

**FINAL**

AMENDED  
July 2, 2018

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2018, Legislative Day No. 31

Bill No. 62-18

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

By the County Council, June 4, 2018

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Introduced and first read on June 4, 2018  
Public Hearing set for and held on July 2, 2018  
Public Hearing on AMENDED bill set for and held on July 16, 2018  
Bill Expires September 7, 2018

By Order: JoAnne Gray, 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 Four  
6 Hundred Million Dollars (\$400,000,000) and bonds in an amount not exceeding ~~One~~  
7 ~~Billion Eighty One Million Two Hundred Forty Five Thousand Seven Hundred~~  
8 ~~Seventy Nine Dollars (\$1,081,245,779)~~ One Billion Eighty-Nine Million Nine  
9 Hundred Eighty-Seven Thousand Seven Hundred Seventy-Five Dollars  
10 (\$1,089,987,775) in order to finance in whole or in part the construction of capital  
11 projects set forth in the capital budget of the County for the fiscal year ending June 30,  
12 2019, or in such capital budgets for prior fiscal years, or usable portions thereof;  
13 authorizing the issuance by the County of refunding bonds to refund some or all of the  
14 outstanding bond issues of the County listed on Exhibit II attached hereto and  
15 incorporated herein in an aggregate principal amount not to exceed 120% of the  
16 aggregate principal amount of the outstanding bonds to be refunded subject to the  
17 requirement that debt service savings shall be achieved in connection with any such  
18 refunding; authorizing the County to borrow money and incur indebtedness otherwise  
19 authorized to be borrowed and incurred hereunder in the form of bonds or bond  
20 anticipation notes by obtaining a loan or loans from the Maryland Water Quality  
21 Financing Administration pursuant to and in accordance with Sections 9-1601 through  
22 9-1622, inclusive, of the Environment Article of the Annotated Code of Maryland  
23 (2014 Replacement Volume and 2017 Supplement) for the public purpose of financing  
24 a portion of the costs of acquiring, constructing and equipping certain wastewater  
25 facilities and water supply systems; providing for the execution and delivery by the

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

1 County of a loan agreement and bond to evidence any such loan; reaffirming and  
2 clarifying the guides and standards relating to the borrowing of money to finance such  
3 capital projects heretofore adopted; listing the capital projects to be financed in whole  
4 or in part from the proceeds of sale of the bonds hereby authorized, the usable portions,  
5 estimated costs and probable useful lives thereof; showing compliance with the  
6 limitations on the power of the County to incur indebtedness; providing for essential  
7 flexibility in the financing of such capital projects and the issuance of such bonds by  
8 authorization of such bond anticipation notes to be repaid from the proceeds of the sale  
9 of such bonds; prescribing the procedure for the issuance and sale of such bond  
10 anticipation notes and bonds; empowering the County Executive, or the Chief  
11 Administrative Officer if authorized by the County Executive, subject to such guides  
12 and standards, to determine the time and method of sale of such bond anticipation notes  
13 and refunding bonds, which sale may be a private (negotiated) sale or a public sale, and  
14 the time, place, and procedure for the public sale of such bonds other than refunding  
15 bonds; empowering the County Executive, or the Chief Administrative Officer if  
16 authorized by the County Executive, subject to such guides and standards, to determine  
17 the forms of such bonds and to determine the forms of such bond anticipation notes;  
18 empowering the County Executive, or the Chief Administrative Officer if authorized  
19 by the County Executive, to provide for or determine the private (negotiated) sale of  
20 any loan agreement or bond to the Maryland Water Quality Financing Administration,  
21 the form or forms thereof and other details with respect thereto and to the sales thereof;  
22 providing that such bond anticipation notes may be issued as notes in the nature of  
23 commercial paper and, in such event, authorizing the County Executive, or the Chief  
24 Administrative Officer if authorized by the County Executive, to determine various  
25 matters and to take various actions in connection with such issuance; providing that  
26 such bonds and bond anticipation notes may be issued as variable rate demand or  
27 similar obligations and, in such event, authorizing the County Executive, or the Chief  
28 Administrative Officer if authorized by the County Executive, to determine various  
29 matters and to take various actions in connection with such issuance; covenanting to  
30 appropriate sufficient revenues in each fiscal year following the issuance of such bonds  
31 to pay the maturing principal thereof and the interest thereon and to meet such  
32 appropriation either by revenues derived from self-liquidating projects or from the  
33 proceeds of ad valorem taxes, or a combination of the foregoing; pledging the full faith  
34 and credit of Anne Arundel County, Maryland, to the payment of the bonds and bond  
35 anticipation notes issued hereunder and the interest thereon, when due; providing that  
36 the pledge of the taxing power to secure such bonds and bond anticipation notes shall  
37 be subject to the limitation imposed by Section 710(d) of the County Charter, except in  
38 the case where refunding bonds are issued to refund bonds secured by the pledge of the  
39 full faith and credit and unlimited taxing power of the County; covenanting that the  
40 proceeds of such bonds, or any moneys which may be deemed to be proceeds, will not  
41 be used in a manner to cause such bonds to be arbitrage bonds; canceling, rescinding,  
42 and repealing authority to issue certain bonds only to the extent such authority has not  
43 been previously exercised under Bill No. 60-17, as amended, and ratifying, confirming  
44 and validating the previous authorization, issuance, sale and delivery of bonds and bond  
45 anticipation notes pursuant to applicable authority; ratifying and authorizing the  
46 issuance of Shore Erosion Control Construction Loans pursuant to and in accordance  
47 with Sections 8-1001 to 8-1008, inclusive, of the Natural Resources Article of the  
48 Annotated Code of Maryland (2012 Replacement Volume and 2017 Supplement) and

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

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

14  
15 STATEMENT OF POLICY

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

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

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

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



1 (5) All bonds issued and sold by the County hereunder shall be unconditional general  
2 obligation bonds of the County within the limitations of indebtedness set forth below as  
3 prescribed by the County Charter and the ordinances enacted pursuant thereto. Before any  
4 such bonds are issued for revenue producing projects of water or wastewater utilities, the  
5 County Executive, or the Chief Administrative Officer if authorized by the County  
6 Executive, shall determine that the estimated revenues of such projects, or the actual and  
7 estimated revenues of such projects and the utilities of which they are a part, are, or will  
8 be, sufficient to pay the cost of operation and maintenance of such projects and the  
9 maturing principal of and interest on all indebtedness incurred with respect thereto,  
10 including such bonds. The authorization herein of general obligation bonds of the County  
11 for revenue producing projects shall not be construed to preclude the County Council from  
12 authorizing in the future the issuance of bonds payable solely from the revenues of similar  
13 projects or utilities.

14  
15 (6) Pursuant to Resolution No. 44-16 adopted by the County Council on July 18, 2016,  
16 as may be amended and supplemented, the County has heretofore adopted a debt  
17 management policy (the "Debt Management Policy") that shall constitute the local debt  
18 policy of the County required by Section 17-207 of the Local Government Article of the  
19 Annotated Code of Maryland (2013 Replacement Volume and 2017 Supplement). The  
20 validity of any proceedings or action taken pursuant to this Ordinance shall not be limited  
21 by or otherwise impaired by the Debt Management Policy.

