMBER WHO IS ABSENT
45 FROM 25% OR MORE OF THE SCHEDULED MEETINGS AND HEARINGS DURING ANY 12-
46 MONTH PERIOD;

47
48 (II) INCLUDE IN THE NOTIFICATION ANY KNOWN EXTENUATING
49 CIRCUMSTANCES; AND

50
51 (III) SEND A COPY OF THE NOTIFICATION TO EACH MEMBER OF THE RESILIENCE
52 AUTHORITY.

53
54 (3) THE APPOINTING AUTHORITY MAY EXCUSE THE ABSENCES FOR GOOD CAUSE
55 SUCH AS ILLNESS, EMERGENCY SITUATIONS, OR OTHER EXTENUATING CIRCUMSTANCES.

1 (E) **Personnel matters.** EXCEPT AS OTHERWISE PROVIDED BY STATE LAW OR IN THIS
2 TITLE, THE PROCEDURES OF THE COUNTY CONTROL ANY PERSONNEL MATTER RELATING
3 TO THE INTERNAL ADMINISTRATION OF THE RESILIENCE AUTHORITY.
4

5 **3-8A-104. Chair.**

6
7 THE COUNTY EXECUTIVE ANNUALLY SHALL DESIGNATE A CHAIR FROM THE
8 MEMBERSHIP OF THE RESILIENCE AUTHORITY.
9

10 **3-8A-105. Quorum; meetings.**

11
12 SEVEN MEMBERS OF THE RESILIENCE AUTHORITY IS A QUORUM FOR THE
13 TRANSACTION OF ANY BUSINESS, THE EXERCISE OF ANY POWER, OR THE PERFORMANCE
14 OF ANY DUTY AUTHORIZED OR IMPOSED BY LAW. AN AFFIRMATIVE VOTE OF A MAJORITY
15 OF THE MEMBERS OF THE RESILIENCE AUTHORITY IS REQUIRED FOR THE TAKING OF ANY
16 ACTION.
17

18 **3-8A-106. Expenses.**

19
20 EACH MEMBER OF THE RESILIENCE AUTHORITY IS ENTITLED TO REIMBURSEMENT FOR
21 REASONABLE AND NECESSARY EXPENSES. REIMBURSEMENT SHALL BE MADE SOLELY
22 FROM FUNDS RECEIVED BY THE RESILIENCE AUTHORITY UNDER THE PROVISIONS OF THIS
23 TITLE.
24

25 **3-8A-107. Resilience Authority Director.**

26
27 (A) **Appointment.**

28
29 (1) THE COUNTY EXECUTIVE, WITH THE CONCURRENCE OF THE MAYOR OF THE
30 CITY OF ANNAPOLIS, SHALL APPOINT THE FIRST RESILIENCE AUTHORITY DIRECTOR.
31

32 (2) ANY SUBSEQUENT RESILIENCE AUTHORITY DIRECTOR SHALL BE APPOINTED BY
33 THE COUNTY EXECUTIVE, AFTER ADVICE AND RECOMMENDATION BY MEMBERS OF THE
34 RESILIENCE AUTHORITY AND WITH THE CONCURRENCE OF THE MAYOR OF THE CITY OF
35 ANNAPOLIS.
36

37 (3) THE RESILIENCE AUTHORITY DIRECTOR SHALL SERVE AT THE PLEASURE OF
38 THE COUNTY EXECUTIVE.
39

40 (B) **Qualifications.** THE RESILIENCE AUTHORITY DIRECTOR SHALL BE OF GOOD
41 CHARACTER, INTEGRITY, AND BUSINESS EXPERIENCE, AND SHALL MEET ALL
42 REQUIREMENTS OF A JOB DESCRIPTION DEVELOPED BY THE COUNTY EXECUTIVE WITH
43 THE CONCURRENCE OF THE MAYOR OF THE CITY OF ANNAPOLIS.
44

