

**FINAL**

AMENDED  
September 8, 2015

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2015, Legislative Day No. 32

Bill No. 80-15

Introduced by Mr. Walker  
(by request of the County Executive)

By the County Council, July 20, 2015

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Introduced and first read on July 20, 2015  
Public Hearing set for and held on September 8, 2015  
Public Hearing on AMENDED BILL set for and held on September 21, 2015  
Bill Expires October 24, 2015

By Order: Elizabeth E. Jones, Administrative Officer

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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 ~~Five Hundred~~  
6 ~~Fifteen Million Eight Hundred Eighty Two Thousand Nine Hundred Forty Eight Dollars~~  
7 ~~(\$515,882,948)~~ Four Hundred Sixty-Five Million Nine Hundred Fifty-Two Thousand Seven  
8 Hundred Forty-Eight Dollars (\$465,952,748) and bonds in an amount not exceeding Nine  
9 Hundred Seventy-One Million Nine Hundred Ninety-One Thousand Thirty-Seven Dollars  
10 (\$971,991,037) in order to finance in whole or in part the construction of capital projects set  
11 forth in the capital budget of the County for the fiscal year ending June 30, 2016, or in such  
12 capital budgets for prior fiscal years, or usable portions thereof; authorizing the issuance by  
13 the County of refunding bonds to refund some or all of the outstanding bond issues of the  
14 County listed on Exhibit II attached hereto and incorporated herein in an aggregate principal  
15 amount not to exceed 120% of the aggregate principal amount of the outstanding bonds to be  
16 refunded subject to the requirement that debt service savings shall be achieved in connection  
17 with any such refunding; authorizing the County to borrow money and incur indebtedness  
18 otherwise authorized to be borrowed and incurred hereunder in the form of bonds or bond  
19 anticipation notes by obtaining a loan or loans from the Maryland Water Quality Financing  
20 Administration pursuant to and in accordance with Sections 9-1601 to 9-1622, inclusive, of  
21 the Environment Article of the Annotated Code of Maryland (2014 Replacement Volume) for  
22 the public purpose of financing a portion of the costs of acquiring, constructing and equipping  
23 certain wastewater facilities and water supply systems; providing for the execution and  
24 delivery by the County of a loan agreement and bond to evidence any such loan; reaffirming

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

1 and clarifying the guides and standards relating to the borrowing of money to finance such  
2 capital projects heretofore adopted; listing the capital projects to be financed in whole or in  
3 part from the proceeds of sale of the bonds hereby authorized, the usable portions, estimated  
4 costs and probable useful lives thereof; showing compliance with the limitations on the power  
5 of the County to incur indebtedness; providing for essential flexibility in the financing of  
6 such capital projects and the issuance of such bonds by authorization of such bond  
7 anticipation notes to be repaid from the proceeds of the sale of such bonds; prescribing the  
8 procedure for the issuance and sale of such bond anticipation notes and bonds; empowering  
9 the County Executive, or the Chief Administrative Officer if authorized by the County  
10 Executive, subject to such guides and standards, to determine the time and method of sale of  
11 such bond anticipation notes and refunding bonds, which sale may be a private (negotiated)  
12 sale or a public sale, and the time, place, and procedure for the public sale of such bonds  
13 other than refunding bonds; empowering the County Executive, or the Chief Administrative  
14 Officer if authorized by the County Executive, subject to such guides and standards, to  
15 determine the forms of such bonds and to determine the forms of such bond anticipation  
16 notes; empowering the County Executive, or the Chief Administrative Officer if authorized  
17 by the County Executive, to provide for or determine the private (negotiated) sale of any loan  
18 agreement or bond to the Maryland Water Quality Financing Administration, the form or  
19 forms thereof and other details with respect thereto and to the sales thereof; providing that  
20 such bond anticipation notes may be issued as notes in the nature of commercial paper and, in  
21 such event, authorizing the County Executive, or the Chief Administrative Officer if  
22 authorized by the County Executive, to determine various matters and to take various actions  
23 in connection with such issuance; providing that such bonds and bond anticipation notes may  
24 be issued as variable rate demand or similar obligations and, in such event, authorizing the  
25 County Executive, or the Chief Administrative Officer if authorized by the County Executive,  
26 to determine various matters and to take various actions in connection with such issuance;  
27 covenanting to appropriate sufficient revenues in each fiscal year following the issuance of  
28 such bonds to pay the maturing principal thereof and the interest thereon and to meet such  
29 appropriation either by revenues derived from self-liquidating projects or from the proceeds  
30 of ad valorem taxes, or a combination of the foregoing; pledging the full faith and credit of  
31 Anne Arundel County, Maryland, to the payment of the bonds and bond anticipation notes  
32 issued hereunder and the interest thereon, when due; providing that the pledge of the taxing  
33 power to secure such bonds and bond anticipation notes shall be subject to the limitation  
34 imposed by Section 710(d) of the County Charter, except in the case where refunding bonds  
35 are issued to refund bonds secured by the pledge of the full faith and credit and unlimited  
36 taxing power of the County; covenanting that the proceeds of such bonds, or any moneys  
37 which may be deemed to be proceeds, will not be used in a manner to cause such bonds to be  
38 arbitrage bonds; canceling, rescinding, and repealing authority to issue certain bonds only to  
39 the extent such authority has not been previously exercised under Bill No. 55-14 as amended,  
40 and ratifying, confirming and validating the previous authorization, issuance, sale and  
41 delivery of bonds and bond anticipation notes pursuant to applicable authority; authorizing  
42 the execution and delivery of long-term Anne Arundel County, Maryland general obligations  
43 in the form of installment purchase agreements in the maximum aggregate principal amount  
44 of Five Million Two Hundred Eighty-Seven Thousand Eighty-Four Dollars (\$5,287,084) in  
45 accordance with Section 12-902 of the Local Government Article of the Annotated Code of  
46 Maryland (2013 Replacement Volume and 2014 Supplement), to effect the acquisition by the  
47 County of certain development rights easements in accordance with the County's Agricultural  
48 Land and Woodland Preservation Program; ratifying and authorizing the issuance of Shore  
49 Erosion Control Construction Loans pursuant to and in accordance with Sections 8-1001 to 8-  
50 1008, inclusive, of the Natural Resources Article of the Annotated Code of Maryland (2012  
51 Replacement Volume and 2014 Supplement) and generally providing for the consolidation  
52 and authorization of a borrowing program for Anne Arundel County, Maryland, and matters  
53 generally related thereto.

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

10  
11 STATEMENT OF POLICY  
12

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

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

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

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

44 (5) All bonds issued and sold by the County hereunder shall be unconditional general  
45 obligation bonds of the County within the limitations of indebtedness set forth below as  
46 prescribed by the County Charter and the ordinances enacted pursuant thereto. Before any such  
47 bonds are issued for revenue producing projects of water or wastewater utilities, the County  
48 Executive, or the Chief Administrative Officer if authorized by the County Executive, shall  
49 determine that the estimated revenues of such projects, or the actual and estimated revenues of  
50 such projects and the utilities of which they are a part, are, or will be, sufficient to pay the cost of  
51 operation and maintenance of such projects and the maturing principal of and interest on all  
52 indebtedness incurred with respect thereto, including such bonds. The authorization herein of

1 general obligation bonds of the County for revenue producing projects shall not be construed to  
2 preclude the County Council from authorizing in the future the issuance of bonds payable solely  
3 from the revenues of similar projects or utilities.

4  
5 (6) Pursuant to Resolution No. 46-14 adopted by the County Council on October 20, 2014, as  
6 may be amended and supplemented, the County has heretofore adopted a debt management  
7 policy (the "Debt Management Policy") that shall constitute the local debt policy of the County  
8 required by Section 17-207 of the Local Government Article of the Annotated Code of Maryland  
9 (2013 Replacement Volume and 2014 Supplement). The validity of any proceedings or action  
10 taken pursuant to this Ordinance shall not be limited by or otherwise impaired by the Debt  
11 Management Policy.

12  
13 FINDINGS OF FACT

14  
15 I

16  
17 With respect to the maximum amount of bonds and bond anticipation notes of the County  
18 hereinafter authorized, it is hereby found and determined that such amount is within applicable  
19 debt limitations, as follows:

20  
21 (1) With regard to the General County Debt Limitation (defined below):

22  
23 (a) That the taxable assessed value of all real and personal property in Anne Arundel  
24 County, Maryland, subject to unlimited county taxation (except by application of Section 710(d)  
25 of the County Charter) as of May 31, 2015 is \$78,052,545,330 consisting of an assessable basis of  
26 real property of \$75,774,718,280 and an assessable basis of personal property and operating real  
27 property described in Section 8-109(c) of the Tax-Property Article of the Annotated Code of  
28 Maryland (2012 Replacement Volume and 2014 Supplement) of \$1,393,450,800 and  
29 \$884,376,250 respectively, and, in each case, is expected to be no less than such amount for the  
30 fiscal year ending June 30, 2016.

31  
32 (b) That, in accordance with Section 10-203 of the Local Government Article of the  
33 Annotated Code of Maryland (2013 Replacement Volume and 2014 Supplement), and in  
34 accordance with Section 4-10-101(a) of Article 4, Finance, Taxation, and Budget of the Anne  
35 Arundel County Code the aggregate amount of the indebtedness of the County outstanding at one  
36 time shall not exceed (I) 5.2% of the assessable basis of real property; (II) 13% of the County's  
37 assessable basis of personal property; and (III) 13% of the operating real property described in  
38 Section 8-109(c) of the Tax-Property Article of the Annotated Code of Maryland (2012  
39 Replacement Volume and 2014 Supplement) (the "General County Debt Limitation"); provided,  
40 however that (i) tax anticipation notes or other evidences of indebtedness having a maturity not in  
41 excess of twelve months, (ii) bonds or other evidences of indebtedness issued or guaranteed by  
42 the County payable primarily or exclusively from taxes levied or other revenues of special taxing  
43 districts and (iii) bonds or other evidences of indebtedness issued for self-liquidating and other  
44 projects payable primarily or exclusively from the proceeds of assessments or charges for special  
45 benefits or services, including bonds or other evidences of indebtedness issued for water or  
46 wastewater facilities, are not subject to, or required to be included as bonds or evidences of  
47 indebtedness in computing or applying the General County Debt Limitation.

48  
49 (c) That the maximum amount of outstanding debt permitted under the General County  
50 Debt Limitation is \$4,236,402,867 as of May 31, 2015, and is expected to be no less than such  
51 amount for the fiscal year ending June 30, ~~2015~~ 2016.