22  
23 FINDINGS OF FACT

24  
25 I

26  
27 With respect to the maximum amount of bonds and bond anticipation notes of the  
28 County hereinafter authorized, it is hereby found and determined that such amount is within  
29 applicable debt limitations, as follows:

30  
31 (1) With regard to the General County Debt Limitation (defined below):

32  
33 (a) That the taxable assessed value of all real and personal property in Anne  
34 Arundel County, Maryland, subject to unlimited county taxation (except by application of  
35 Section 710(d) of the County Charter) as of April 30, 2018 is \$87,531,742,867 consisting  
36 of an assessable basis of real property of \$84,850,167,837 and an assessable basis of  
37 personal property and operating real property described in Section 8-109(c) of the Tax-  
38 Property Article of the Annotated Code of Maryland (2012 Replacement Volume and 2017  
39 Supplement) of \$1,654,141,750 and \$1,027,433,280, respectively, and, in each case, is  
40 expected to be no less than such amount for the fiscal year ending June 30, 2019.

41  
42 (b) That, in accordance with Section 10-203 of the Local Government Article of  
43 the Annotated Code of Maryland (2013 Replacement Volume and 2017 Supplement), and  
44 in accordance with Section 4-10-101(a) of Article 4, Finance, Taxation, and Budget of the  
45 Anne Arundel County Code the aggregate amount of the indebtedness of the County  
46 outstanding at one time shall not exceed (I) 5.2% of the assessable basis of real property;  
47 (II) 13% of the County's assessable basis of personal property; and (III) 13% of the  
48 operating real property described in Section 8-109(c) of the Tax-Property Article of the



1 Annotated Code of Maryland (2012 Replacement Volume and 2017 Supplement) (the  
2 “General County Debt Limitation”); *provided*, however that (i) tax anticipation notes or  
3 other evidences of indebtedness having a maturity not in excess of twelve months, (ii)  
4 bonds or other evidences of indebtedness issued or guaranteed by the County payable  
5 primarily or exclusively from taxes levied or other revenues of special taxing districts and  
6 (iii) bonds or other evidences of indebtedness issued for self-liquidating and other projects  
7 payable primarily or exclusively from the proceeds of assessments or charges for special  
8 benefits or services, including bonds or other evidences of indebtedness issued for water  
9 or wastewater facilities, are not subject to, or required to be included as bonds or evidences  
10 of indebtedness in computing or applying the General County Debt Limitation.

11  
12 (c) That the maximum amount of outstanding debt permitted under the General  
13 County Debt Limitation is \$4,760,813,481 as of April 30, 2018, and is expected to be no  
14 less than such amount for the fiscal year ending June 30, 2019.

15  
16 (d) That the total outstanding bonded debt of the County subject to the General  
17 County Debt Limitation is \$1,273,515,000 as of April 30, 2018, and including, for purposes  
18 of this presentation, the outstanding Special Obligation Refunding Bonds (Arundel Mills  
19 Project), Series 2014, the outstanding Special Obligation Refunding Bonds (National  
20 Business Park Project), Series 2014, the outstanding Tax Increment Refunding Bonds  
21 (Nursery Road Project), Series 2014, the outstanding Consolidated Golf Course Projects  
22 Series, 2015 Refunding Series, the outstanding Special Obligation Refunding Bonds  
23 (National Business Park - North Project), Series 2018, and the outstanding Special  
24 Obligation Refunding Bonds (Village South at Waugh Chapel Project), Series 2018.

25  
26 (e) That the permissible borrowing capacity is \$3,487,298,481 as of April 30, 2018.

27  
28 (f) That the bonds authorized by this Ordinance subject to the General County Debt  
29 Limitation aggregate ~~\$906,727,188~~ \$930,154,185 (for the purposes of stating such amount,  
30 the amount of refunding bonds authorized by this Ordinance has been reduced by the  
31 aggregate principal amount of bonds authorized to be refunded, as required by Section 19-  
32 207 of the Local Government Article of the Annotated Code of Maryland (2013  
33 Replacement Volume and 2017 Supplement) and, in addition, the aggregate amount of  
34 bonds authorized to be refunded is determined as of the date set forth on Exhibit II attached  
35 hereto).

36  
37 (g) That in stating the total outstanding debt in (1)(d) above, debt in the amount of  
38 \$37,228,293 for self-liquidating solid waste projects, \$55,215,993 for dedicated revenue  
39 watershed protection and restoration projects and \$12,690,353 for impact fee revenue  
40 projects was included, and in stating the debt subject to the General County Debt Limitation  
41 in 1(f) above, debt in the amount of ~~\$14,923,913~~ \$14,548,912 for self-liquidating solid  
42 waste projects, ~~\$215,634,796~~ \$215,634,794 for dedicated revenue watershed protection  
43 and restoration projects, as well as \$2,538,071 for impact fee revenue projects was  
44 included; such presentation of debt for self-liquidating solid waste projects, dedicated  
45 revenue watershed protection and restoration projects, and impact fee revenue projects is  
46 made herein to provide a conservative statement of indebtedness that evidences compliance  
47 with the General County Debt Limitation.

48  
49 (2) With regard to the Water and Wastewater Debt Limitation (as defined below):

1 (a) That the taxable assessed value of all real and personal property within the  
2 Sanitary District of Anne Arundel County subject to unlimited County taxation (except by  
3 application of Section 710(d) of the County Charter) as of April 30, 2018 is  
4 \$80,663,222,939 consisting of an assessable basis of real property of \$78,144,966,949 and  
5 an assessable basis of personal property and operating real property described in Section  
6 8-109(c) of the Tax-Property Article of the Annotated Code of Maryland (2012  
7 Replacement Volume and 2017 Supplement) of \$1,559,934,830 and \$958,321,160,  
8 respectively, and, in each case is expected to be no less than such amount for the fiscal year  
9 ending June 30, 2019.

10  
11 (b) That bonds of the County issued for water and wastewater facilities, which are  
12 payable primarily from assessment of charges for special benefits and services are  
13 exempted from the limitations outlined in subparagraph (1)(b) above. Section 4-10-103(d)  
14 of Article 4, Finance, Taxation, and Budget of the Anne Arundel County Code, limits the  
15 amount of such bonds, after crediting applicable Sinking Fund balances, which may be  
16 outstanding to not greater than (I) 5.6% of the County's assessable basis of real property;  
17 (II) 14% of the County's assessable basis of personal property; and (III) 14% of the  
18 operating real property described in Section 8-109(c) of the Tax-Property Article of the  
19 Annotated Code of Maryland (2012 Replacement Volume and 2017 Supplement) (the  
20 "Water and Wastewater Debt Limitation").

21  
22 (c) That the maximum amount of outstanding debt permitted under the Water and  
23 Wastewater Debt Limitation is \$4,728,673,988 as of April 30, 2018, and is expected to be  
24 no less than such amount for the fiscal year ending June 30, 2019.

25  
26 (d) That the total outstanding bonded debt of the County subject to the Water and  
27 Wastewater Debt Limitation is \$625,033,512 as of April 30, 2018.

28  
29 (e) That the permissible borrowing capacity is \$4,103,640,476 as of April 30, 2018.

30  
31 (f) That the bonds authorized by this Ordinance subject to the Water and  
32 Wastewater Debt Limitation aggregate ~~\$535,745,293~~ \$521,060,292 (for the purposes of  
33 stating such amount, the amount of refunding bonds authorized by this Ordinance has been  
34 reduced by the aggregate principal amount of bonds authorized to be refunded, as required  
35 by Section 19-207 of the Local Government Article of the Annotated Code of Maryland  
36 (2013 Replacement Volume and 2017 Supplement) and in addition, the aggregate amount  
37 of bonds authorized to be refunded is determined as of the date set forth on Exhibit II  
38 attached hereto).