45 (C) **Financial interest prohibited.** NEITHER THE RESILIENCE AUTHORITY DIRECTOR
46 NOR THE RESILIENCE AUTHORITY DIRECTOR'S GRANDPARENT, PARENT, CHILD,
47 GRANDCHILD, STEP-PARENT, STEP-CHILD, SIBLING, STEP-SIBLING, UNCLE, AUNT, NIECE,
48 OR NEPHEW, OR THE SPOUSE OF ANY OF THEM, MAY HAVE A FINANCIAL INTEREST IN ANY
49 PROJECT WITH RESPECT TO WHICH THE RESILIENCE AUTHORITY HAS JURISDICTION OR
50 ANY POWER OR AUTHORIZATION TO ACT.
51

52 (D) **Compensation.** THE RESILIENCE AUTHORITY DIRECTOR SHALL RECEIVE
53 COMPENSATION AS MAY BE FIXED BY THE RESILIENCE AUTHORITY FROM TIME TO TIME.
54

55 (E) **Additional duties.** IN ADDITION TO OTHER DUTIES AS MAY BE IMPOSED BY THE
56 RESILIENCE AUTHORITY, AND CONSISTENT WITH THE JOB DESCRIPTION DEVELOPED
57 UNDER SUBSECTION (B), THE RESILIENCE AUTHORITY DIRECTOR IS RESPONSIBLE FOR

1 DAILY OPERATIONS OF THE RESILIENCE AUTHORITY, SUPERVISION OF ANY ACTIVITIES OR
2 TASKS PERFORMED BY EMPLOYEES, AND APPOINTMENT OF ALL EMPLOYEES,
3 DETERMINATION OF THEIR DUTIES AND CONDITIONS OF EMPLOYMENT, AND FIXING THEIR
4 COMPENSATION, CONSISTENT WITH THE BYLAWS, POLICIES, AND PROCEDURES ADOPTED
5 BY THE RESILIENCE AUTHORITY.

6
7 **3-8A-108. Chief Financial Officer.**

8
9 (A) **Appointment.** THE MEMBERS OF THE RESILIENCE AUTHORITY SHALL APPOINT A
10 CHIEF FINANCIAL OFFICER. THE CHIEF FINANCIAL OFFICER MAY NOT BE A MEMBER OF
11 THE RESILIENCE AUTHORITY.

12
13 (B) **Compensation.** THE CHIEF FINANCIAL OFFICER SHALL RECEIVE COMPENSATION
14 AS MAY BE FIXED BY THE RESILIENCE AUTHORITY FROM TIME TO TIME.

15
16 (C) **Financial interest prohibited.** NEITHER THE CHIEF FINANCIAL OFFICER NOR THE
17 CHIEF FINANCIAL OFFICER'S GRANDPARENT, PARENT, CHILD, GRANDCHILD, STEP-
18 PARENT, STEP-CHILD, SIBLING, STEP-SIBLING, UNCLE, AUNT, NIECE, OR NEPHEW, OR THE
19 SPOUSE OF ANY OF THEM, MAY HAVE A FINANCIAL INTEREST IN ANY PROJECT WITH
20 RESPECT TO WHICH THE RESILIENCE AUTHORITY HAS JURISDICTION OR ANY POWER OR
21 AUTHORIZATION TO ACT.

22
23 (D) **Surety bond.** BEFORE THE ISSUANCE OF ANY BONDS UNDER THE PROVISIONS OF
24 THIS TITLE, THE CHIEF FINANCIAL OFFICER SHALL EXECUTE A SURETY BOND IN A PENAL
25 SUM TO BE FIXED BY THE RESILIENCE AUTHORITY. THE SURETY BOND SHALL BE
26 CONDITIONED ON THE FAITHFUL PERFORMANCE OF THE DUTIES OF OFFICE AND
27 EXECUTED BY A SURETY COMPANY AUTHORIZED TO TRANSACT BUSINESS IN THIS STATE
28 AS SURETY. THE RESILIENCE AUTHORITY SHALL PAY THE PREMIUM ON THE BOND.