52

1 (d) That the total outstanding bonded debt of the County subject to the General County  
2 Debt Limitation is \$1,152,130,000 as of May 31, 2015, ~~taking into account a reduction for~~  
3 ~~principal payments paid for the balance of the fiscal year, and including, for purposes of this~~  
4 presentation, the outstanding Special Obligation Refunding Bonds (Arundel Mills Project), Series  
5 2014, the outstanding Special Obligation Refunding Bonds (National Business Park Project),  
6 Series 2014, the outstanding Tax Increment Refunding Bonds (Nursery Road Project), Series  
7 2014, the outstanding Special Obligation Bonds (National Business Park – North Project), Series  
8 2010, the Special Obligation Bonds (Village South at Waugh Chapel Project), Series 2010, and  
9 the outstanding Consolidated Golf Course Projects Series, 2015 Refunding Series .  
10

11 (e) That the permissible borrowing capacity is \$3,084,272,867 as of May 31, 2015.  
12

13 (f) That the bonds authorized by this Ordinance subject to the General County Debt  
14 Limitation aggregate \$696,159,235 (for the purposes of stating such amount, the amount of  
15 refunding bonds authorized by this Ordinance has been reduced by the aggregate principal  
16 amount of bonds authorized to be refunded, as required by Section 19-207 of the Local  
17 Government Article of the Annotated Code of Maryland (2013 Replacement Volume and 2014  
18 Supplement) and, in addition, the aggregate amount of bonds authorized to be refunded is  
19 determined as of the date set forth on Exhibit II attached hereto.  
20

21 (g) That in stating the total outstanding debt in (1)(d) above, debt in the amount of  
22 \$33,866,933 for self-liquidating solid waste projects, \$33,825,073 for dedicated revenue  
23 watershed protection and restoration projects, \$15,735,000 for dedicated revenue recreation and  
24 parks projects and \$17,710,533 for impact fee revenue projects was included, and in stating the  
25 debt subject to the General County Debt Limitation in 1(f) above, debt in the amount of  
26 \$24,595,474 for self-liquidating solid waste projects, ~~\$204,888,215~~ \$204,208,215 for dedicated  
27 revenue watershed protection and restoration projects, as well as \$3,147,000 for dedicated  
28 revenue recreation and parks projects and debt in the amount \$3,542,107 for General County,  
29 Education, Fire and Police, and Roads and Bridges Impact Fee projects was included; such  
30 presentation of debt for self-liquidating solid waste projects, dedicated revenue watershed  
31 protection and restoration projects, dedicated revenue recreation and parks projects and impact  
32 fee revenue projects is made herein to provide a conservative statement of indebtedness that  
33 evidences compliance with the General County Debt Limitation.  
34

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

37 (a) That the taxable assessed value of all real and personal property within the Sanitary  
38 District of Anne Arundel County subject to unlimited County taxation (except by application of  
39 Section 710(d) of the County Charter) as of May 31, 2015 is \$71,867,730,207 consisting of an  
40 assessable basis of real property of \$69,739,275,087 and an assessable basis of personal property  
41 and operating real property described in Section 8-109(c) of the Tax-Property Article of the  
42 Annotated Code of Maryland (2012 Replacement Volume and 2014 Supplement) of  
43 \$1,307,639,840 and \$820,815,280, respectively, and, in each case is expected to be no less than  
44 such amount for the fiscal year ending June 30, 2016.  
45

46 (b) That, bonds formerly issued under the Sanitary Commission Act, and bonds of the  
47 County issued for water and wastewater facilities, which are payable primarily from assessment  
48 of charges for special benefits and services are exempted from the limitations outlined in  
49 subparagraph (1)(b) above. Section 4-10-103(d) of Article 4, Finance, Taxation, and Budget of  
50 the Anne Arundel County Code, limits the amount of such bonds, after crediting applicable  
51 Sinking Fund balances, which may be outstanding to not greater than (I) 5.6% of the County's  
52 assessable basis of real property; (II) 14% of the County's assessable basis of personal property;  
53 and (III) 14% of the operating real property described in Section 8-109(c) of the Tax-Property

1 Article of the Annotated Code of Maryland (2012 Replacement Volume and 2014 Supplement)  
2 (the "Water and Wastewater Debt Limitation").  
3

4 (c) That the maximum amount of outstanding debt permitted under the Water and  
5 Wastewater Debt Limitation is \$4,203,383,122 as of May 31, 2015, and is expected to be no less  
6 than such amount for the fiscal year ending June 30, 2016.  
7

8 (d) That the total outstanding bonded debt of the County subject to the Water and  
9 Wastewater Debt Limitation is \$538,865,809 as of May 31, 2015.  
10

11 (e) That the permissible borrowing capacity is \$3,664,517,313 as of May 31, 2015.  
12

13 (f) That the bonds authorized by this Ordinance subject to the Water and Wastewater  
14 Debt Limitation aggregate \$594,135,964 (for the purposes of stating such amount, the amount of  
15 refunding bonds authorized by this Ordinance has been reduced by the aggregate principal  
16 amount of bonds authorized to be refunded, as required by Section 19-207 of the Local  
17 Government Article of the Annotated Code of Maryland (2013 Replacement Volume and 2014  
18 Supplement)).  
19

20 II  
21

22 (1) The bond anticipation notes authorized by Section 6 hereof and bonds authorized by  
23 Section 2 hereof are to be issued to finance in whole or in part certain of the capital projects or  
24 classes of projects included in the capital budget for the fiscal year 2016, or in capital budgets for  
25 prior fiscal years. With respect to such projects the amount of borrowed funds to be expended  
26 thereon, together with the funds shown as available from other sources, are estimated to be  
27 sufficient to complete usable portions thereof, but if any such funds from other sources, intended  
28 to defray in part the cost of any such project, shall become unavailable, the County Executive  
29 shall either (i) direct the abandonment of any such project if, in his judgment, the unavailability of  
30 funds from other sources would render any such project unusable or (ii) recommend an  
31 appropriate amendment of the Capital Budget, as provided in Sections 711 and 716 of the County  
32 Charter. The balances remaining to the credit of a completed or abandoned capital project for  
33 which bond anticipation notes or bonds have been issued shall be available for appropriation by  
34 the County Council in a subsequent capital budget, as provided in the Charter.  
35

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

43 (3) No series of refunding bonds authorized by Section 3 hereof shall be issued hereunder  
44 with a final maturity date extending beyond the earliest to occur of (i) the thirtieth (30<sup>th</sup>)  
45 anniversary of the date of issuance of the bonds to be refunded from the proceeds of the refunding  
46 bonds being issued (the "Refunded Bonds") and (ii) the latest maturity date that would have been  
47 permitted for the Refunded Bonds. Prior to the delivery of any refunding bonds hereunder, the  
48 County Executive, or the Chief Administrative Officer if authorized by the County Executive,  
49 shall deliver a written certificate stating that the maturity schedule of any series of refunding  
50 bonds issued hereunder complies with the requirements set forth in this paragraph and setting  
51 forth the facts upon which such conclusion is based.  
52

1 (4) The table attached to this Ordinance as Exhibit I and incorporated herein lists the capital  
2 projects, appearing in the capital budget of the County for fiscal year ~~2015~~ 2016, or in the capital  
3 budgets for prior fiscal years, which are to be financed in whole or in part with the proceeds of  
4 bond anticipation notes authorized by Section 6 hereof, bonds authorized by Section 2 hereof,  
5 with the reallocation of balances remaining to the credit of completed or abandoned capital  
6 projects for which bond anticipation notes or bonds were previously issued or for which funds  
7 were previously provided from other sources or bond premium, consisting of net bond proceeds  
8 from the sale of bonds sold at a price above par, the estimated cost of a usable portion of each  
9 project or class of projects, including capitalized interest on borrowed funds as herein authorized,  
10 the portion of such costs of each project or class of projects to be financed hereunder, the source  
11 or sources of funds to finance the balance of the cost of each such project or class of projects, and  
12 the probable useful life of each such project or the average of the probable useful lives of each  
13 class of projects. Totals listed in Exhibit I may not foot due to rounding. Further, the first group  
14 of projects included in Exhibit I are those which are not revenue producing, and a second group  
15 of projects are those which it is estimated will generate or have available net revenues sufficient  
16 to pay all or a portion of debt service on the borrowing therefore. In lieu of issuing all or any part  
17 of the bonds or bond anticipation notes authorized to be issued by Sections 2 and 6, respectively,  
18 of this Ordinance to finance all or part of a capital project, the County Executive, or the Chief  
19 Administrative Officer if authorized by the County Executive, may, at his discretion apply to such  
20 project balances remaining to the credit of any completed or abandoned capital projects for which  
21 bond anticipation notes or bonds were previously issued or for which funds were previously  
22 provided from other sources, but only to the extent that bond anticipation notes or bonds are  
23 authorized to be issued therefor in this Ordinance, such expenditure of such balances or bond  
24 premium being within the appropriation established for such project in the applicable capital  
25 budget or budgets; provided, however, that such balances or bond premium shall not be applied in  
26 a manner that would adversely affect the exemption from federal income taxation of the interest  
27 on any bonds to which such balances are attributable.

28  
29 (5) Bond premium generated from the issuance of any County bonds shall be expended on  
30 capital improvements in accordance with Section 720(b) of the County Charter and as otherwise  
31 prescribed by law.

32  
33 (6) Without limitation, participation by the County in any county transportation bonds issued  
34 by the Maryland Department of Transportation shall not result in any reduction in the amount of  
35 bonds or bond anticipation notes authorized and deemed to be unissued under this Ordinance.

36  
37 SECTION 2. *And be it further enacted*, That for the purpose of paying the portion of the  
38 cost of the capital projects described in Section 1 hereof and Exhibit I hereto, to be paid from  
39 borrowed funds, or for the purpose of redeeming bond anticipation notes issued hereunder, the  
40 issuance and sale by Anne Arundel County, Maryland, of not exceeding Nine Hundred Seventy-  
41 One Million Nine Hundred Ninety-One Thousand Thirty-Seven Dollars (\$971,991,037)  
42 aggregate principal amount of general obligation, serial maturity bonds of the County is hereby  
43 authorized. To the extent required for such purposes, the bonds hereby authorized shall be sold  
44 prior to June 30, 2018, in accordance with the guides and standards set forth in Section 1 hereof,  
45 except that any such bonds may be sold subsequent to such date if required to redeem, prepay or  
46 pay at maturity bond anticipation notes. Such bonds shall be issued as registered bonds without  
47 coupons in the denomination of five thousand dollars (\$5,000) or any integral multiple thereof  
48 within the limits of specified serial maturities.

49  
50 (1) Except as otherwise provided in this Ordinance, the bonds authorized by this Section 2  
51 shall be sold at a sale price at, above, or below par, plus accrued interest to the date of delivery  
52 and only after first soliciting competitive bids at public sale in accordance with the provisions of  
53 Section 5 hereof. Such bonds are hereby specifically exempted from the provisions of Sections

1 19-205 and ~~1-206~~ 19-206 of the Local Government Article of the Annotated Code of Maryland  
2 (2013 Replacement Volume and 2014 Supplement).

3  
4 (2) Subject to the provisions of subsection (5) of this Section, such bonds shall be issued in  
5 series intended to identify the public purpose or purposes for which each series is issued. On  
6 each bond, there shall appear the words “\_\_\_\_\_ Series, 20\_\_” and in the blank space  
7 preceding the word “Series,” there shall be inserted the par amount of the series plus the public  
8 purpose of such series; e.g., “Board of Education,” “Library,” “Recreation and Parks,” “Water  
9 and Sewer”, and “Watershed Protection and Restoration”. The County Executive, or the Chief  
10 Administrative Officer if authorized by the County Executive, may incorporate such additional  
11 designations in the name of the series as he deems necessary or convenient to distinguish two or  
12 more series issued for the same purpose within the same calendar year.

13  
14 (3) The bonds of each series shall be dated on or prior to the date of the delivery of such  
15 series and shall be numbered as determined by the County Executive, or the Chief Administrative  
16 Officer if authorized by the County Executive. The bonds of each series, or of successive series  
17 for the same public purpose, shall mature and be payable under an annual installment plan which  
18 may be implemented by the issuance of serial maturity bonds or term bonds having mandatory  
19 sinking fund requirements, beginning not later than the second anniversary of such series, or of  
20 the first series of a group, and concluding on or before (a) the 30th anniversary thereof or (b) such  
21 anniversary next prior to or on the 30th anniversary of the first bond anticipation note of such  
22 series, whichever shall be earlier, or (c) the anniversary of such series representing the end of the  
23 probable useful life, or the average of the probable useful lives of the project or projects to be  
24 financed with the proceeds of such series, if such life or average lives shall be less than the  
25 maximum term authorized in (a) or (b) of this subsection.

26  
27 (4) Prior to the issue of any series of bonds authorized by this Section 2, the County  
28 Executive, or the Chief Administrative Officer if authorized by the County Executive, shall cause  
29 to be prepared a statement showing the annual debt service requirements of the County and a  
30 proposed schedule of annual maturities for the series or several series of bonds then to be issued  
31 and sold and an estimate of the annual interest charges to be incurred with respect to such bonds,  
32 based on then-prevailing interest costs. Such debt service schedule shall be so prepared with a  
33 view of achieving reasonably equal annual debt service payments for the entire outstanding  
34 bonded indebtedness of the County and, in order to achieve this result, the consecutive annual  
35 debt service payments on account of any series of such bonds need not be equal.  
36 Notwithstanding the foregoing, the debt service schedule for the entire outstanding bonded  
37 indebtedness of the County may be structured to retire debt at a rate faster than would be utilized  
38 to achieve reasonably equal annual debt service payments. As hereinafter provided, the County  
39 Executive, or the Chief Administrative Officer if authorized by the County Executive, is vested  
40 with the discretion to accept such schedule of maturities or to make such variations therein as to  
41 him may seem in the best interests of the County.