39  
40 II

41  
42 (1) The bond anticipation notes authorized by Section 6 hereof and bonds authorized  
43 by Section 2 hereof are to be issued to finance in whole or in part certain of the capital  
44 projects or classes of projects included in the capital budget for the fiscal year 2019, or in  
45 capital budgets for prior fiscal years. With respect to such projects the amount of borrowed  
46 funds to be expended thereon, together with the funds shown as available from other  
47 sources, are estimated to be sufficient to complete usable portions thereof, but if any such  
48 funds from other sources, intended to defray in part the cost of any such project, shall

1 become unavailable, the County Executive shall either (i) direct the abandonment of any  
2 such project if, in his judgment, the unavailability of funds from other sources would render  
3 any such project unusable or (ii) recommend an appropriate amendment of the Capital  
4 Budget, as provided in Sections 711 and 716 of the County Charter. The balances  
5 remaining to the credit of a completed or abandoned capital project for which bond  
6 anticipation notes or bonds have been issued shall be available for appropriation by the  
7 County Council in a subsequent capital budget, as provided in the County Charter.

8  
9 (2) No series of bond anticipation notes authorized by Section 6 hereof or bonds  
10 authorized by Section 2 hereof shall be issued hereunder with a final maturity date  
11 extending beyond the expiration of the probable useful life, or the average probable useful  
12 lives, of the capital project or projects for which such series of bond anticipation notes or  
13 bonds are issued, accounting from the date of issue of such series of bond anticipation notes  
14 or bonds. The provisions of Section 2(5) hereof shall apply to the consolidation of series  
15 of bonds as permitted therein.

16  
17 (3) No series of refunding bonds authorized by Section 3 hereof shall be issued  
18 hereunder with a final maturity date extending beyond the earliest to occur of (i) the  
19 thirtieth (30<sup>th</sup>) anniversary of the date of issuance of the bonds to be refunded from the  
20 proceeds of the refunding bonds being issued (the "Refunded Bonds") and (ii) the latest  
21 maturity date that would have been permitted for the Refunded Bonds. Prior to the delivery  
22 of any refunding bonds hereunder, the County Executive, or the Chief Administrative  
23 Officer if authorized by the County Executive, shall deliver a written certificate stating that  
24 the maturity schedule of any series of refunding bonds issued hereunder complies with the  
25 requirements set forth in this paragraph and setting forth the facts upon which such  
26 conclusion is based.

27  
28 (4) The table attached to this Ordinance as ~~Exhibit I~~ Exhibit I-A and incorporated herein  
29 lists the capital projects, appearing in the capital budget of the County for fiscal year 2019,  
30 or in the capital budgets for prior fiscal years, which are to be financed in whole or in part  
31 with the proceeds of bond anticipation notes authorized by Section 6 hereof, bonds  
32 authorized by Section 2 hereof, with the reallocation of balances remaining to the credit of  
33 completed or abandoned capital projects for which bond anticipation notes or bonds were  
34 previously issued or for which funds were previously provided from other sources or bond  
35 premium, consisting of net bond proceeds from the sale of bonds sold at a price above par,  
36 the estimated cost of a usable portion of each project or class of projects, including  
37 capitalized interest on borrowed funds as herein authorized, the portion of such costs of  
38 each project or class of projects to be financed hereunder, the source or sources of funds to  
39 finance the balance of the cost of each such project or class of projects, and the probable  
40 useful life of each such project or the average of the probable useful lives of each class of  
41 projects. Totals listed in ~~Exhibit I~~ Exhibit I-A may not foot due to rounding. Further, the  
42 first group of projects included in ~~Exhibit I~~ Exhibit I-A are those which are not revenue  
43 producing, and a second group of projects are those which it is estimated will generate or  
44 have available net revenues sufficient to pay all or a portion of debt service on the  
45 borrowing therefore. In lieu of issuing all or any part of the bonds or bond anticipation  
46 notes authorized to be issued by Sections 2 and 6, respectively, of this Ordinance to finance  
47 all or part of a capital project, the County Executive, or the Chief Administrative Officer if  
48 authorized by the County Executive, may, at his discretion apply to such project balances  
49 remaining to the credit of any completed or abandoned capital projects for which bond



1 anticipation notes or bonds were previously issued or for which funds were previously  
2 provided from other sources, but only to the extent that bond anticipation notes or bonds  
3 are authorized to be issued therefor in this Ordinance, such expenditure of such balances  
4 or bond premium being within the appropriation established for such project in the  
5 applicable capital budget or budgets; provided, however, that such balances or bond  
6 premium shall not be applied in a manner that would adversely affect the exemption from  
7 federal income taxation of the interest on any bonds to which such balances are attributable.

8  
9 (5) Bond premium generated from the issuance of any County bonds shall be expended  
10 on capital improvements in accordance with Section 720(b) of the County Charter and as  
11 otherwise prescribed by law.

12  
13 (6) Without limitation, participation by the County in any county transportation bonds  
14 issued by the Maryland Department of Transportation shall not result in any reduction in  
15 the amount of bonds or bond anticipation notes authorized and deemed to be unissued  
16 under this Ordinance.

17  
18 SECTION 2. *And be it further enacted*, That for the purpose of paying the portion of  
19 the cost of the capital projects described in Section 1 hereof and ~~Exhibit I~~ Exhibit I-A  
20 hereto, to be paid from borrowed funds, or for the purpose of redeeming bond anticipation  
21 notes issued hereunder, the issuance and sale by Anne Arundel County, Maryland, of not  
22 exceeding ~~One Billion Eighty One Million Two Hundred Forty Five Thousand Seven~~  
23 ~~Hundred Seventy Nine Dollars (\$1,081,245,779)~~ One Billion Eighty-Nine Million Nine  
24 Hundred Eighty-Seven Thousand Seven Hundred Seventy-Five Dollars (\$1,089,987,775)  
25 aggregate principal amount of general obligation, serial maturity bonds of the County is  
26 hereby authorized. To the extent required for such purposes, the bonds hereby authorized  
27 shall be sold prior to June 30, 2021, in accordance with the guides and standards set forth  
28 in Section 1 hereof, except that any such bonds may be sold subsequent to such date if  
29 required to redeem, prepay or pay at maturity bond anticipation notes. Such bonds shall  
30 be issued as registered bonds without coupons in the denomination of five thousand dollars  
31 (\$5,000) or any integral multiple thereof within the limits of specified serial maturities.

32  
33 (1) Except as otherwise provided in this Ordinance, the bonds authorized by this  
34 Section 2 shall be sold at a sale price at, above, or below par, plus accrued interest to the  
35 date of delivery and only after first soliciting competitive bids at public sale in accordance  
36 with the provisions of Section 5 hereof. Such bonds are hereby specifically exempted from  
37 the provisions of Sections 19-205 and 19-206 of the Local Government Article of the  
38 Annotated Code of Maryland (2013 Replacement Volume and 2017 Supplement).