29
30 **3-8A-109. Net earnings.**

31
32 EXCEPT AS NECESSARY TO PAY DEBT SERVICE OR IMPLEMENT THE PUBLIC PURPOSES
33 OR PROGRAMS OF THE COUNTY OR THE CITY OF ANNAPOLIS, THE NET EARNINGS OF THE
34 RESILIENCE AUTHORITY MAY BENEFIT ONLY THE COUNTY OR THE CITY OF ANNAPOLIS,
35 AND MAY NOT BENEFIT ANY PERSON.

36
37 **3-8A-110. Powers.**

38
39 (A) **Generally.** EXCEPT AS LIMITED BY ITS ARTICLES OF INCORPORATION, THE
40 RESILIENCE AUTHORITY HAS ALL THE POWERS UNDER THIS TITLE.

41
42 (B) **Enumerated.** THE RESILIENCE AUTHORITY HAS AND MAY EXERCISE ALL POWERS
43 NECESSARY OR CONVENIENT TO UNDERTAKE, FINANCE, MANAGE, ACQUIRE, OWN,
44 CONVEY, OR SUPPORT RESILIENCE INFRASTRUCTURE PROJECTS, INCLUDING, BUT NOT
45 LIMITED TO, THE POWER TO:

46
47 (1) ACQUIRE BY PURCHASE, LEASE, OR OTHER LEGAL MEANS, BUT NOT BY
48 EMINENT DOMAIN, PROPERTY FOR RESILIENCE INFRASTRUCTURE;

49
50 (2) ESTABLISH, CONSTRUCT, ALTER, IMPROVE, EQUIP, REPAIR, MAINTAIN,
51 OPERATE, AND REGULATE RESILIENCE INFRASTRUCTURE OWNED BY THE COUNTY, THE
52 CITY OF ANNAPOLIS, OR THE RESILIENCE AUTHORITY;

53
54 (3) RECEIVE MONEY FROM THE COUNTY, THE CITY OF ANNAPOLIS, THE STATE,
55 OTHER GOVERNMENTAL UNITS, OR PRIVATE ORGANIZATIONS;

56
57 (4) CHARGE AND COLLECT FEES FOR ITS SERVICES;

1 (5) SUBJECT TO THE APPROVAL OF THE COUNTY EXECUTIVE AND BY RESOLUTION
2 OF THE COUNTY COUNCIL, AND THE CITY OF ANNAPOLIS, CHARGE AND COLLECT FEES TO
3 SUPPORT ITS BOND ISSUANCES;

4
5 (6) HAVE EMPLOYEES AND CONSULTANTS AS IT CONSIDERS NECESSARY;

6
7 (7) ENGAGE THE SERVICES OF OTHER GOVERNMENTAL UNITS;

8
9 (8) ACT AS NECESSARY OR CONVENIENT TO CARRY OUT THE POWERS GRANTED BY
10 LAW;

11
12 (9) SUE AND BE SUED, IMPLEAD AND BE IMPEADED, COMPLAIN AND DEFEND IN
13 ALL COURTS OF COMPETENT JURISDICTION; AND

14
15 (10) DRAFT AND APPROVE BY-LAWS FOR THE MANAGEMENT AND REGULATION OF
16 ITS AFFAIRS, WHICH WILL BE PROVIDED UPON APPROVAL OR REVISION TO EACH
17 APPOINTING AUTHORITY.

18
19 **3-8A-111. Bonds.**

20
21 (A) **Authority.** NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE RESILIENCE
22 AUTHORITY MAY ISSUE AND SELL BONDS PERIODICALLY:

23
24 (1) FOR RESILIENCE INFRASTRUCTURE PROJECTS;

25
26 (2) TO REFUND OUTSTANDING BONDS;

27
28 (3) TO PAY THE COSTS OF PREPARING, PRINTING, SELLING, AND ISSUING THE
29 BONDS;

30
31 (4) TO FUND RESERVES; AND

32
33 (5) TO PAY THE INTEREST ON THE BONDS IN THE AMOUNT AND FOR THE PERIOD
34 THE RESILIENCE AUTHORITY CONSIDERS REASONABLE.