42  
43 (5) The County Executive, or the Chief Administrative Officer if authorized by the County  
44 Executive, may provide that all or any portion of bonds sold pursuant to the authority of this  
45 Section 2 at any one time to finance capital projects may be consolidated for sale and issued, sold  
46 and delivered as a single issue or consolidated series of bonds to be designated “Consolidated  
47 General Improvements Series, 20\_\_,” without identifying by separate series each public purpose  
48 for which the bonds are issued as elsewhere provided in this Ordinance; provided that: (a) the  
49 provisions of this Ordinance requiring the identification of each group or series of bonds by the  
50 public purpose for which it is issued (e.g., “Board of Education,” “Libraries,” etc.) shall be fully  
51 complied with for accounting purposes, (b) bonds issued to finance water and wastewater projects  
52 shall be issued as a separate consolidated issue, (c) bonds issued to finance solid waste projects,  
53 identified on Exhibit I as Self-Liquidating Bonds—Solid Waste and bonds issued to evidence a



1 loan from the Maryland Water Quality Financing Administration may be issued as separate  
2 issues, and (d) prior to the delivery of the bonds, the County Executive, or the Chief  
3 Administrative Officer if authorized by the County Executive, shall deliver a written certificate  
4 stating (i) the public purpose of each series of bonds included in the consolidated issue, (ii) the  
5 maturity schedule for each series of bonds so identified as a separate public purpose, (iii) the  
6 consolidated maturity schedule and (iv) that the maximum maturity of the bonds consolidated for  
7 issue as a single consolidated issue is not greater than the end of the probable useful life or the  
8 average of the probable useful lives, as the case may be, of the project or projects to be financed  
9 with the proceeds of such consolidated issue. A "Consolidated General Improvements Series"  
10 shall be treated as a separate series of bonds for purposes of numbering pursuant to this  
11 Ordinance. In the event that all or any portion of any bonds issued pursuant to this Section at the  
12 same time are consolidated, the title or designation of the remaining series of bonds issued at the  
13 same time may also be designated as a "consolidated" issue (e.g. "Consolidated Water and Sewer  
14 Series, 20\_\_", "Consolidated Solid Waste Projects Series, 20\_\_"). Before any bonds are issued as  
15 part of a separate series to finance solid waste projects identified on Exhibit I as Self-Liquidating  
16 Bonds—Solid Waste, a determination must be made regarding such projects or the utility of  
17 which they are a part similar to the determination required in Paragraph (5) of the Statement of  
18 Policy in Section 1 with regard to bonds issued for revenue projects of water or wastewater  
19 utilities. The County Executive, or the Chief Administrative Officer if authorized by the County  
20 Executive, is hereby authorized to make such changes in the forms of bonds, notice of sale,  
21 proposal and other documents in connection with any issue of bonds pursuant to this Section 2 as  
22 such County Executive or Chief Administrative Officer, as the case may be, may deem necessary  
23 or desirable in order to effect the consolidation and naming of bonds authorized hereby.  
24

25 (6) All of (a) the bonds authorized by this Section 2, (b) bond anticipation notes authorized by  
26 Section 6 hereof and (c) Refunding Bonds authorized by Section 3 hereof which are issued to  
27 refund Refunded Bonds secured as unconditional general obligations of the County, shall all be  
28 deemed and shall constitute unconditional general obligations of the County, to the payment of  
29 which, both principal and interest, its full faith and credit are pledged. Subject to the following  
30 provisions, the County hereby covenants that, in each fiscal year during which any such bonds are  
31 outstanding, it will appropriate sufficient funds in each Current Expense Budget to pay the  
32 principal of such bonds and the interest thereon due in such fiscal year. The County hereby  
33 further covenants that, to the extent any such appropriation is not offset by funds from other  
34 sources or by project revenues, it will, subject to the limitation on the tax levy set out in  
35 Section 710(d) of the County Charter, fund any such appropriation by the levy of ad valorem  
36 taxes on real estate, tangible personal property and intangible personal property subject to  
37 taxation by the County, and in addition, on such other intangible property as may be subject to  
38 taxation by the County within limitations prescribed by law.  
39

40 In the case of any series of bonds issued to finance self-liquidating projects of the County or  
41 of any Refunding Bonds issued to refund Refunded Bonds for water and wastewater projects or  
42 solid waste projects, the proceeds of which were used to finance self-liquidating projects of the  
43 County, the principal of and interest on any such bonds shall be payable primarily from the net  
44 revenues and receipts from such projects, or the utilities of which they form a part. If any such  
45 series of bonds shall be issued to finance such self-liquidating projects, then the County  
46 covenants to fix such rates and charges for the use of any such project, or the utility of which it  
47 forms a part, as will generate sufficient revenues to pay the annual cost of maintenance and  
48 operation thereof and to pay the maturing principal of and interest on any such series of bonds  
49 when due, and the County further covenants and agrees to apply such revenues against  
50 appropriations for such maintenance, operation and debt service in each Current Expense Budget.  
51 Interest on any bonds authorized by this Section 2 and bond anticipation notes authorized by  
52 Section 6 hereof falling due during the fiscal year ending June 30, 2016, may be capitalized and  
53 paid from the proceeds of sale, and in the annual Current Expense Budgets of the County for the

1 fiscal years ending June 30, 2017 and June 30, 2018, there shall be appropriated amounts  
2 sufficient to pay the interest accruing on any such bonds or notes then outstanding, or to be issued  
3 during such fiscal years, less the amount of interest capitalized, which, as to any such series of  
4 notes and bonds, shall not exceed twelve (12) months interest on such notes and bonds,  
5 respectively, or the amount of interest included in the cost of the capital projects to be financed  
6 with such series, whichever is smaller.

7  
8 Notwithstanding the foregoing, in accordance with Section 19-207 of the Local Government  
9 Article of the Annotated Code of Maryland (2013 Replacement Volume and 2014 Supplement),  
10 in the case of any Refunding Bonds issued to refund Refunded Bonds secured as unconditional  
11 general obligations with a pledge of the full faith and credit and unlimited taxing power of the  
12 County, the County covenants that, to the extent any such appropriation to pay principal of or  
13 interest on such Refunding Bonds is not offset by funds from other sources or by project  
14 revenues, it will fund any such appropriations by the levy of ad valorem taxes on real estate,  
15 tangible personal property and intangible personal property subject to taxation by the County  
16 without limitation as to rate or amount, and in addition upon such other intangible property as  
17 may be subject to taxation by the County within limitations prescribed by law.

18  
19 (7) The rate or rates of interest payable on any series of bonds sold pursuant to this Section 2  
20 shall not exceed the maximum interest rate, if any, specified by the County Council by public  
21 local law to be payable on obligations of Anne Arundel County, Maryland, and, except with  
22 respect to the first interest payment, which may be either a long or short coupon, and except as  
23 provided in Section 7 of this Ordinance in connection with the issuance and sale of Variable Rate  
24 Demand Obligations, such interest rate shall be payable in semi-annual installments, accounting  
25 from the date of issue of any such series of bonds. Interest on the bonds shall be payable by  
26 checks mailed by the Paying Agent therein named to the registered holder or holders of such  
27 bonds or, if such bonds shall be issued in the form of Variable Rate Demand Obligations, interest  
28 thereon may be payable by wire transfer at the discretion of the County Executive, or the Chief  
29 Administrative Officer if authorized by the County Executive. If the bonds are issued and sold in  
30 book-entry form, alternative payment arrangements may be provided at the discretion of the  
31 County Executive, or the Chief Administrative Officer if authorized by the County Executive.

32  
33 (8) The principal of the bonds authorized by this Section 2 shall be payable at the principal  
34 office of the Paying Agent therein named, unless the bonds are issued and sold in book-entry  
35 form, in which event alternative payment arrangements may be provided at the discretion of the  
36 County Executive, or the Chief Administrative Officer if authorized by the County Executive.

37  
38 (9) With respect to each series of bonds sold pursuant to this Section 2, authority is hereby  
39 conferred on the County Executive, or the Chief Administrative Officer if authorized by the  
40 County Executive, to take the following actions and make the following commitments on behalf  
41 of the County:

42  
43 (a) to determine the date, time and place when proposals for the purchase of any such  
44 series of bonds will be received, to publish and otherwise distribute, as prescribed in Section 5  
45 hereof, a suitable notice of sale of such bonds and to award any series of bonds for which a  
46 legally sufficient proposal has been received to the best bidder therefor, determined as provided  
47 in such Section 5; provided, however, that the County Executive, or the Chief Administrative  
48 Officer if authorized by the County Executive, may by written statement appoint a designee who  
49 may conduct the sale on his behalf and accept bids and award bonds to the best bidder;

50  
51 (b) to appoint a bank having trust powers, or a trust company, as Paying Agent for any  
52 such series of bonds, notwithstanding the fact that such bank or trust company may have neither  
53 its principal office nor any branch office within the County or the State of Maryland, and to

1 appoint a similarly qualified bank or trust company as Alternate Paying Agent, such authority to  
2 include the power to agree with respect to the compensation of such Paying Agent and Alternate  
3 Paying Agent for the services to be rendered by them and to appoint one or more of such banks or  
4 trust companies as Bond Registrars and also to confer on the manager of the syndicate purchasing  
5 any such series of bonds the right to designate an Alternate Paying Agent so to be appointed;  
6

7 (c) to fix the schedule of annual maturities of any series of bonds and the maximum rate  
8 of interest payable thereon, both within the limitations prescribed above;  
9

10 (d) to employ, as financial advisor with respect to the sale of any series of bonds hereby  
11 authorized, a qualified firm of investment bankers having a municipal bond department, or some  
12 other firm or corporation specializing in the municipal bond field; to arrange, together with such  
13 financial advisor, for the preparation and distribution of an appropriate Offering Circular, Official  
14 Statement or Official Circular with respect to the sale of any such series of bonds, including  
15 (without limitation) the employment of a qualified financial printer to print such Offering  
16 Circular, Official Statement or Official Circular; and to allocate in his discretion the costs of  
17 employing such financial advisor and financial printer and the other costs of preparing and  
18 distributing such Offering Circular, Official Statement or Official Circular among the projects to  
19 be financed with the proceeds of any such series of bonds, as part of the costs thereof, all such  
20 costs of employing such financial advisor and financial printer and all other costs of preparing  
21 and distributing such Offering Circular, Official Statement or Official Circular to be regarded as  
22 costs of specialized services of an unusual nature and not susceptible of being obtained through  
23 competitive bidding;  
24

25 (e) after considering any recommendations of such financial advisor, to reserve to the  
26 County the option to redeem any such series of bonds in whole or in part, at such times and upon  
27 payment of such premiums as such financial advisor may recommend;  
28

29 (f) to retain qualified bond counsel (such qualifications to be subject to approval by the  
30 County Attorney) to handle all legal proceedings with respect to the issue and sale of any such  
31 series of bonds and to pass on the validity thereof and to employ, if bonds are not issued and sold  
32 in book-entry form, or if otherwise deemed necessary by the County Executive, a qualified  
33 banknote company to print or engrave such bonds in accordance with established standards, and  
34 to allocate in his discretion the costs of retaining such counsel and employing such banknote  
35 company among the projects to be financed with the proceeds of any such series of bonds, as part  
36 of the costs thereof, all such costs of retaining such counsel and employing such banknote  
37 company to be regarded as costs of specialized services of an unusual nature and not susceptible  
38 of being obtained through competitive bidding; and  
39

40 (g) to provide for the issuance of bonds in book-entry form, to provide for the manner of  
41 payment of principal of and interest on bonds issued in book-entry form and to enter into  
42 appropriate agreements regarding the custody of bonds issued in book-entry form.  
43

44 SECTION 3. *And be it further enacted*, Acting pursuant to the authority of Section 10-203 of  
45 the Local Government Article of the Annotated Code of Maryland (2013 Replacement Volume  
46 and 2014 Supplement), The Anne Arundel County Charter and Section 19-207 of the Local  
47 Government Article of the Annotated Code of Maryland (2013 Replacement Volume and 2014  
48 Supplement) (the "Refunding Act"), the issuance and sale of bonds of the County (the  
49 "Refunding Bonds") is hereby authorized for the purpose of refunding some or all of the  
50 outstanding issues of bonds of the County listed on Exhibit II attached hereto, as follows:  
51