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

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

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

32 (5) The County Executive, or the Chief Administrative Officer if authorized by the  
33 County Executive, may provide that all or any portion of bonds sold pursuant to the  
34 authority of this Section 2 at any one time to finance capital projects may be consolidated  
35 for sale and issued, sold and delivered as a single issue or consolidated series of bonds to  
36 be designated "Consolidated General Improvements Series, 20\_\_," without identifying by  
37 separate series each public purpose for which the bonds are issued as elsewhere provided  
38 in this Ordinance; provided that: (a) the provisions of this Ordinance requiring the  
39 identification of each group or series of bonds by the public purpose for which it is issued  
40 (e.g., "Board of Education," "Libraries," etc.) shall be fully complied with for accounting  
41 purposes, (b) bonds issued to finance water and wastewater projects shall be issued as a  
42 separate consolidated issue, (c) bonds issued to finance solid waste projects, identified on  
43 ~~Exhibit I~~ Exhibit I-A as Self-Liquidating Bonds—Solid Waste and bonds issued to  
44 evidence a loan from the Maryland Water Quality Financing Administration may be issued  
45 as separate issues, and (d) prior to the delivery of the bonds, the County Executive, or the  
46 Chief Administrative Officer if authorized by the County Executive, shall deliver a written  
47 certificate stating (i) the public purpose of each series of bonds included in the consolidated  
48 issue, (ii) the maturity schedule for each series of bonds so identified as a separate public

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

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

37  
38 In the case of any series of bonds issued to finance self-liquidating projects of the  
39 County or of any Refunding Bonds issued to refund Refunded Bonds for water and  
40 wastewater projects or solid waste projects, the proceeds of which were used to finance  
41 self-liquidating projects of the County, the principal of and interest on any such bonds shall  
42 be payable primarily from the net revenues and receipts from such projects, or the utilities  
43 of which they form a part. If any such series of bonds shall be issued to finance such  
44 self-liquidating projects, then the County covenants to fix such rates and charges for the  
45 use of any such project, or the utility of which it forms a part, as will generate sufficient  
46 revenues to pay the annual cost of maintenance and operation thereof and to pay the  
47 maturing principal of and interest on any such series of bonds when due, and the County  
48 further covenants and agrees to apply such revenues against appropriations for such  
49 maintenance, operation and debt service in each Current Expense Budget. Interest on any



1 bonds authorized by this Section 2 and bond anticipation notes authorized by Section 6  
2 hereof falling due during the fiscal year ending June 30, 2019, may be capitalized and paid  
3 from the proceeds of sale, and in the annual Current Expense Budgets of the County for  
4 the fiscal years ending June 30, 2020 and June 30, 2021, there shall be appropriated  
5 amounts sufficient to pay the interest accruing on any such bonds or notes then outstanding,  
6 or to be issued during such fiscal years, less the amount of interest capitalized, which, as  
7 to any such series of notes and bonds, shall not exceed twelve (12) months interest on such  
8 notes and bonds, respectively, or the amount of interest included in the cost of the capital  
9 projects to be financed with such series, whichever is smaller.

10  
11 Notwithstanding the foregoing, in accordance with Section 19-207 of the Local  
12 Government Article of the Annotated Code of Maryland (2013 Replacement Volume and  
13 2017 Supplement), in the case of any Refunding Bonds issued to refund Refunded Bonds  
14 secured as unconditional general obligations with a pledge of the full faith and credit and  
15 unlimited taxing power of the County, the County covenants that, to the extent any such  
16 appropriation to pay principal of or interest on such Refunding Bonds is not offset by funds  
17 from other sources or by project revenues, it will fund any such appropriations by the levy  
18 of ad valorem taxes on real estate, tangible personal property and intangible personal  
19 property subject to taxation by the County without limitation as to rate or amount, and in  
20 addition upon such other intangible property as may be subject to taxation by the County  
21 within limitations prescribed by law.

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

38  
39 (8) The principal of the bonds authorized by this Section 2 shall be payable at the  
40 principal office of the Paying Agent therein named, unless the bonds are issued and sold in  
41 book-entry form, in which event alternative payment arrangements may be provided at the  
42 discretion of the County Executive, or the Chief Administrative Officer if authorized by  
43 the County Executive.

44  
45 (9) With respect to each series of bonds sold pursuant to this Section 2, authority is  
46 hereby conferred on the County Executive, or the Chief Administrative Officer if  
47 authorized by the County Executive, to take the following actions and make the following  
48 commitments on behalf of the County:

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

9  
10 (b) to appoint a bank having trust powers, or a trust company, as Paying Agent for  
11 any such series of bonds, notwithstanding the fact that such bank or trust company may  
12 have neither its principal office nor any branch office within the County or the State of  
13 Maryland, and to appoint a similarly qualified bank or trust company as Alternate Paying  
14 Agent, such authority to include the power to agree with respect to the compensation of  
15 such Paying Agent and Alternate Paying Agent for the services to be rendered by them and  
16 to appoint one or more of such banks or trust companies as Bond Registrars and also to  
17 confer on the manager of the syndicate purchasing any such series of bonds the right to  
18 designate an Alternate Paying Agent so to be appointed;

19  
20 (c) to fix the schedule of annual maturities of any series of bonds and the maximum  
21 rate of interest payable thereon, both within the limitations prescribed above;

22  
23 (d) to employ, as financial advisor with respect to the sale of any series of bonds  
24 hereby authorized, a qualified firm of investment bankers having a municipal bond  
25 department, or some other firm or corporation specializing in the municipal bond field; to  
26 arrange, together with such financial advisor, for the preparation and distribution of an  
27 appropriate Offering Circular, Official Statement or Official Circular with respect to the  
28 sale of any such series of bonds, including (without limitation) the employment of a  
29 qualified financial printer to print such Offering Circular, Official Statement or Official  
30 Circular; and to allocate in his discretion the costs of employing such financial advisor and  
31 financial printer and the other costs of preparing and distributing such Offering Circular,  
32 Official Statement or Official Circular among the projects to be financed with the proceeds  
33 of any such series of bonds, as part of the costs thereof, all such costs of employing such  
34 financial advisor and financial printer and all other costs of preparing and distributing such  
35 Offering Circular, Official Statement or Official Circular to be regarded as costs of  
36 specialized services of an unusual nature and not susceptible of being obtained through  
37 competitive bidding;

38  
39 (e) after considering any recommendations of such financial advisor, to reserve to  
40 the County the option to redeem any such series of bonds in whole or in part, at such times  
41 and upon payment of such premiums as such financial advisor may recommend;

42  
43 (f) to retain qualified bond counsel (such qualifications to be subject to approval by  
44 the County Attorney) to handle all legal proceedings with respect to the issue and sale of  
45 any such series of bonds and to pass on the validity thereof and to employ, if bonds are not  
46 issued and sold in book-entry form, or if otherwise deemed necessary by the County  
47 Executive, a qualified banknote company to print or engrave such bonds in accordance  
48 with established standards, and to allocate in his discretion the costs of retaining such  
49 counsel and employing such banknote company among the projects to be financed with the

1 proceeds of any such series of bonds, as part of the costs thereof, all such costs of retaining  
2 such counsel and employing such banknote company to be regarded as costs of specialized  
3 services of an unusual nature and not susceptible of being obtained through competitive  
4 bidding; and  
5

6 (g) to provide for the issuance of bonds in book-entry form, to provide for the  
7 manner of payment of principal of and interest on bonds issued in book-entry form and to  
8 enter into appropriate agreements regarding the custody of bonds issued in book-entry  
9 form.  
10

11 SECTION 3. *And be it further enacted*, Acting pursuant to the authority of Section 10-  
12 203 of the Local Government Article of the Annotated Code of Maryland (2013  
13 Replacement Volume and 2017 Supplement), The Anne Arundel County Charter and  
14 Section 19-207 of the Local Government Article of the Annotated Code of Maryland (2013  
15 Replacement Volume and 2017 Supplement) (the "Refunding Act"), the issuance and sale  
16 of bonds of the County (the "Refunding Bonds") is hereby authorized for the purpose of  
17 refunding some or all of the outstanding issues of bonds of the County listed on Exhibit II  
18 attached hereto, as follows:  
19