35
36 (B) **Limitation.** BONDS ISSUED BY THE RESILIENCE AUTHORITY ARE LIMITED
37 OBLIGATIONS AND ARE NOT A PLEDGE OF THE FAITH AND CREDIT OR TAXING POWER OF
38 THE COUNTY OR THE CITY OF ANNAPOLIS.

39
40 **3-8A-112. Bond transactions.**

41
42 (A) **Resolution required.** FOR EACH ISSUE OF ITS BONDS, THE RESILIENCE AUTHORITY
43 SHALL ADOPT A RESOLUTION THAT:

44
45 (1) SPECIFIES AND DESCRIBES THE RESILIENCE INFRASTRUCTURE BEING
46 FINANCED;

47
48 (2) GENERALLY DESCRIBES THE PUBLIC PURPOSE TO BE SERVED;

49
50 (3) DESCRIBES THE FINANCING TRANSACTION;

51
52 (4) SPECIFIES THE MAXIMUM PRINCIPAL AMOUNT OF THE BONDS THAT MAY BE
53 ISSUED; AND

54
55 (5) IMPOSES TERMS OR CONDITIONS ON THE ISSUANCE AND SALE OF BONDS IT
56 CONSIDERS APPROPRIATE.

1 **(B) Resolution permitted.** THE RESILIENCE AUTHORITY, BY CORPORATE RESOLUTION,
2 MAY:

3
4 (1) SPECIFY, DETERMINE, PRESCRIBE, AND APPROVE MATTERS, DOCUMENTS, AND
5 PROCEDURES THAT RELATE TO THE AUTHORIZATION, SALE, SECURITY, ISSUANCE,
6 DELIVERY, AND PAYMENT OF AND FOR THE BONDS;

7
8 (2) CREATE SECURITY FOR THE BONDS;

9
10 (3) PROVIDE FOR THE ADMINISTRATION OF BOND ISSUES THROUGH TRUST OR
11 OTHER AGREEMENTS WITH A BANK OR TRUST COMPANY THAT COVER A
12 COUNTERSIGNATURE ON A BOND, THE DELIVERY OF A BOND, OR THE SECURITY FOR A
13 BOND; AND

14
15 (4) TAKE OTHER ACTION IT CONSIDERS APPROPRIATE CONCERNING THE BONDS.
16

17 **(C) Contracts.** A CONTRACT FOR A RESILIENCE INFRASTRUCTURE PROJECT MAY
18 INCLUDE THE REQUIREMENT FOR SURETY AND LABOR AND MATERIAL BONDS.
19

20 **(D) Conclusiveness.** A FINDING BY THE COUNTY COUNCIL, THE CITY COUNCIL, OR THE
21 BOARD OF DIRECTORS OF THE RESILIENCE AUTHORITY AS TO THE PUBLIC PURPOSE OF AN
22 ACTION TAKEN UNDER THIS TITLE, AND THE APPROPRIATENESS OF THAT ACTION TO
23 SERVE THE PUBLIC PURPOSE, IS CONCLUSIVE IN A PROCEEDING INVOLVING THE VALIDITY
24 OR ENFORCEABILITY OF A BOND OR SECURITY FOR A BOND ISSUED UNDER THIS TITLE.
25