52 (a) Refunding Bonds are hereby authorized to be issued to refund in whole or in part the  
53 respective several series of Anne Arundel County Consolidated General Improvements Series,

1 Anne Arundel County Consolidated Water and Sewer Series and Anne Arundel County Water  
2 and Sewer Series, and Anne Arundel County Consolidated Solid Waste Projects Series, identified  
3 as to designation, date and aggregate outstanding principal amount on Exhibit II below (to the  
4 extent refunded hereby, the "Refunded Series"). The amount of any Refunding Bonds shall be  
5 reduced to take account of any principal payments made to such Refunded Series prior to such  
6 refunding. With respect to each Refunded Series, Refunding Bonds may be issued pursuant to this  
7 Ordinance in an aggregate principal amount sufficient to provide funds (a) to purchase direct  
8 obligations of, or obligations the timely payment of the principal and interest on which is  
9 unconditionally guaranteed by, the United States of America ("Government Obligations"), the  
10 principal of and interest on which will be sufficient without reinvestment or to provide cash  
11 sufficient, in either case, to pay in a timely manner all or any part of the principal of and  
12 redemption premium, if any, and interest on the bonds of such Refunded Series and, if so  
13 provided by the County Executive, or Chief Administrative Officer if authorized by the County  
14 Executive, pursuant to Section 3(6) of this Ordinance, a portion of the interest on the Refunding  
15 Bonds, and (b) to pay any and all other costs permitted to be paid from the proceeds of such  
16 bonds under the Refunding Act, including (without limitation) the costs of issuance of such bonds  
17 and applicable underwriting fees; provided, however, that the aggregate principal amount of  
18 Refunding Bonds issued to refund one or more Refunded Series shall not exceed 120% of the  
19 principal amount of bonds of the Refunded Series so refunded. Proceeds of Refunding Bonds,  
20 including bond premium, consisting of net bond proceeds from the sale of bonds sold at a price  
21 above par, shall be applied for the purposes set forth above and as prescribed in the Refunding  
22 Act. Accordingly, bond premium, if any, derived from the sale of Refunding Bonds shall be  
23 applied as described above and shall not be subject to any requirement for expenditure on capital  
24 improvements.

25  
26 (b) The Refunding Bonds shall be issued and sold in the same manner as Bonds authorized by  
27 Section 2 hereof with the following exceptions and additions:

28  
29 (1) Refunding Bonds shall be sold at private (negotiated) sale, and such procedure is  
30 hereby determined to be in the public interest. Notwithstanding the foregoing, if the County  
31 Executive, or the Chief Administrative Officer if authorized by the County Executive,  
32 subsequently determines that it is in the best interests of the County to sell any or all of the  
33 Refunding Bonds after first soliciting competitive bids at public sale, then the County Executive  
34 or the Chief Administrative Officer, as the case may be, may sell such Refunding Bonds in such  
35 manner in accordance with such procedures as he shall deem appropriate; provided, however, that  
36 such procedures shall be substantially similar to the procedures set forth in Section 5 hereof.

37  
38 (2) Refunding Bonds issued hereunder are hereby specifically exempted from the  
39 provisions of Sections 19-205 and 19-206 of the Local Government Article of the Annotated  
40 Code of Maryland (2013 Replacement Volume and 2014 Supplement).

41  
42 (3) Refunding Bonds authorized to be issued for the purposes specified above may be  
43 issued in series from time to time. Each such series shall identify the public purpose for which it  
44 is issued, by the printing on each bond of the words "Consolidated General Improvements Series,  
45 20\_\_ Refunding Series", "Consolidated Water and Sewer Series, 20\_\_ Refunding Series," or  
46 "Consolidated Solid Waste Projects Series, 20\_\_ Refunding Series," as the case may be. The  
47 County Executive, or the Chief Administrative Officer if authorized by the County Executive,  
48 may incorporate such additional designations in the name of the series as he deems necessary or  
49 convenient to distinguish two or more series issued for the same purpose within the same  
50 calendar year.

51  
52 (4) The bonds of each series, or of successive series for the same public purpose, shall  
53 mature and be payable under an annual Installment Plan which may be implemented by the

1 issuance of serial maturity bonds or term bonds having mandatory sinking fund requirements,  
2 beginning not later than the second anniversary of such series, or of the first series of a group, and  
3 concluding on or before (a) the thirtieth (30th) anniversary of the Refunded Bonds to be refunded  
4 from the proceeds of such Series or (b) the final maturity date permitted for such series under  
5 Paragraph 3 of Section II of the FINDINGS OF FACT set forth in Section 1 of this Ordinance,  
6 whichever shall be earlier. In the event that bonds of more than one Series of Refunded Bonds  
7 are refunded by a single series of Refunding Bonds, compliance with the maturity limits  
8 contained herein shall be established with respect to each series of Refunded Bonds in a  
9 certificate of the County Executive, or the Chief Administrative Officer if authorized by the  
10 County Executive, delivered in connection with the issuance of such Refunding Bonds.

11  
12 (5) The County Executive, or the Chief Administrative Officer if authorized by the  
13 County Executive, shall determine the portions of each series of Refunded Bonds to be refunded  
14 with the proceeds of each series of Refunding Bonds; provided, however, that such refunding will  
15 effectuate and accomplish the public purpose of realizing savings to the County in the aggregate  
16 cost of debt service on either a direct comparison or a present value basis with respect to the  
17 portion of any series of Refunded Bonds being refunded.

18  
19 (6) With respect to each series of Refunding Bonds sold pursuant to this Ordinance,  
20 authority is hereby conferred on the County Executive, or the Chief Administrative Officer if  
21 authorized by the County Executive, in addition to the authority conferred by Section 2 hereof, to  
22 take the following actions and make the following commitments on behalf of the County:

23  
24 (a) to sell any series of Refunding Bonds upon such terms he deems favorable under  
25 the existing market conditions to a bank, investment banking firm or other financial institution as,  
26 in his judgment, offers to purchase such series of bonds on terms he deems favorable to the  
27 County under the existing market conditions;

28  
29 (b) to execute and deliver, as a binding and enforceable obligation of the County, an  
30 underwriting or purchase agreement for any series of Refunding Bonds;

31  
32 (c) to determine whether the principal of Refunded Bonds shall be paid at maturity, at  
33 the earliest redemption date pertaining thereto, or at some later redemption date; and

34  
35 (d) to select a trust company or other banking institution as trustee, to hold the trust  
36 fund into which the proceeds of the sale of any Refunding Bonds may be deposited under the  
37 Refunding Act, to determine the terms of any such trust fund, including any provisions relating to  
38 the payment of costs or the payment of a portion of the interest on such series of Refunding  
39 Bonds therefrom, and to deliver, as a binding commitment of the County, a trust or escrow  
40 agreement pursuant to which such trust fund is established.

41  
42 SECTION 4. *And be it further enacted*, That the several series of bonds to be issued pursuant  
43 to the authority of this Ordinance shall be executed on behalf of the County by the manual or  
44 facsimile signature of the County Executive and the seal or a facsimile of the seal of the County  
45 shall be impressed or imprinted thereon, attested by the manual or facsimile signature of the  
46 County Executive, the secretary to the County Executive, the Administrative Officer to the  
47 County Council or such other officer as may be specified by ordinance of the County Council.  
48 Each such bond shall be authenticated by the manual or facsimile signature of the Chief  
49 Administrative Officer or his authorized deputy and by the manual signature of an authorized  
50 officer of the Bond Registrar. Notwithstanding the foregoing, in the event bonds are issued in  
51 book-entry form the County Executive or the Chief Administrative Officer if authorized by the  
52 County Executive, may provide that bonds issued in such form need not be authenticated by a

1 Bond Registrar. No bonds issued hereunder shall be valid for any purpose or constitute an  
2 obligation of the County unless so authenticated.

3  
4 Each series of bonds shall be in the form set forth in Exhibit III attached hereto and  
5 incorporated herein, and bonds issued substantially in compliance with such forms, with such  
6 insertions, alterations, additions or deletions as herein permitted, when properly executed and  
7 authenticated as described above, shall be deemed to constitute unconditional general obligations  
8 of the County, to the payment of which, in accordance with the terms thereof, its full faith and  
9 credit are pledged, subject to the limitation on the taxing power set forth in Section 710(d) of the  
10 County Charter, and all the covenants and conditions contained in such bonds shall be deemed to  
11 be binding upon the County in accordance therewith.

12  
13 In case any official of the County whose signature shall appear on any such bonds shall cease  
14 to be such official prior to the delivery of such bonds, or in the case that any such official shall  
15 take office subsequent to the date of issue of any such bonds, his signature, in either event, shall  
16 nevertheless be valid for the purposes herein intended.

17  
18 There shall be printed on the reverse side of each series of bonds issued hereunder, the text of  
19 the applicable approving legal opinion with respect thereto, such text being duly certified by the  
20 manual or facsimile signature of the County Executive, unless the bonds are issued in book-entry  
21 form, in which event, the County Executive, or the Chief Administrative Officer if authorized by  
22 the County Executive, may make alternate arrangements to make the approving legal opinion  
23 available to the holder of such bonds.

24  
25 Authority is hereby conferred on the County Executive, or the Chief Administrative Officer if  
26 authorized by the County Executive, to complete the blanks in such forms with the required  
27 information, to insert applicable paragraphs as indicated and to make such additions, deletions  
28 and substitutions in such forms, not inconsistent herewith, as may be necessary or desirable in the  
29 sale of any such series of bonds or to provide for the sale of any such series of bonds in book-  
30 entry form including (without limitation) modifications in the form of bonds to provide for  
31 Refunding Bonds issued to refund Refunded Bonds meeting the requirements of Section 19-207  
32 of the Local Government Article of the Annotated Code of Maryland (2013 Replacement Volume  
33 and 2014 Supplement) to be secured by a pledge of the full faith and credit and unlimited taxing  
34 power of the County, or, with respect to bonds sold in book-entry form, to provide for payment of  
35 the redemption price of such bonds without presentation thereof to the County or to the Bond  
36 Registrar. Without limiting the generality of the foregoing, the County Executive, or the Chief  
37 Administrative Officer if authorized by the County Executive, is hereby specifically authorized to  
38 make such additions, deletions and substitutions in such forms, not inconsistent herewith, as he  
39 may deem necessary or desirable in the event that any series of bonds issued hereunder (i) is not  
40 made subject to redemption prior to their respective maturities or (ii) is issued as Variable Rate  
41 Demand Obligations in accordance with the provisions of Section 7 of this Ordinance.

42  
43 *SECTION 5. And be it further enacted,* That any bonds hereafter sold pursuant to the  
44 authority of Section 2 of this Ordinance shall first be offered at public sale to the best bidder  
45 therefor and only after the solicitation of competitive bids on a sealed basis by publication of a  
46 notice of sale substantially in the form set forth in Exhibit IV attached hereto and incorporated  
47 herein, with such insertions, alterations, additions or deletions as are permitted by this Ordinance.