20 (a) Refunding Bonds are hereby authorized to be issued to refund in whole or in part  
21 the respective several series of Anne Arundel County Consolidated General Improvements  
22 Series, Anne Arundel County Consolidated Water and Sewer Series, Anne Arundel County  
23 Solid Waste Projects Bonds, Water Quality Bonds and Watershed Protection and  
24 Restoration Projects Bonds identified as to designation, date and aggregate outstanding  
25 principal amount on Exhibit II below (to the extent refunded hereby, the "Refunded  
26 Series"). The amount of any Refunding Bonds shall be reduced to take account of any  
27 principal payments made to such Refunded Series prior to such refunding. With respect to  
28 each Refunded Series, Refunding Bonds may be issued pursuant to this Ordinance in an  
29 aggregate principal amount sufficient to provide funds (i) to purchase direct obligations  
30 of, or obligations the timely payment of the principal and interest on which is  
31 unconditionally guaranteed by, the United States of America ("Government Obligations"),  
32 the principal of and interest on which will be sufficient without reinvestment or to provide  
33 cash sufficient, in either case, to pay in a timely manner all or any part of the principal of  
34 and redemption premium, if any, and interest on the bonds of such Refunded Series and, if  
35 so provided by the County Executive, or Chief Administrative Officer if authorized by the  
36 County Executive, pursuant to Section 3(b)(6) of this Ordinance, a portion of the interest  
37 on the Refunding Bonds, and (ii) to pay any and all other costs permitted to be paid from  
38 the proceeds of such bonds under the Refunding Act, including (without limitation) the  
39 costs of issuance of such bonds and applicable underwriting fees; provided, however, that  
40 the aggregate principal amount of Refunding Bonds issued to refund one or more Refunded  
41 Series shall not exceed 120% of the principal amount of bonds of the Refunded Series so  
42 refunded. Proceeds of Refunding Bonds, including bond premium, consisting of net bond  
43 proceeds from the sale of bonds sold at a price above par, shall be applied for the purposes  
44 set forth above and as prescribed in the Refunding Act. Accordingly, bond premium, if  
45 any, derived from the sale of Refunding Bonds shall be applied as described above and  
46 shall not be subject to any requirement for expenditure on capital improvements.  
47

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



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

10  
11 (2) Refunding Bonds issued hereunder are hereby specifically exempted from the  
12 provisions of Sections 19-205 and 19-206 of the Local Government Article of the  
13 Annotated Code of Maryland (2013 Replacement Volume and 2017 Supplement).

14  
15 (3) Refunding Bonds authorized to be issued for the purposes specified above may  
16 be issued in series from time to time. Each such series shall identify the public purpose for  
17 which it is issued, by the printing on each bond of the words "Consolidated General  
18 Improvements Series, 20\_\_ Refunding Series," "Consolidated Water and Sewer Series, 20\_\_  
19 Refunding Series" or "Consolidated Solid Waste Projects Series, 20\_\_ Refunding Series,"  
20 as the case may be. The County Executive, or the Chief Administrative Officer if  
21 authorized by the County Executive, may incorporate such additional designations in the  
22 name of the series as he deems necessary or convenient to distinguish two or more series  
23 issued for the same purpose within the same calendar year.

24  
25 (4) The bonds of each series, or of successive series for the same public purpose,  
26 shall mature and be payable under an annual installment plan which may be implemented  
27 by the issuance of serial maturity bonds or term bonds having mandatory sinking fund  
28 requirements, beginning not later than the second anniversary of such series, or of the first  
29 series of a group, and concluding on or before (a) the thirtieth (30th) anniversary of the  
30 Refunded Bonds to be refunded from the proceeds of such Series or (b) the final maturity  
31 date permitted for such series under Paragraph 3 of Section II of the FINDINGS OF FACT  
32 set forth in Section 1 of this Ordinance, whichever shall be earlier. In the event that bonds  
33 of more than one Series of Refunded Bonds are refunded by a single series of Refunding  
34 Bonds, compliance with the maturity limits contained herein shall be established with  
35 respect to each series of Refunded Bonds in a certificate of the County Executive, or the  
36 Chief Administrative Officer if authorized by the County Executive, delivered in  
37 connection with the issuance of such Refunding Bonds.

38  
39 (5) The County Executive, or the Chief Administrative Officer if authorized by the  
40 County Executive, shall determine the portions of each series of Refunded Bonds to be  
41 refunded with the proceeds of each series of Refunding Bonds; provided, however, that  
42 such refunding will effectuate and accomplish the public purpose of realizing savings to  
43 the County in the aggregate cost of debt service on either a direct comparison or a present  
44 value basis with respect to the portion of any series of Refunded Bonds being refunded.

45  
46 (6) With respect to each series of Refunding Bonds sold pursuant to this Ordinance,  
47 authority is hereby conferred on the County Executive, or the Chief Administrative Officer  
48 if authorized by the County Executive, in addition to the authority conferred by Section 2

1 hereof, to take the following actions and make the following commitments on behalf of the  
2 County:

3  
4 (a) to sell any series of Refunding Bonds upon such terms he deems favorable  
5 under the existing market conditions to a bank, investment banking firm or other financial  
6 institution as, in his judgment, offers to purchase such series of bonds on terms he deems  
7 favorable to the County under the existing market conditions;

8  
9 (b) to execute and deliver, as a binding and enforceable obligation of the  
10 County, an underwriting or purchase agreement for any series of Refunding Bonds;

11  
12 (c) to determine whether the principal of Refunded Bonds shall be paid at  
13 maturity, at the earliest redemption date pertaining thereto, or at some later redemption  
14 date; and

15  
16 (d) to select a trust company or other banking institution as trustee, to hold the  
17 trust fund into which the proceeds of the sale of any Refunding Bonds may be deposited  
18 under the Refunding Act, to determine the terms of any such trust fund, including any  
19 provisions relating to the payment of costs or the payment of a portion of the interest on  
20 such series of Refunding Bonds therefrom, and to deliver, as a binding commitment of the  
21 County, a trust or escrow agreement pursuant to which such trust fund is established.

22  
23 SECTION 4. *And be it further enacted*, That the several series of bonds to be issued  
24 pursuant to the authority of this Ordinance shall be executed on behalf of the County by  
25 the manual or facsimile signature of the County Executive and the seal or a facsimile of  
26 the seal of the County shall be impressed or imprinted thereon, attested by the manual or  
27 facsimile signature of the County Executive, the secretary to the County Executive, the  
28 Administrative Officer to the County Council or such other officer as may be specified by  
29 ordinance of the County Council. Each such bond shall be authenticated by the manual or  
30 facsimile signature of the Chief Administrative Officer or his authorized deputy and by the  
31 manual signature of an authorized officer of the Bond Registrar. Notwithstanding the  
32 foregoing, in the event bonds are issued in book-entry form the County Executive or the  
33 Chief Administrative Officer if authorized by the County Executive, may provide that  
34 bonds issued in such form need not be authenticated by a Bond Registrar. No bonds issued  
35 hereunder shall be valid for any purpose or constitute an obligation of the County unless  
36 so authenticated.

37  
38 Each series of bonds shall be in the form set forth in Exhibit III attached hereto and  
39 incorporated herein, and bonds issued substantially in compliance with such forms, with  
40 such insertions, alterations, additions or deletions as herein permitted, when properly  
41 executed and authenticated as described above, shall be deemed to constitute unconditional  
42 general obligations of the County, to the payment of which, in accordance with the terms  
43 thereof, its full faith and credit are pledged, subject to the limitation on the taxing power  
44 set forth in Section 710(d) of the County Charter, and all the covenants and conditions  
45 contained in such bonds shall be deemed to be binding upon the County in accordance  
46 therewith.