26 **3-8A-113. Reporting.**

27
28 **(A) Annual report.** BY JANUARY 1 OF EACH YEAR, THE RESILIENCE AUTHORITY SHALL
29 PROVIDE A WRITTEN REPORT AND AUDITED FINANCIALS, IN ACCORDANCE WITH
30 GENERALLY ACCEPTED ACCOUNTING PRINCIPLES, TO THE COUNTY EXECUTIVE, THE
31 COUNTY COUNCIL, THE MAYOR OF THE CITY OF ANNAPOLIS, AND THE ANNAPOLIS CITY
32 COUNCIL ON THE ACTIVITIES AND FINANCIAL POSITION OF THE RESILIENCE AUTHORITY
33 DURING THE PRIOR CALENDAR YEAR.
34

35 **(B) Report to State.**

36
37 (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, BY JANUARY 1 OF EACH
38 YEAR, THE RESILIENCE AUTHORITY SHALL SUBMIT A REPORT IN ACCORDANCE WITH § 2-
39 1257 OF THE STATE GOVERNMENT ARTICLE OF THE STATE CODE TO:

40 (I) THE SENATE BUDGET AND TAXATION, AND EDUCATION, HEALTH, AND
41 ENVIRONMENTAL AFFAIRS COMMITTEES; AND

42
43 (II) THE HOUSE APPROPRIATIONS, AND ENVIRONMENT AND TRANSPORTATION
44 COMMITTEES.
45

46
47 (2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL
48 INCLUDE, AT A MINIMUM:

49 (I) A COPY OF THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION;

50
51 (II) A DESCRIPTION OF THE RESILIENCE INFRASTRUCTURE PROJECTS FUNDED
52 BY THE RESILIENCE AUTHORITY; AND

53
54 (III) THE SOURCES OF REVENUE FOR THE RESILIENCE INFRASTRUCTURE
55 PROJECTS UNDERTAKEN BY THE RESILIENCE AUTHORITY.
56

1 (C) Examination of books, accounts, and records. THE COUNTY CONTROLLER,
2 COUNTY AUDITOR, COUNTY ATTORNEY, AND CITY MANAGER, OR THEIR DESIGNEES, MAY
3 EXAMINE THE BOOKS, ACCOUNTS, AND RECORDS OF THE AUTHORITY.
4

5 SECTION 2. *And be it further enacted,* That the proposed Articles of Incorporation for
6 the Resilience Authority of Annapolis and Anne Arundel County, a copy of which is
7 attached to this Ordinance as Exhibit A, satisfy the requirements of § 22-102 of the Local
8 Government Article of the State Code, and are approved to be executed and filed for record
9 with the State Department of Assessments and Taxation by the County Executive.
10

11 SECTION 3. *And be it further enacted,* that this Ordinance shall take effect 120 days
12 from the date it becomes law, except that it is contingent upon the City of Annapolis
13 enacting legislation that is substantially the same as this Ordinance within 120 days of this
14 Ordinance becoming law, and, if the City of Annapolis does not enact legislation that is
15 substantially the same as this Ordinance within 120 days of this Ordinance becoming law,
16 this Ordinance shall be null and void and of no further force or effect without further action
17 of the County Council.

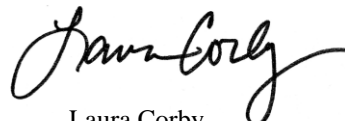
AMENDMENTS ADOPTED: May 17, 2021

READ AND PASSED this 7th day of June, 2021


By Order:


Laura Corby
Administrative Officer

PRESENTED to the County Executive for his approval this 8th day of June, 2021


Laura Corby
Administrative Officer

APPROVED AND ENACTED this 16th day of June, 2021


Stuart Pittman
County Executive

EFFECTIVE DATE: October 14, 2021*

*Subject to a contingency contained in Section 3 above

Bill No. 31-21

Page No. 10

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 31-21. THE ORIGINAL OF WHICH IS RETAINED IN THE
FILES OF THE COUNTY COUNCIL.

A handwritten signature in black ink, appearing to read "Laura Corby". The signature is written in a cursive, flowing style with a long, sweeping tail on the final letter.

Laura Corby
Administrative Officer