48  
49 The best bidder for such bonds shall be determined in accordance with a formula and subject  
50 to such bid constraints as shall be determined by the County Executive, or the Chief  
51 Administrative Officer if authorized by the County Executive, upon the recommendation of the  
52 financial advisor selected pursuant to Section 2 hereof, to be appropriate for the solicitation or  
53 determination of the best bid for the bonds. The notice shall be published at least once preceding

1 the date of sale in a newspaper published and of general circulation in the County. The first  
2 publication of such notice shall be not less than 10 days prior to the date of sale. At the discretion  
3 of the County Executive, or the Chief Administrative Officer if authorized by the County  
4 Executive, such notice or a summary thereof may also be inserted one or more times in financial  
5 journals published elsewhere in the United States. If more than one series or issue of bonds are  
6 offered together, they shall be sold as a unit. Following any such sale, the County Executive, or  
7 the Controller if authorized by the County Executive, shall report the results thereof in writing at  
8 the next meeting of the County Council. All proposals for the purchase of any such bonds shall  
9 be made substantially in the form set forth in Exhibit IV attached hereto and incorporated herein,  
10 with such insertions, alterations, additions or deletions as are permitted by this Ordinance.  
11

12 The County may in such notice of sale reserve unto itself the right to reject any or all of the  
13 bids made pursuant to such notice and if, pursuant to the power so reserved, all of such bids are  
14 so rejected at the public sale of any of the bonds, then the County may, within 30 days, but not  
15 thereafter, offer to sell or sell all or any part of such bonds by private sale for a price not less than  
16 the best bid received by the County from an acceptable bidder at the public sale thereof, and if  
17 such bonds are not sold either at such public sale or at private sale within such 30 day period, then  
18 they may not be sold in any manner except upon a subsequent public sale duly advertised in the  
19 manner herein specified.  
20

21 The County may in such notice of sale reserve the right to adjust the principal amount of each  
22 maturity of bonds of any series after publication of the notice of sale as provided herein, provided  
23 that any such adjustment shall be made in accordance with the procedures set forth in the notice  
24 of sale.  
25

26 The forms of such notice of sale and of such proposals shall be substantially as set forth in  
27 Exhibit IV, with the insertions therein indicated, and subject to such insertions, alterations,  
28 additions or deletions as the County Executive, or the Chief Administrative Officer if authorized  
29 by the County Executive, may deem advisable due to financial or market conditions prevailing at  
30 the time or, in the event that bonds are issued as Variable Rate Demand Obligations in  
31 accordance with Section 7 of this Ordinance or constitute Refunding Bonds meeting the  
32 requirements of Section 19-207 of the Local Government Article of the Annotated Code of  
33 Maryland (2013 Replacement Volume and 2014 Supplement), due to the particular characteristics  
34 of such bonds or the security therefor. Without limiting the generality of the foregoing, the  
35 County Executive, or the Chief Administrative Officer if authorized by the County Executive, is  
36 hereby specifically authorized, upon recommendation of the financial advisor and bond counsel,  
37 to make such insertions, alterations, additions or deletions as he may deem necessary or desirable  
38 (A) in the event that the bonds of any series issued hereunder (i) are not made subject to  
39 redemption prior to their respective maturities, (ii) are issued as Variable Rate Demand  
40 Obligations in accordance with the provisions of Section 7 of this Ordinance or (iii) constitute  
41 Refunding Bonds meeting the requirements of Section 19-207 of the Local Government Article  
42 of the Annotated Code of Maryland (2013 Replacement Volume and 2014 Supplement), (B) to  
43 provide for receipt of bids submitted electronically, or (C) to reflect use of a book-entry only  
44 system.  
45

46 SECTION 6. *And be it further enacted*, That in order to avoid the issuance of a greater  
47 amount of bonds for the capital projects listed in Exhibit I than is needed therefor, and in order to  
48 permit the construction of such projects to proceed prior to the issuance of such bonds and at the  
49 same time afford the County maximum flexibility in selecting the most advantageous times for  
50 such issuance, the County may provide needed capital funds by the issue and sale of its bond  
51 anticipation notes pursuant to the authority of Section 19-212 of the Local Government Article of  
52 the Annotated Code of Maryland (2013 Replacement Volume and 2014 Supplement) (the "Bond

1 Anticipation Note Act"). Such notes shall bear the same series identification as the bonds  
2 authorized in Section 2 hereof.  
3

4 (1) The maximum principal amount of such notes issued pursuant to this Section which may  
5 be outstanding at any time shall be ~~Five Hundred Fifteen Million Eight Hundred Eighty Two~~  
6 ~~Thousand Nine Hundred Forty Eight (\$515,882,948)~~ Four Hundred Sixty-Five Million Nine  
7 Hundred Fifty-Two Thousand Seven Hundred Forty-Eight Dollars (\$465,952,748) unless and  
8 until otherwise provided by the County Council by ordinance. The notes may be paid at or prior  
9 to maturity from the proceeds of the issuance and sale of the bonds in anticipation of which such  
10 notes were issued or from the proceeds of refunding bond anticipation notes. Except as otherwise  
11 provided herein, in the event of such an advance refunding, the proceeds of such refunding bonds  
12 or notes shall be held in escrow, to the extent and in the amount necessary to refund the  
13 outstanding series of notes, for the benefit of the holders of the outstanding series of notes. Such  
14 refunding bond anticipation notes, if issued, will constitute a reissuance of the bond anticipation  
15 notes authorized by this Ordinance and shall not constitute additional indebtedness under such  
16 authorization.  
17

18 (2) The notes shall be issued in registered form without coupons or in bearer form without  
19 coupons, in the denomination of \$5,000 each or any integral multiple thereof, as may be  
20 determined by the County Executive, or the Chief Administrative Officer if authorized by the  
21 County Executive. Each such note shall be dated (i) as of the first or fifteenth day of the month in  
22 which it is sold, and accrued interest shall be adjusted to such date or (ii) as of the date of the  
23 initial sale and delivery of such note, all as may be determined by the County Executive, or the  
24 Chief Administrative Officer if authorized by the County Executive. All of the notes authorized  
25 hereby shall mature and be payable on such date as may be determined by the County Executive,  
26 or the Chief Administrative Officer if authorized by the County Executive, within the limitations  
27 of this Ordinance and the Bond Anticipation Note Act. The County Executive, or the Chief  
28 Administrative Officer if authorized by the County Executive, may also provide for (a) the  
29 extension of maturity of such notes, at the option of the County exercised by the County  
30 Executive or the Chief Administrative Officer, for an additional period not in excess of six  
31 months, upon such terms and conditions as the County Executive, or the Chief Administrative  
32 Officer if authorized by the County Executive, shall prescribe and (b) the redemption of such  
33 notes prior to their maturity, with or without premium or penalty.  
34

35 (3) All or any part of such notes may be issued in series as funds are required. Authority is  
36 hereby conferred on the County Executive, or the Chief Administrative Officer if authorized by  
37 the County Executive, to determine whether such notes will be issued in such series and, if so,  
38 when each such series of notes will be delivered to the purchaser thereof.  
39

40 (4) The County Executive, or the Chief Administrative Officer if authorized by the County  
41 Executive, shall provide for the establishment and maintenance of books for the registration and  
42 transfer of registered notes, which books may be maintained by a Note Registrar appointed by the  
43 County Executive, or the Chief Administrative Officer if authorized by the County Executive.  
44

45 (5) Notes to be issued pursuant to the authority of this Ordinance shall be executed on behalf  
46 of the County by the manual or facsimile signature of the County Executive and the seal of the  
47 County or a facsimile thereof shall be impressed or imprinted thereon, attested by the manual or  
48 facsimile signature of the County Executive, the secretary to the County Executive, the  
49 Administrative Officer to the County Council or such other officer as may be specified by  
50 ordinance of the County Council. Each note shall be authenticated by the manual or facsimile  
51 signature of the Chief Administrative Officer or his authorized deputy. In the event that  
52 registered notes are issued, the County Executive, or the Chief Administrative Officer if  
53 authorized by the County Executive, may provide for authentication of such registered notes by a



1 Note Registrar in such form as he shall deem appropriate. In the event that Program Notes  
2 (hereinafter defined) are issued, or in the event that the notes are issued as Variable Rate Demand  
3 Obligations, the County Executive, or the Chief Administrative Officer if authorized by the  
4 County Executive, may provide for authentication of such Program Notes or Variable Rate  
5 Demand Obligations by such agents or entities and in such form as he shall deem appropriate.  
6

7 (6) The notes shall bear interest at such rate or rates as shall be established by the County  
8 Executive, or the Chief Administrative Officer if authorized by the County Executive, which rate  
9 or rates may vary according to an established index. Interest on the notes shall be payable on  
10 such dates and in such manner as shall be established by the County Executive, or the Chief  
11 Administrative Officer if authorized by the County Executive.  
12

13 (7) Unless otherwise provided by an ordinance of the County Council prior to the issuance of  
14 any of such notes, authority is hereby conferred on the County Executive, or the Chief  
15 Administrative Officer if authorized by the County Executive, to sell such notes on the most  
16 favorable terms available from time to time, without solicitation of competitive bids, at private  
17 (negotiated) sale, and such method of sale is hereby found and determined to be in the best  
18 interests of the County. If the County Executive, or the Chief Administrative Officer if  
19 authorized by the County Executive, shall determine that the best interests of the County will be  
20 served by the sale of all or part of the notes at a public sale with the solicitation of competitive  
21 bids, the County Executive or the Chief Administrative Officer, as the case may be, is hereby  
22 authorized to sell such notes in such manner. Except as hereinafter provided with respect to  
23 Commercial Paper Notes (hereinafter defined), (a) such notes shall be sold at a price equal to the  
24 par value thereof plus accrued interest to the date of delivery, or (b) upon written  
25 recommendation of the financial advisor selected pursuant to subsection (9) of Section 2 that a  
26 discount bid would be expected to provide a more favorable interest rate to the County by  
27 facilitating the underwriting of the County's notes in then-current market conditions, the County  
28 Executive, or the Chief Administrative Officer if authorized by the County Executive, may  
29 authorize such notes to be sold at a price not less than 99% of par plus accrued interest to date of  
30 delivery. None of such notes shall bear interest at a rate in excess of the maximum interest rate, if  
31 any, specified by the County Council by Public Local Law to be payable on obligations of Anne  
32 Arundel County, Maryland.  
33

34 In the event that such notes are sold at private (negotiated) sale, the County Executive, or the  
35 Chief Administrative Officer if authorized by the County Executive, is hereby authorized to  
36 negotiate with any bank, banker or other financial institution for a loan commitment and to  
37 deliver to such bank, banker or other financial institution such notes at one time or from time to  
38 time, as funds are required, pursuant to the terms of such commitment, and to execute and deliver  
39 any and all documents necessary or deemed appropriate by the County Executive or the Chief  
40 Administrative Officer, as the case may be, to consummate the sale of such notes at private  
41 (negotiated sale) and to accomplish any and all actions necessary or deemed appropriate by the  
42 County Executive or the Chief Administrative Officer, as the case may be, to issue and deliver  
43 such notes to the purchaser thereof in accordance with the provisions of this Ordinance and any  
44 such commitment.  
45

46 In the event that such notes are sold at public sale, the County Executive, or the Chief  
47 Administrative Officer if authorized by the County Executive, is hereby authorized (i) to  
48 determine the timing, terms and conditions thereof, (ii) to publish an appropriate notice of sale,  
49 such notice of sale to be in the general form of the form of the notice of sale included herein in  
50 Section 5 for the sale of bonds authorized by Section 2 hereof, with such alterations, deletions,  
51 substitutions and additions as the County Executive, or the Chief Administrative Officer if  
52 authorized by the County Executive, shall deem necessary or appropriate to provide for proper  
53 notice of the sale of notes, (iii) to determine the date, time and place when proposals will be

1 accepted for such notes, such proposals to specify the interest rate or rates to be paid on such  
2 notes, the price to be paid for such notes and such other matters as the County Executive or the  
3 Chief Administrative Officer, as the case may be, may deem necessary or desirable in order to  
4 sell and deliver such notes and to award such notes at public sale to the successful bidder for such  
5 notes, and (iv) to execute and deliver any and all documents necessary or deemed appropriate by  
6 the County Executive or the Chief Administrative Officer, as the case may be, to consummate the  
7 sale of such notes at public sale and to accomplish any and all actions necessary or deemed  
8 appropriate by the County Executive or the Chief Administrative Officer, as the case may be, to  
9 issue and deliver such notes to such underwriters or purchasers in accordance with the provisions  
10 of this Ordinance and any contract of sale with the successful bidder for the notes.  
11

12 Following each such sale, or the negotiation of each such commitment, including the  
13 execution of any agreements in connection with the issuance of Program Notes or Variable Rate  
14 Demand Obligations, the County Executive, or the Controller if authorized by the County  
15 Executive, shall report the same at the next meeting of the County Council and shall accompany  
16 such report with the data upon which he had relied to satisfy himself that he had obtained terms  
17 favorable to the County in the then-prevailing market for comparable obligations.  
18