47  
48 In case any official of the County whose signature shall appear on any such bonds shall  
49 cease to be such official prior to the delivery of such bonds, or in the case that any such

1 official shall take office subsequent to the date of issue of any such bonds, his signature, in  
2 either event, shall nevertheless be valid for the purposes herein intended.

3  
4 There shall be printed on the reverse side of each series of bonds issued hereunder, the  
5 text of the applicable approving legal opinion with respect thereto, such text being duly  
6 certified by the manual or facsimile signature of the County Executive, unless the bonds  
7 are issued in book-entry form, in which event, the County Executive, or the Chief  
8 Administrative Officer if authorized by the County Executive, may make alternate  
9 arrangements to make the approving legal opinion available to the holder of such bonds.

10  
11 Authority is hereby conferred on the County Executive, or the Chief Administrative  
12 Officer if authorized by the County Executive, to complete the blanks in such forms with  
13 the required information, to insert applicable paragraphs as indicated and to make such  
14 additions, deletions and substitutions in such forms, not inconsistent herewith, as may be  
15 necessary or desirable in the sale of any such series of bonds or to provide for the sale of  
16 any such series of bonds in book-entry form including (without limitation) modifications  
17 in the form of bonds to provide for Refunding Bonds issued to refund Refunded Bonds  
18 meeting the requirements of Section 19-207 of the Local Government Article of the  
19 Annotated Code of Maryland (2013 Replacement Volume and 2017 Supplement) to be  
20 secured by a pledge of the full faith and credit and unlimited taxing power of the County,  
21 or, with respect to bonds sold in book-entry form, to provide for payment of the redemption  
22 price of such bonds without presentation thereof to the County or to the Bond Registrar.  
23 Without limiting the generality of the foregoing, the County Executive, or the Chief  
24 Administrative Officer if authorized by the County Executive, is hereby specifically  
25 authorized to make such additions, deletions and substitutions in such forms, not  
26 inconsistent herewith, as he may deem necessary or desirable in the event that any series  
27 of bonds issued hereunder (i) is not made subject to redemption prior to their respective  
28 maturities or (ii) is issued as Variable Rate Demand Obligations in accordance with the  
29 provisions of Section 7 of this Ordinance.

30  
31 SECTION 5. *And be it further enacted*, That any bonds hereafter sold pursuant to the  
32 authority of Section 2 of this Ordinance shall first be offered at public sale to the best bidder  
33 therefor and only after the solicitation of competitive bids on a sealed basis by publication  
34 of a notice of sale substantially in the form set forth in Exhibit IV attached hereto and  
35 incorporated herein, with such insertions, alterations, additions or deletions as are  
36 permitted by this Ordinance.

37  
38 The best bidder for such bonds shall be determined in accordance with a formula and  
39 subject to such bid constraints as shall be determined by the County Executive, or the Chief  
40 Administrative Officer if authorized by the County Executive, upon the recommendation  
41 of the financial advisor selected pursuant to Section 2 hereof, to be appropriate for the  
42 solicitation or determination of the best bid for the bonds. The notice shall be published at  
43 least once preceding the date of sale in a newspaper published and of general circulation in  
44 the County. The first publication of such notice shall be not less than 10 days prior to the  
45 date of sale. At the discretion of the County Executive, or the Chief Administrative Officer  
46 if authorized by the County Executive, such notice or a summary thereof may also be  
47 inserted one or more times in financial journals published elsewhere in the United States.  
48 If more than one series or issue of bonds are offered together, they shall be sold as a unit.  
49 Following any such sale, the County Executive, or the Controller if authorized by the

1 County Executive, shall report the results thereof in writing at the next meeting of the  
2 County Council. All proposals for the purchase of any such bonds shall be made  
3 substantially in the form set forth in Exhibit IV attached hereto and incorporated herein,  
4 with such insertions, alterations, additions or deletions as are permitted by this Ordinance.  
5

6 The County may in such notice of sale reserve unto itself the right to reject any or all  
7 of the bids made pursuant to such notice and if, pursuant to the power so reserved, all of  
8 such bids are so rejected at the public sale of any of the bonds, then the County may, within  
9 30 days, but not thereafter, offer to sell or sell all or any part of such bonds by private sale  
10 for a price not less than the best bid received by the County from an acceptable bidder at  
11 the public sale thereof, and if such bonds are not sold either at such public sale or at private  
12 sale within such 30 day period, then they may not be sold in any manner except upon a  
13 subsequent public sale duly advertised in the manner herein specified.  
14

15 The County may in such notice of sale reserve the right to adjust the principal amount  
16 of each maturity of bonds of any series after publication of the notice of sale as provided  
17 herein, provided that any such adjustment shall be made in accordance with the procedures  
18 set forth in the notice of sale.  
19

20 The form of such notice of sale shall be substantially as set forth in Exhibit IV, with  
21 the insertions therein indicated, and subject to such insertions, alterations, additions or  
22 deletions as the County Executive, or the Chief Administrative Officer if authorized by the  
23 County Executive, may deem advisable due to financial or market conditions prevailing at  
24 the time or, in the event that bonds are issued as Variable Rate Demand Obligations in  
25 accordance with Section 7 of this Ordinance or constitute Refunding Bonds meeting the  
26 requirements of Section 19-207 of the Local Government Article of the Annotated Code  
27 of Maryland (2013 Replacement Volume and 2017 Supplement), due to the particular  
28 characteristics of such bonds or the security therefor. Without limiting the generality of  
29 the foregoing, the County Executive, or the Chief Administrative Officer if authorized by  
30 the County Executive, is hereby specifically authorized, upon recommendation of the  
31 financial advisor and bond counsel, to make such insertions, alterations, additions or  
32 deletions as he may deem necessary or desirable (A) in the event that the bonds of any  
33 series issued hereunder (i) are not made subject to redemption prior to their respective  
34 maturities, (ii) are issued as Variable Rate Demand Obligations in accordance with the  
35 provisions of Section 7 of this Ordinance or (iii) constitute Refunding Bonds meeting the  
36 requirements of Section 19-207 of the Local Government Article of the Annotated Code  
37 of Maryland (2013 Replacement Volume and 2017 Supplement), (B) to provide for receipt  
38 of bids submitted electronically, or (C) to reflect use of a book-entry only system.  
39

40 SECTION 6. *And be it further enacted*, That in order to avoid the issuance of a greater  
41 amount of bonds for the capital projects listed in ~~Exhibit I~~ Exhibit I-A than is needed  
42 therefor, and in order to permit the construction of such projects to proceed prior to the  
43 issuance of such bonds and at the same time afford the County maximum flexibility in  
44 selecting the most advantageous times for such issuance, the County may provide needed  
45 capital funds by the issue and sale of its bond anticipation notes pursuant to the authority  
46 of Section 19-212 of the Local Government Article of the Annotated Code of Maryland  
47 (2013 Replacement Volume and 2017 Supplement) (the "Bond Anticipation Note Act").  
48 Such notes shall bear the same series identification as the bonds authorized in Section 2  
49 hereof.



1 (1) The maximum principal amount of such notes issued pursuant to this Section which  
2 may be outstanding at any time shall be Four Hundred Million Dollars (\$400,000,000)  
3 unless and until otherwise provided by the County Council by ordinance. The notes may  
4 be paid at or prior to maturity from the proceeds of the issuance and sale of the bonds in  
5 anticipation of which such notes were issued or from the proceeds of refunding bond  
6 anticipation notes. Except as otherwise provided herein, in the event of such an advance  
7 refunding, the proceeds of such refunding bonds or notes shall be held in escrow, to the  
8 extent and in the amount necessary to refund the outstanding series of notes, for the benefit  
9 of the holders of the outstanding series of notes. Such refunding bond anticipation notes,  
10 if issued, will constitute a reissuance of the bond anticipation notes authorized by this  
11 Ordinance and shall not constitute additional indebtedness under such authorization.

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

30  
31 (3) All or any part of such notes may be issued in series as funds are required. Authority  
32 is hereby conferred on the County Executive, or the Chief Administrative Officer if  
33 authorized by the County Executive, to determine whether such notes will be issued in such  
34 series and, if so, when each such series of notes will be delivered to the purchaser thereof.

35  
36 (4) The County Executive, or the Chief Administrative Officer if authorized by the  
37 County Executive, shall provide for the establishment and maintenance of books for the  
38 registration and transfer of registered notes, which books may be maintained by a Note  
39 Registrar appointed by the County Executive, or the Chief Administrative Officer if  
40 authorized by the County Executive.

41  
42 (5) Notes to be issued pursuant to the authority of this Ordinance shall be executed on  
43 behalf of the County by the manual or facsimile signature of the County Executive and the  
44 seal of the County or a facsimile thereof shall be impressed or imprinted thereon, attested  
45 by the manual or facsimile signature of the County Executive, the secretary to the County  
46 Executive, the Administrative Officer to the County Council or such other officer as may  
47 be specified by ordinance of the County Council. Each note shall be authenticated by the  
48 manual or facsimile signature of the Chief Administrative Officer or his authorized deputy.

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

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

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

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

1 In the event that such notes are sold at public sale, the County Executive, or the Chief  
2 Administrative Officer if authorized by the County Executive, is hereby authorized (i) to  
3 determine the timing, terms and conditions thereof, (ii) to publish an appropriate notice of  
4 sale, such notice of sale to be in the general form of the form of the notice of sale included  
5 herein in Section 5 for the sale of bonds authorized by Section 2 hereof, with such  
6 alterations, deletions, substitutions and additions as the County Executive, or the Chief  
7 Administrative Officer if authorized by the County Executive, shall deem necessary or  
8 appropriate to provide for proper notice of the sale of notes, (iii) to determine the date, time  
9 and place when proposals will be accepted for such notes, such proposals to specify the  
10 interest rate or rates to be paid on such notes, the price to be paid for such notes and such  
11 other matters as the County Executive or the Chief Administrative Officer, as the case may  
12 be, may deem necessary or desirable in order to sell and deliver such notes and to award  
13 such notes at public sale to the successful bidder for such notes, and (iv) to execute and  
14 deliver any and all documents necessary or deemed appropriate by the County Executive  
15 or the Chief Administrative Officer, as the case may be, to consummate the sale of such  
16 notes at public sale and to accomplish any and all actions necessary or deemed appropriate  
17 by the County Executive or the Chief Administrative Officer, as the case may be, to issue  
18 and deliver such notes to such underwriters or purchasers in accordance with the provisions  
19 of this Ordinance and any contract of sale with the successful bidder for the notes.

20  
21 Following each such sale, or the negotiation of each such commitment, including the  
22 execution of any agreements in connection with the issuance of Program Notes or Variable  
23 Rate Demand Obligations, the County Executive, or the Controller if authorized by the  
24 County Executive, shall report the same at the next meeting of the County Council and  
25 shall accompany such report with the data upon which he had relied to satisfy himself that  
26 he had obtained terms favorable to the County in the then-prevailing market for comparable  
27 obligations.

28  
29 (8) The authority conferred on the County Executive, or the Chief Administrative  
30 Officer if authorized by the County Executive, in paragraph (9) of Section 2 of this  
31 Ordinance in connection with the issuance of bonds hereunder, with respect to the  
32 appointment of paying agents and a registrar, the employment of a financial advisor, a  
33 financial printer and a securities printer, retaining bond counsel and the preparation and  
34 distribution of an appropriate Offering Circular, Official Statement or Official Circular,  
35 may also be exercised with respect to the issuance and sale of bond anticipation notes  
36 hereunder.

37  
38 (9) With respect to any notes issued, the County hereby covenants and agrees with the  
39 holder or holders thereof to issue, upon its full faith and credit, the bonds in anticipation of  
40 the sale of which such notes are issued when, and as soon as, the reason for deferring the  
41 issuance thereof no longer exists and to pay the principal of and interest on (to the extent  
42 such interest has not been capitalized, or otherwise paid, by appropriations from current  
43 revenues as hereinbefore authorized) such notes from the proceeds of such bonds. This  
44 covenant shall be binding upon the County notwithstanding any limitation set forth in this  
45 Ordinance, including (without limitation) any limitation with respect to the interest rate or  
46 rates that the bonds may bear. If the County shall be unable, for reasons beyond its control,  
47 to issue and sell its bonds as described above, or if the proceeds from the sale of such bonds  
48 shall be insufficient to pay the principal of and interest on any notes issued, then the

1 revenues from taxes and other sources intended for application to debt service on such  
2 bonds shall be applied to the payment of the interest on and principal of the notes. The  
3 foregoing provisions shall not be construed so as to prohibit the County from paying the  
4 principal or redemption price of and interest on any note issued hereunder from the  
5 proceeds of the sale of any other note issued hereunder, or from any other funds legally  
6 available for that purpose.

7  
8 If the County shall be unable, for reasons beyond its control, to issue and sell its bonds,  
9 or if the proceeds from the sale of such bonds shall be insufficient to pay the principal of  
10 or interest on any notes issued, then the County hereby covenants that, in each fiscal year  
11 during which any such bond anticipation notes are outstanding, it will appropriate sufficient  
12 funds in each Current Expense Budget to pay the principal of such bond anticipation notes  
13 and the interest thereon due in such fiscal year. The County hereby further covenants that,  
14 to the extent any such appropriation is not offset by funds from other sources or by project  
15 revenues, it will, subject to the limitation on the tax levy set out in Section 710(d) of the  
16 County Charter, fund any such appropriation by the levy of ad valorem taxes on real estate,  
17 tangible personal property and intangible personal property subject to taxation by the  
18 County, and in addition, on such other intangible property as may be subject to taxation by  
19 the County within limitations prescribed by law. In such event, in the case of any series of  
20 bond anticipation notes issued to finance self-liquidating projects of the County, the  
21 principal of and interest on any such notes shall be payable primarily from the net revenues  
22 and receipts from such projects, or the utilities of which they form a part. If any such series  
23 of bond anticipation notes shall be issued to finance such self-liquidating projects and the  
24 County shall be unable for reasons beyond its control to issue and sell the bonds in  
25 anticipation of the sale of which such notes are issued, or if the proceeds from the sale of  
26 such bonds shall be insufficient to pay the principal of or interest on such notes, then the  
27 County covenants to fix such rates and charges for the use of any such project, or the utility  
28 of which it forms a part, as will generate sufficient revenues to pay the annual cost of  
29 maintenance and operation thereof and to pay the maturing principal of and interest on any  
30 such series of bond anticipation notes when due, and the County further covenants and  
31 agrees to apply such revenues against appropriations for such maintenance, operation and  
32 debt service in each Current Expense Budget. The County may apply to the payment of  
33 the principal of and interest on the aforementioned notes any funds granted or otherwise  
34 obtained and legally available for the payment of the principal of and interest on the notes;  
35 and to the extent that any such funds received or receivable in any fiscal year are applied  
36 to such purposes, the taxes, rates and charges required to be levied or assessed pursuant to  
37 this paragraph shall be reduced proportionately.