19 (8) The authority conferred on the County Executive, or the Chief Administrative Officer if  
20 authorized by the County Executive, in paragraph (9) of Section 2 of this Ordinance in connection  
21 with the issuance of bonds hereunder, with respect to the appointment of paying agents and a  
22 registrar, the employment of a financial advisor, a financial printer and a securities printer,  
23 retaining bond counsel and the preparation and distribution of an appropriate Offering Circular,  
24 Official Statement or Official Circular, may also be exercised with respect to the issuance and  
25 sale of bond anticipation notes hereunder.  
26

27 (9) With respect to any notes issued, the County hereby covenants and agrees with the holder  
28 or holders thereof to issue, upon its full faith and credit, the bonds in anticipation of the sale of  
29 which such notes are issued when, and as soon as, the reason for deferring the issuance thereof no  
30 longer exists and to pay the principal of and interest on (to the extent such interest has not been  
31 capitalized, or otherwise paid, by appropriations from current revenues as hereinbefore  
32 authorized) such notes from the proceeds of such bonds. This covenant shall be binding upon the  
33 County notwithstanding any limitation set forth in this Ordinance, including (without limitation)  
34 any limitation with respect to the interest rate or rates that the bonds may bear. If the County  
35 shall be unable, for reasons beyond its control, to issue and sell its bonds as described above, or if  
36 the proceeds from the sale of such bonds shall be insufficient to pay the principal of and interest  
37 on any notes issued, then the revenues from taxes and other sources intended for application to  
38 debt service on such bonds shall be applied to the payment of the interest on and principal of the  
39 notes. The foregoing provisions shall not be construed so as to prohibit the County from paying  
40 the principal or redemption price of and interest on any note issued hereunder from the proceeds  
41 of the sale of any other note issued hereunder, or from any other funds legally available for that  
42 purpose.  
43

44 If the County shall be unable, for reasons beyond its control, to issue and sell its bonds, or if  
45 the proceeds from the sale of such bonds shall be insufficient to pay the principal of or interest on  
46 any notes issued, then the County hereby covenants that, in each fiscal year during which any  
47 such bond anticipation notes are outstanding, it will appropriate sufficient funds in each Current  
48 Expense Budget to pay the principal of such bond anticipation notes and the interest thereon due  
49 in such fiscal year. The County hereby further covenants that, to the extent any such  
50 appropriation is not offset by funds from other sources or by project revenues, it will, subject to  
51 the limitation on the tax levy set out in Section 710(d) of the County Charter, fund any such  
52 appropriation by the levy of ad valorem taxes on real estate, tangible personal property and  
53 intangible personal property subject to taxation by the County, and in addition, on such other

1 intangible property as may be subject to taxation by the County within limitations prescribed by  
2 law. In such event, in the case of any series of bond anticipation notes issued to finance  
3 self-liquidating projects of the County, the principal of and interest on any such notes shall be  
4 payable primarily from the net revenues and receipts from such projects, or the utilities of which  
5 they form a part. If any such series of bond anticipation notes shall be issued to finance such  
6 self-liquidating projects and the County shall be unable for reasons beyond its control to issue and  
7 sell the bonds in anticipation of the sale of which such notes are issued, or if the proceeds from  
8 the sale of such bonds shall be insufficient to pay the principal of or interest on such notes, then  
9 the County covenants to fix such rates and charges for the use of any such project, or the utility of  
10 which it forms a part, as will generate sufficient revenues to pay the annual cost of maintenance  
11 and operation thereof and to pay the maturing principal of and interest on any such series of bond  
12 anticipation notes when due, and the County further covenants and agrees to apply such revenues  
13 against appropriations for such maintenance, operation and debt service in each Current Expense  
14 Budget. The County may apply to the payment of the principal of and interest on the  
15 aforementioned notes any funds granted or otherwise obtained and legally available for the  
16 payment of the principal of and interest on the notes; and to the extent that any such funds  
17 received or receivable in any fiscal year are applied to such purposes, the taxes, rates and charges  
18 required to be levied or assessed pursuant to this paragraph shall be reduced proportionately.

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

1 (11) Pursuant to the Bond Anticipation Note Act, the County is hereby authorized to issue the  
2 aforementioned bond anticipation notes as notes in the nature of commercial paper and to  
3 establish a commercial paper program. Accordingly, the County is hereby authorized to issue  
4 two or more separate and distinct series of its bond anticipation notes, which may include (1) a  
5 series of its bond anticipation notes in the nature of commercial paper (the "Commercial Paper  
6 Notes") and (2) a series of its bond anticipation notes in connection with a liquidity facility, such  
7 as a revolving loan agreement, or a series of its bond anticipation notes in connection with a  
8 credit facility, such as a letter of credit and related agreements (collectively, the "Revolving Loan  
9 Notes") (the Commercial Paper Notes and the Revolving Loan Notes being collectively referred  
10 to herein as the "Program Notes"). The words "bond anticipation notes," as used in this  
11 Ordinance, include Program Notes, and it is intended that the provisions of this Ordinance  
12 applying to bond anticipation notes shall include Program Notes unless the context clearly  
13 requires a contrary meaning.  
14

15 For the purposes of this Ordinance, the term "principal amount," when used with respect to  
16 the Program Notes, shall mean (i) in the case of Commercial Paper Notes, the face amount of any  
17 such Commercial Paper Note, less any original issue discount on such Commercial Paper Note,  
18 and (ii) in the case of Revolving Loan Notes, the principal amount actually advanced under the  
19 applicable liquidity facility or credit facility that is evidenced by any such Revolving Loan Note.  
20 Accordingly, it is contemplated by this Ordinance that the aggregate face amount of the Program  
21 Notes that may be outstanding from time to time hereunder, together with other bond anticipation  
22 notes issued hereunder and outstanding from time to time, may exceed the aggregate principal  
23 amount of bond anticipation notes authorized to be outstanding hereunder at any one time.  
24

25 It is recognized that the procedures necessary or desirable to implement a commercial paper  
26 program within the framework of existing commercial practices in the commercial paper market  
27 may require the County to prescribe procedures to facilitate the prompt determination and  
28 approval of certain matters in connection with the authorization, issuance, execution, sale,  
29 delivery and payment of and for Commercial Paper Notes. Accordingly, the County Executive,  
30 by or pursuant to executive order or other appropriate action or proceedings, is hereby authorized  
31 (1) to establish such procedures, including (without limitation) procedures for (a) the  
32 determination of the dates and maturities of any Program Notes, or the method by which the same  
33 shall be determined, (b) the determination of the interest rate to be borne by any Program Notes,  
34 which may be separately stated by rate or amount or which may be in an amount equal to the  
35 discount thereon, or the method by which the same shall be determined, and (c) the determination  
36 of the price or prices at which Commercial Paper Notes may be sold, which may be at, above or  
37 below the face value thereof, or the method by which the same shall be determined; and (2) to  
38 determine any and all other matters relating to the terms, specifications and form of such Program  
39 Notes, including (without limitation) any modification required in the forms of bond anticipation  
40 note set forth herein to accommodate the needs of the commercial paper program. Any such  
41 procedures may include provisions for telephonic approval and subsequent telegraphic or written  
42 confirmation of one or more of such matters by the Chief Administrative Officer, the Controller  
43 or such other officers or employees of the County as the County Executive shall designate within  
44 guidelines or parameters prescribed by the County Executive. The establishment of such  
45 procedures and all such determinations and actions shall be deemed to be of an administrative  
46 nature.  
47

48 In connection with the establishment of a commercial paper program, the County Executive  
49 is hereby authorized, by or pursuant to executive order or other appropriate action or proceedings  
50 (i) to approve the form of any indenture necessary or appropriate in connection with the issuance  
51 of any Program Notes (the "Indenture") and to appoint a trustee (the "Trustee") thereunder, (ii) to  
52 approve the form of any dealer agreement relating to any Commercial Paper Notes (the "Dealer

1 Agreement”) and to select a dealer to act thereunder, (iii) to approve the form of a liquidity  
2 facility, such as a revolving loan agreement, or a credit facility, such as a letter of credit and  
3 related agreements (each a “Credit Facility”) and to select one or more financial institutions to  
4 provide loans or otherwise to act thereunder, and (iv) to approve the form of any issuing and  
5 paying agency agreement (the “Issuing and Paying Agency Agreement”) and to appoint an  
6 issuing and paying agent of the County for the purpose of completing, authenticating and  
7 delivering the Program Notes from time to time.

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

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

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

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

1 County Charter, taxing power of the County are pledged to the payment of the purchase or  
2 redemption price on the due dates for such payments.  
3

4 In connection with the issuance of such obligations, the County Executive is hereby  
5 authorized, by executive order or other appropriate action or proceeding (i) to approve the form of  
6 any indenture necessary or appropriate in connection with the issuance of such obligations (the  
7 "Demand Indenture") and to appoint a trustee thereunder, (ii) to approve the form of a  
8 remarketing agreement relating to such obligations (the "Demand Remarketing Agreement") and  
9 to select a remarketing agent to act thereunder, (iii) to approve the form of a credit or liquidity  
10 facility, such as a letter of credit, line of credit, revolving loan agreement or other similar  
11 agreement (a "Demand Credit Facility") and to enter into a reimbursement agreement or other  
12 similar agreement (a "Demand Credit Facility Agreement") with one or more financial  
13 institutions in connection therewith and (iv) to approve the form of a registrar and paying agency  
14 agreement (the "Demand Registrar and Paying Agency Agreement") and to appoint a registrar  
15 and paying agent for the purpose of completing, authenticating and delivering such obligations  
16 from time to time.  
17

18 The County Executive is hereby authorized pursuant to executive order or other appropriate  
19 action or proceeding, to execute and deliver on behalf of the County a Demand Indenture, a  
20 Demand Remarketing Agreement, one or more Demand Credit Facility Agreements and a  
21 Demand Registrar and Paying Agency Agreement and any and all other documents that he may  
22 deem necessary or appropriate in connection with the issuance of obligations authorized by this  
23 Section 7, and, in each case, to cause the seal of the County to be impressed thereon, attested by  
24 the County Executive, the secretary to the County Executive, the Administrative Officer to the  
25 County Council and such other officers as may be specified by ordinance of the County Council.  
26

27 SECTION 8. *And be it further enacted*, That the provisions hereinafter set forth in Sections  
28 (8)(1), (2), (3), (4) and (5) shall be applicable with respect to bonds (including Refunding Bonds)  
29 or bond anticipation notes issued and sold hereunder on the basis that the interest on such bonds  
30 or notes will be excludable from gross income for federal income tax purposes and the provisions  
31 hereinafter set forth in Section (8)(7) shall be applicable with respect to any bonds or bond  
32 anticipation notes issued and sold hereunder on the basis that such bonds or notes are allowed a  
33 tax credit, that the County is entitled to a subsidy from the United States of America or any  
34 agency or instrumentality thereof with respect to such bonds or notes or the interest payable  
35 thereon, or that any such bond or note or the interest thereon is entitled to any other available  
36 benefits under the Internal Revenue Code of 1986, as amended (any such bonds or notes being  
37 referred to herein as "Tax Advantaged Obligations").  
38

39 (1) The County Executive shall be the officer of the County responsible for the issuance of  
40 any bonds or bond anticipation notes hereunder within the meaning of the Arbitrage Regulations  
41 (defined herein). The County Executive shall also be the officer of the County responsible for the  
42 execution and delivery (on the date of issuance of the bonds or bond anticipation notes) of a  
43 certificate of the County (the "Section 148 Certificate") which complies with the requirements of  
44 Section 148 of the Internal Revenue Code of 1986, as amended ("Section 148"), and the  
45 applicable regulations thereunder (the "Arbitrage Regulations"), and such official is hereby  
46 directed to execute the Section 148 Certificate and to deliver the same to bond counsel on the date  
47 of the issuance of the bonds or bond anticipation notes.  
48

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

1 County covenants that the facts, estimates and circumstances set forth in the Section 148  
2 Certificate will be based on the County's reasonable expectations on the date of issuance of the  
3 bonds or bond anticipation notes and will be, to the best of the certifying officials' knowledge,  
4 true and correct as of that date.  
5

6 (3) The County covenants and agrees with each of the holders of any of the bonds or bond  
7 anticipation notes that it will not make, or (to the extent that it exercises control or direction)  
8 permit to be made, any use of the Bond Proceeds which would cause the bonds or bond  
9 anticipation notes to be "arbitrage bonds" within the meaning of Section 148 and the Arbitrage  
10 Regulations. The County further covenants that it will comply with Section 148 and the  
11 regulations thereunder which are applicable to the bonds or bond anticipation notes on the date of  
12 issuance of the bonds or bond anticipation notes and which may subsequently lawfully be made  
13 applicable to the bonds or bond anticipation notes.  
14

15 (4) The County further covenants that it shall make such use of the proceeds of the bonds or  
16 bond anticipation notes, regulate the investment of the proceeds thereof, and take such other and  
17 further actions as may be required to maintain the excludability from gross income for federal  
18 income tax purposes of interest on the bonds or bond anticipation notes. All officers, employees  
19 and agents of the County are hereby authorized and directed to take such actions, and to provide  
20 such certifications of facts and estimates regarding the amount and use of the proceeds of the  
21 bonds or bond anticipation notes, as may be necessary or appropriate from time to time to comply  
22 with, or to evidence the County's compliance with, the covenants set forth in this Section.  
23

24 (5) The County Executive, on behalf of the County, may make such covenants or agreements  
25 in connection with the issuance of bonds or bond anticipation notes issued hereunder as he or she  
26 shall deem advisable in order to assure the registered owners of such bonds or notes that interest  
27 thereon shall be and remain excludable from gross income for federal income tax purposes, and  
28 such covenants or agreements shall be binding on the County so long as the observance by the  
29 County of any such covenants or agreements is necessary in connection with the maintenance of  
30 the exclusion of the interest on such bonds or notes from gross income for federal income tax  
31 purposes. The foregoing covenants and agreements may include such covenants or agreements  
32 on behalf of the County regarding compliance with the provisions of the Internal Revenue Code  
33 of 1986, as amended, as the County Executive shall deem advisable in order to assure the  
34 registered owners of such bonds or notes that the interest thereon shall be and remain excludable  
35 from gross income for federal income tax purposes, including (without limitation) covenants or  
36 agreements relating to the investment of the proceeds of such bonds or notes, the payment of  
37 rebate (or payments in lieu of rebate) to the United States, limitations on the times within which,  
38 and the purpose for which, such proceeds may be expended, or the use of specified procedures for  
39 accounting for and segregating such proceeds.  
40

41 (6) Notwithstanding anything in this Ordinance to the contrary, bonds or bond anticipation  
42 notes issued and sold hereunder may be issued and sold on the basis that the interest on such  
43 bonds or notes will not be excludable from gross income for federal income tax purposes.  
44

45 (7) With respect to Tax Advantaged Obligations, the County Executive is hereby authorized  
46 to make such covenants or agreements in connection with the issuance thereof as he shall deem  
47 advisable in order to assure (i) the holders of any such Tax Advantaged Obligations that such Tax  
48 Advantaged Obligations will be entitled to federal tax benefits of such Tax Advantaged  
49 Obligations, and (ii) that the County is entitled to any subsidy available for any such Tax  
50 Advantaged Obligations. Such covenants or agreements shall be binding on the County so long  
51 as the observance by the County of any such covenants or agreements is necessary in connection  
52 with the entitlement of such Tax Advantaged Obligations to applicable federal tax benefits. The  
53 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 expenditures  
21 may be specifically attributed to funds deposited to the general fund as a reimbursement from the  
22 proceeds of County debt issuances in accordance with a certificate executed by the County  
23 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 2014 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 2014 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  
53 obligations or obligations the principal of, and the interest on which, are guaranteed by, the



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

10  
11 (8) Notwithstanding anything in this Ordinance to the contrary, it is confirmed that bond  
12 premium, consisting of net bond proceeds from the sale of bonds sold at a price above par, may  
13 be allocated for expenditure purposes permitted under provisions of federal income tax law  
14 pertaining to excludability of interest on the bonds from gross income or the tax status of Tax  
15 Advantaged Obligations, as applicable.

16  
17 SECTION 9. *And be it further enacted*, That, the County Council hereby affirmatively  
18 approves the exercise of eminent domain in the acquisition of any land parcels acquired for the  
19 projects hereinbefore described in this Ordinance.

20  
21 SECTION 10. *And be it further enacted*, That, notwithstanding any other provisions of this  
22 Ordinance, in order (i) to comply with the bond registration requirements of, and to conform with,  
23 developing practices in the municipal bond market, including practices of bond registrars and  
24 paying agents, (ii) to facilitate generally the issuance and sale of general obligation bonds and  
25 bond anticipation notes by the County, including compliance with disclosure and similar  
26 requirements and (iii) insofar as possible, to simplify issuance procedures, the County Executive,  
27 or the Chief Administrative Officer if authorized by the County Executive, as the case may be, is  
28 hereby authorized (a) to apply the provisions of this Ordinance, (b) to make determinations and  
29 decisions required by this Ordinance, (c) to make such insertions, modifications and corrections  
30 to the forms of bonds, the forms of notes, form of notice of sale and form of proposal for bonds  
31 authorized hereby, including modifications to the method of publication in connection with the  
32 redemption of any bonds, (d) to enter into agreements on behalf of the County and (e) to take all  
33 and any other actions under this Ordinance in the manner and to the extent that the County  
34 Executive or the Chief Administrative Officer, as the case may be, may deem necessary or  
35 appropriate to accomplish the stated purposes, taking into account the recommendations of bond  
36 counsel and financial advisor to the County, including the making of agreements to facilitate the  
37 foregoing.

38  
39 SECTION 11. *And be it further enacted*, That, the Budget Officer and the Controller are  
40 hereby designated as the authorized deputies of the Chief Administrative Officer for the purpose  
41 of authenticating any bonds or bond anticipation notes issued hereunder. In addition, the County  
42 Executive may deliver a written certificate at or prior to the time of the issuance of any bonds or  
43 bond anticipation notes issued hereunder designating such other person or persons as he shall  
44 deem appropriate as an authorized deputy or deputies of the Chief Administrative Officer for the  
45 purpose of authenticating any bonds or bond anticipation note issued hereunder.

46  
47 SECTION 12. *And be it further enacted*, That the County is hereby authorized to borrow  
48 money and incur indebtedness otherwise authorized to be borrowed and incurred hereunder in the  
49 form of bonds or bond anticipation notes by obtaining a loan (a "Water Quality Loan") from the  
50 Maryland Water Quality Financing Administration (the "Administration") pursuant to and in  
51 accordance with Sections 9-1601 to 9-1622, inclusive, of the Environment Article of the  
52 Annotated Code of Maryland (2014 Replacement Volume) (the "Act"). Such Water Quality  
53 Loans may be obtained by the County hereunder from time to time. Any such Loan shall be

1 evidenced by a loan agreement (a "Water Quality Loan Agreement") between the County and the  
2 Administration and a bond issued by the County (a "Water Quality Bond").

3  
4 It is acknowledged that the proceeds of any Water Quality Loan will be used for the public  
5 purposes of financing a portion of the costs of acquiring, constructing and equipping certain  
6 wastewater facilities or water supply systems, each as defined in the Act (collectively, the "Water  
7 Quality Facilities"), including the development of property, the acquisition and installation of  
8 equipment and furnishings and any architectural, financial, legal, planning and engineering  
9 expenses. It is intended that the proceeds of any Water Quality Loan undertaken by the County  
10 pursuant to this Section 12 may be expended on the applicable Water Quality Facility and any  
11 related costs, including costs of the Administration and the funding of reserves, to the extent  
12 permitted by the Act and to the extent provided in the applicable Water Quality Loan Agreement  
13 or Water Quality Bond. It is acknowledged that Water Quality Facilities as defined above may  
14 include projects that the County classifies as wastewater projects, water projects or under some  
15 other classification.

16  
17 Unless otherwise provided in this Section 12, limitations, procedures or requirements set  
18 forth in this Ordinance for the issuance, sale and delivery of bonds or bond anticipation notes, as  
19 applicable, to the extent practicable, shall apply to obtaining any Water Quality Loan and to the  
20 execution and delivery of any Water Quality Loan Agreement or Water Quality Bond.

21  
22 The County Executive, or the Chief Administrative Officer, if authorized by the County  
23 Executive, is hereby authorized to approve the form of any Water Quality Loan Agreement or  
24 Water Quality Bond, the terms thereof, including the interest rate, maturity schedule, redemption  
25 provisions and covenants to be set forth therein, and the manner of executing and authenticating  
26 the same. The form of Water Quality Bond need not conform to the forms otherwise provided in  
27 this Ordinance.

28  
29 Notwithstanding any other provision to the contrary in this Ordinance:

30  
31 (a) Any Water Quality Loan (including any Water Quality Loan Agreement and Water  
32 Quality Bond) need not be in denominations of \$5,000 or any integral multiple thereof, nor in a  
33 serial maturity format, provided, however, borrowings and evidences thereof shall be on an  
34 installment basis with annual principal payments beginning not more than two years from the date  
35 of issue;

36  
37 (b) Any Water Quality Loan (including any Water Quality Loan Agreement and Water  
38 Quality Bond) may be sold at less than par and without regard to any limitation set forth in  
39 Section 2(1) hereof or Section 6(7) hereof, as applicable;

40  
41 (c) Any Water Quality Loan (including any Water Quality Loan Agreement and Water  
42 Quality Bond) may provide for interest payments on other than a semiannual basis;

43  
44 (d) Paying agents and registrars may be provided for in the discretion of the County  
45 Executive, or the Chief Administrative Officer, if authorized by the County Executive;

46  
47 (e) The County is hereby authorized to sell any Water Quality Loan (including any Water  
48 Quality Loan Agreement and Water Quality Bond) at private (negotiated) sale to the  
49 Administration, public advertisement and sale of the same not being required by the terms of the  
50 Act and the best interests of the County being hereby declared to be served by such private sale;

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

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

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

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

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

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

43 SECTION 13. *And be it further enacted*, that the County is hereby authorized to borrow  
44 money and incur indebtedness in a maximum aggregate principal amount of Five Million Two  
45 Hundred Eighty-Seven Thousand Eighty-Four Dollars (\$5,287,084), otherwise authorized to be  
46 borrowed or incurred hereunder in accordance with Section 12-902 of the Local Government  
47 Article of the Annotated Code of Maryland (2013 Replacement Volume and 2014 Supplement).  
48 Section 12-902 of the Local Government Article of the Annotated Code of Maryland (2013  
49 Replacement Volume and 2014 Supplement) authorizes the County to enter into an agreement to  
50 purchase development rights (an "Installment Purchase Agreement") which is a general  
51 obligation of the County to which its full faith and credit and taxing power is pledged. Such  
52 pledge is hereby made subject to the limitation imposed by Section 710(d) of the County Charter.  
53

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

8  
9 Properties for which the County intends to purchase Development Rights Easements shall be  
10 designated from time to time by resolution (an "Easement Schedule Resolution"). The Easement  
11 Schedule Resolution with respect to each Development Rights Easement to be purchased shall  
12 designate (i) the maximum purchase price for such Development Rights Easements, (ii) the  
13 maximum principal amount payable under the Installment Purchase Agreement pertaining to such  
14 Development Rights Easement and (iii) the provisions, terms, conditions and duration of such  
15 Installment Purchase Agreement.

16  
17 The County hereby determines that the issuance and sale of indebtedness in connection with  
18 the purchase by the County of Development Rights Easements is in the public interest.

19  
20 The issuance of indebtedness authorized hereby pertains to the project designated in the  
21 County's capital budget as Agricultural Easement Program Preservation Program, Capital Project  
22 No. C443400.

23  
24 Unless otherwise provided in this Section 13, limitations, procedures or requirements set  
25 forth in this Ordinance for the issuance, sale and delivery of indebtedness shall apply to the  
26 issuance of any indebtedness under this Section 13 and to the execution and delivery of any  
27 Installment Purchase Agreement.

28  
29 The County Executive is hereby authorized to determine the form of Installment Purchase  
30 Agreements and the execution and delivery thereof shall be conclusive evidence of the approval  
31 of the form of such Installment Purchase Agreements on behalf of the County. Installment  
32 Purchase Agreements shall be executed by the County Executive, and the seal of the County shall  
33 be affixed or imprinted thereon, attested by the Secretary to the County Executive. Each  
34 Installment Purchase Agreement, when properly executed and delivered in the manner prescribed  
35 for the execution and delivery of bonds in this Ordinance shall be deemed to constitute  
36 unconditional general obligations of the County, to the payment of which, in accordance with the  
37 terms thereof, its full faith and credit are pledged, and all the covenants and conditions contained  
38 in such Installment Purchase Agreements shall be deemed to be binding upon the County in  
39 accordance therewith. In accordance with Section 2-207(d) of the Agricultural Land and  
40 Woodland Preservation Act, it is hereby otherwise provided that payments of amounts payable  
41 under an Installment Purchase Agreement shall be payable in accordance with Section 2(6) hereof  
42 and shall not be required to be fully available or encumbered in the fiscal year that the  
43 Development Rights Easement relating to such Installment Purchase Agreement is purchased.

44  
45 Subject to and in accordance with the provisions of this Ordinance, the County Executive  
46 shall determine by order, for each and every Installment Purchase Agreement, all matters relating  
47 thereto, including (without limitation) the purposes for which such Installment Purchase  
48 Agreement is issued, the prepayment provisions, if any, thereof, the manner of authentication of  
49 such Installment Purchase Agreement, if any, the date from which interest on such Installment  
50 Purchase Agreement shall accrue, the rate or rates of interest borne by such Installment Purchase  
51 Agreement or the method of determining the same, the interest payment and maturity dates  
52 thereof, the denomination of the Installment Purchase Agreement, and the provisions for the  
53 registration of Installment Purchase Agreements.

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

14 Notwithstanding any other provision to the contrary in this Ordinance:

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

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

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

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

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

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

30 (g) the County is hereby authorized to sell any indebtedness issued under this ~~Section 14~~  
31 Section 13 at private (negotiated) sale; and

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

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

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

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

5 SECTION 14. *And be it further enacted*, That the County is hereby authorized to borrow  
6 money and incur indebtedness for shore erosion control projects hereinafter specified by  
7 obtaining a loan (a "Shore Erosion Control Construction Loan") from the Shore Erosion Control  
8 Construction Loan Fund pursuant to and in accordance with Sections 8-1001 to 8-1008, inclusive,  
9 of the Natural Resources Article of the Annotated Code of Maryland (2007 Replacement Volume  
10 and 2014 Supplement) (the "Soil Erosion Control Act"). Each Shore Erosion Control  
11 Construction Loan shall be evidenced by a loan agreement (a "Shore Erosion Control  
12 Construction Loan Agreement") between the County and the Department of Natural Resources  
13 ("DNR") in a form determined by order of the County Executive as hereinafter provided.  
14

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

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

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

35 Without limitation, Shore Erosion Control Construction Loan Agreements by and between  
36 the County and DNR heretofore approved, are hereby approved and ratified, subject to reductions  
37 in loan amounts made in accordance with the respective loan agreements, as obligations of the  
38 County without further action.  
39

40 SECTION 15. *And be it further enacted*, That pursuant to the authority granted by Section  
41 19-103 of the Local Government Article of the Annotated Code of Maryland (2013 Replacement  
42 Volume and 2014 Supplement), the County Executive, or the Chief Administrative Officer if  
43 authorized by the County Executive, is hereby authorized in connection with the issuance of any  
44 bonds or notes hereunder to (i) provide, covenant or agree that, in the event that sufficient funds  
45 for the timely payment when due of principal of or interest on bonds or notes issued pursuant to  
46 the authority of this Ordinance are not available or in the event of a default in the payment of the  
47 principal of or interest on such bonds or notes, the first general fund revenues of the County  
48 received thereafter shall be applied to the payment when due of such principal or interest or to  
49 cure such default, as the case may be, and (ii) pledge any of the County's revenues to the payment  
50 of the principal of and interest on the bonds and notes issued pursuant to the authority of this  
51 Ordinance. In the event that the County Executive, or the Chief Administrative Officer if  
52 authorized by the County Executive, determines to exercise all or any part of the authority  
53 granted under this Section, the County Executive, or the Chief Administrative Officer if

1 authorized by the County Executive, shall determine the form, terms and provisions of any order,  
2 certificate, agreement or related documents as he shall deem necessary or appropriate to evidence  
3 any agreement or pledge authorized hereby, including (without limitation) terms and provisions  
4 regarding the application of such pledge or agreement to borrowings of the County other than  
5 bonds or notes issued pursuant to the authority of this Ordinance. Any such order, certificate,  
6 agreement or related document shall be executed by the County Executive and the seal of the  
7 County shall be impressed thereon, attested by the County Executive, the secretary to the County  
8 Executive, the Administrative Officer to the County Council or such other officer as may be  
9 specified by ordinance of the County Council.

10  
11 SECTION 16. *And be it further enacted*, That, as determined and specified in a certificate of  
12 the County Executive, or of the Chief Administrative Officer if authorized by the County  
13 Executive, executed and delivered prior to the issuance of bonds, notes or Variable Rate Demand  
14 Obligations, such bonds, notes or Variable Rate Demand Obligations may be issued to provide  
15 for the financing of one or more projects included within a specified class of projects set forth in  
16 Exhibit I. In addition, the amount of proceeds allocated to projects included within a specified  
17 class of projects financed by any issuance of bonds, notes or Variable Rate Demand Obligations  
18 may be amended after the issuance of such bonds, notes or Variable Rate Demand Obligations, as  
19 determined and specified in a certificate of the County Executive, or of the Chief Administrative  
20 Officer if authorized by the County Executive.

21  
22 In connection with the foregoing, the County Executive, or the Chief Administrative Officer  
23 if authorized by the County Executive, shall execute a certificate demonstrating or determining,  
24 as applicable:

25  
26 (a) That all bonds, notes or variable demand obligations are payable within the probable  
27 useful life of the improvement or undertaking being financed or, if the bonds, notes or variable  
28 demand obligations are to be issued for several improvements or undertakings, then within the  
29 average probable useful life of all such improvements or undertakings being financed;

30  
31 (b) That the amount of bonds, notes or variable demand obligations to be applied to any  
32 project to be financed shall not exceed the maximum amount set forth in Exhibit I authorized for  
33 such project; and

34  
35 (c) Such other matters as the County Executive or the Chief Administrative Officer (as  
36 the case may be) deems appropriate to establish compliance with the provisions of the Charter  
37 and this Ordinance in connection with the issuance of bonds, notes and variable demand  
38 obligations to provide for the financing of one or more projects included within a specified class  
39 or to provide for the amendment of the list of projects from the specified class of projects  
40 financed by an issuance of bonds, note and variable demand obligations, as described above.

41  
42 SECTION 17. *And be it further enacted*, That, subject to the following paragraphs of this  
43 Section 17, the authority to issue bonds under Bill No. 55-14, as amended, effective October 23,  
44 2014 ("Bill No. 55-14") is hereby canceled, rescinded and repealed, but only to the extent that  
45 such authority has not been exercised prior to the effective date of this Ordinance.

46  
47 Appropriate reductions shall be recognized in the amounts of bonds authorized for issuance  
48 under this Ordinance for bonds issued after May 31, 2015, under the authority of Bill No. 55-14,  
49 for projects authorized to be financed by Bill No. 55-14 and also authorized to be financed under  
50 this Ordinance.

51  
52 Nothing contained in this Ordinance shall be construed as impairing the validity of any  
53 proceedings or action taken, or the validity of any bonds or bond anticipation notes issued, or

1 Shore Erosion Control Construction Loan Agreements, executed, prior to the effective date of this  
2 Ordinance, under the provisions of Bill No. 55-14, or under prior bond authorization ordinances,  
3 and the authorization, sale and issuance of all bonds and bond anticipation notes issued prior to  
4 the effective date of this Ordinance pursuant to the authority of such ordinances, including  
5 (without limitation) the various series of general obligation bonds and bond anticipation notes of  
6 Anne Arundel County, Maryland, set forth in Section 10 of Bill No. 57-08, Exhibit V of Bill No.  
7 51-09, Exhibit V of Bill No. 53-10, Exhibit V of Bill No. 52-11, Exhibit V of Bill No. 60-12,  
8 Exhibit V of Bill No. 63-13, Exhibit V of Bill No. 55-14 and, in addition, the indebtedness set  
9 forth in Exhibit V attached hereto and incorporated herein (the "Prior Obligations"), and all such  
10 Prior Obligations be and they are hereby ratified and confirmed, together with all and several of  
11 the terms thereof and the action taken in connection with the issuance, sale and delivery thereof,  
12 are hereby validated as being validly authorized, sold, issued and executed, as applicable, and  
13 delivered by Anne Arundel County, Maryland. The ratification of the Prior Obligations as set  
14 forth above shall be effective notwithstanding noncompliance with any provisions of the  
15 aforementioned ordinances that provide general fiscal or budgetary guidelines, such as provisions  
16 directing that specified portions of the Prior Obligations be issued during certain fiscal years.  
17

18 The validity of the revolving loan notes authorized to be issued pursuant to the Master Note  
19 Order adopted by the County Executive on December 18, 2014 (as amended or supplement from  
20 time to time, the "Note Order") and designated as the County's "Master General Obligation Bond  
21 Anticipation Note, Series A (Consolidated General Improvements Series)," "Master General  
22 Obligation Bond Anticipation Note, Series B (Consolidated Water and Sewer Series)," and  
23 "Master General Obligation Bond Anticipation Note, Series C (Consolidated Solid Waste  
24 Projects Series - AMT)" (collectively, the "Master Notes"), and all related documents, such as a  
25 revolving credit agreement (the "Revolving Loan Documents") executed and delivered prior to  
26 the effective date of this Ordinance shall not be impaired in any manner by the passage of this  
27 Ordinance, and such Master Notes and Revolving Loan Documents executed and delivered in  
28 connection with the Master Notes are hereby ratified and confirmed. Bond anticipation notes  
29 authorized by this Ordinance may be evidenced by advances under the Revolving Loan Documents  
30 in the amount and in the manner set forth in the Note Order, as supplemented.  
31

32 Bonds and bond anticipation notes may be issued under this Ordinance to pay bond  
33 anticipation notes issued pursuant to and in accordance with a note order or credit agreement  
34 provided that such bonds or bond anticipation notes are authorized to be issued hereunder for  
35 projects financed by such bond anticipation notes issued pursuant to and in accordance with the  
36 note order or credit agreement.  
37

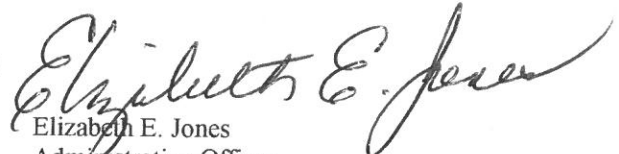
38 SECTION 18. *And be it further enacted*, That, if any one or more of the provisions of this  
39 Ordinance, including any covenants or agreements provided herein on the part of the County to  
40 be performed, should be contrary to law, then such provision or provisions shall be null and void  
41 and shall in no way affect the validity of the other provisions of this Ordinance or of the bonds or  
42 the bond anticipation notes.  
43

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

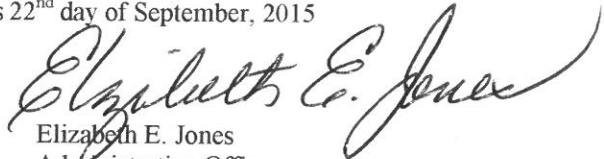


READ AND PASSED this 21<sup>st</sup> day of September, 2015

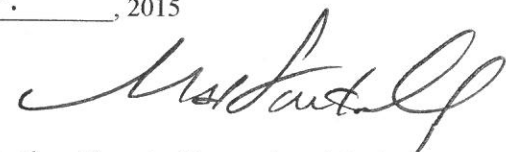
By Order:

  
Elizabeth E. Jones  
Administrative Officer

PRESENTED to the County Executive for his approval this 22<sup>nd</sup> day of September, 2015

  
Elizabeth E. Jones  
Administrative Officer

APPROVED AND ENACTED this 22 day of Sept., 2015

  
Acting County Executive, Mark D. Hartzell

EFFECTIVE DATE: November 6, 2015

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.  
80-15 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES  
OF THE COUNTY COUNCIL.

  
Elizabeth E. Jones  
Administrative Officer