38  
39 (10) In the event that any notes (the "Outstanding Notes") issued hereunder are  
40 outstanding on the date that the bonds in anticipation of which such notes are issued are  
41 delivered in exchange for the purchase price thereof (the "Delivery Date"), the Controller  
42 shall deposit with the paying agent for the notes, or a trustee or escrow agent, on the  
43 Delivery Date (i) cash in an amount equal to the principal of the Outstanding Notes or (ii)  
44 direct obligations of, or obligations the payment of which is unconditionally guaranteed  
45 by, the United States of America, the principal of and interest on which will be sufficient  
46 without reinvestment to pay in a timely manner the principal of the Outstanding Notes  
47 when due. Such paying agent or trustee or escrow agent is hereby irrevocably directed to  
48 apply such cash or the proceeds of such obligations to the payment of the principal of the  
49 Outstanding Notes when due. The County may provide such cash or obligations from the



1 proceeds of the sale of such bonds or from any other funds legally available for such  
2 purpose. On the Delivery Date, the Controller shall also deposit with the paying agent for  
3 the Outstanding Notes, or a trustee or escrow agent (i) cash in an amount equal to the  
4 interest on the Outstanding Notes when due or (ii) direct obligations of, or obligations the  
5 payment of which is unconditionally guaranteed by, the United States of America, the  
6 principal of and interest on which will be sufficient without reinvestment to pay in a timely  
7 manner interest on the Outstanding Notes when due. The County may provide such cash  
8 or obligations from the proceeds of the sale of bonds available for that purpose or from any  
9 other funds legally available for such purpose. Notwithstanding the foregoing, if the  
10 Delivery Date and the date on which the Outstanding Notes mature are in different fiscal  
11 years, and moneys for the payment of the interest on the Outstanding Notes have not been  
12 finally appropriated in the fiscal year in which the bonds are delivered, and if the Delivery  
13 Date is after the date on which the budget for the succeeding fiscal year has been submitted  
14 to the County Council and provision for the payment of the interest on such Outstanding  
15 Notes has been made in such budget, in lieu of the deposit of such cash or obligations for  
16 the payment of interest on the Outstanding Notes, the County Executive, the Controller and  
17 the Chief Administrative Officer may deliver a certificate on the Delivery Date of the bonds  
18 stating that funds sufficient to pay the interest on the Outstanding Notes have been included  
19 in the budget for the next succeeding fiscal year (it being provided by the Bond  
20 Anticipation Note Act that the notes shall be payable from the first proceeds of the sale of  
21 the bonds, or from the tax or other revenue which the County shall have previously  
22 determined to apply to the payment of the bonds and the interest thereon). Upon the deposit  
23 with the paying agent for the Outstanding Notes, or a trustee or escrow agent, of cash or  
24 obligations sufficient to provide for the payment of the principal of and interest on such  
25 notes when due, as described above, such notes shall be deemed to be paid and no longer  
26 outstanding hereunder.

27  
28 (11) Pursuant to the Bond Anticipation Note Act, the County is hereby authorized to  
29 issue the aforementioned bond anticipation notes as notes in the nature of commercial paper  
30 and to establish a commercial paper program. Accordingly, the County is hereby  
31 authorized to issue two or more separate and distinct series of its bond anticipation notes,  
32 which may include (1) a series of its bond anticipation notes in the nature of commercial  
33 paper (the "Commercial Paper Notes") and (2) a series of its bond anticipation notes in  
34 connection with a liquidity facility, such as a revolving loan agreement, or a series of its  
35 bond anticipation notes in connection with a credit facility, such as a letter of credit and  
36 related agreements (collectively, the "Revolving Loan Notes") (the Commercial Paper  
37 Notes and the Revolving Loan Notes being collectively referred to herein as the "Program  
38 Notes"). The words "bond anticipation notes," as used in this Ordinance, include Program  
39 Notes, and it is intended that the provisions of this Ordinance applying to bond anticipation  
40 notes shall include Program Notes unless the context clearly requires a contrary meaning.

41  
42 For the purposes of this Ordinance, the term "principal amount," when used with  
43 respect to the Program Notes, shall mean (i) in the case of Commercial Paper Notes, the  
44 face amount of any such Commercial Paper Note, less any original issue discount on such  
45 Commercial Paper Note, and (ii) in the case of Revolving Loan Notes, the principal amount  
46 actually advanced under the applicable liquidity facility or credit facility that is evidenced  
47 by any such Revolving Loan Note. Accordingly, it is contemplated by this Ordinance that  
48 the aggregate face amount of the Program Notes that may be outstanding from time to time  
49 hereunder, together with other bond anticipation notes issued hereunder and outstanding

1 from time to time, may exceed the aggregate principal amount of bond anticipation notes  
2 authorized to be outstanding hereunder at any one time.

3  
4 It is recognized that the procedures necessary or desirable to implement a commercial  
5 paper program within the framework of existing commercial practices in the commercial  
6 paper market may require the County to prescribe procedures to facilitate the prompt  
7 determination and approval of certain matters in connection with the authorization,  
8 issuance, execution, sale, delivery and payment of and for Program Notes. Accordingly,  
9 the County Executive, by or pursuant to executive order or other appropriate action or  
10 proceedings, is hereby authorized (1) to establish such procedures, including (without  
11 limitation) procedures for (a) the determination of the dates and maturities of any Program  
12 Notes, or the method by which the same shall be determined, (b) the determination of the  
13 interest rate to be borne by any Program Notes, which may be separately stated by rate or  
14 amount or which may be in an amount equal to the discount thereon, or the method by  
15 which the same shall be determined, and (c) the determination of the price or prices at  
16 which Commercial Paper Notes may be sold, which may be at, above or below the face  
17 value thereof, or the method by which the same shall be determined; and (2) to determine  
18 any and all other matters relating to the terms, specifications and form of such Program  
19 Notes, including (without limitation) any modification required in the forms of bond  
20 anticipation note set forth herein to accommodate the needs of the commercial paper  
21 program. Any such procedures may include provisions for telephonic approval and  
22 subsequent telegraphic or written confirmation of one or more of such matters by the Chief  
23 Administrative Officer, the Controller or such other officers or employees of the County  
24 as the County Executive shall designate within guidelines or parameters prescribed by the  
25 County Executive. The establishment of such procedures and all such determinations and  
26 actions shall be deemed to be of an administrative nature.

27  
28 In connection with the establishment of a commercial paper program, the County  
29 Executive is hereby authorized, by or pursuant to executive order or other appropriate  
30 action or proceedings (i) to approve the form of any indenture necessary or appropriate in  
31 connection with the issuance of any Program Notes (the "Indenture") and to appoint a  
32 trustee (the "Trustee") thereunder, (ii) to approve the form of any dealer agreement relating  
33 to any Commercial Paper Notes (the "Dealer Agreement") and to select a dealer to act  
34 thereunder, (iii) to approve the form of a liquidity facility, such as a revolving loan  
35 agreement, or a credit facility, such as a letter of credit and related agreements (each a  
36 "Credit Facility") and to select one or more financial institutions to provide loans or  
37 otherwise to act thereunder, and (iv) to approve the form of any issuing and paying agency  
38 agreement (the "Issuing and Paying Agency Agreement") and to appoint an issuing and  
39 paying agent of the County for the purpose of completing, authenticating and delivering  
40 the Program Notes from time to time.

41  
42 The County Executive is hereby authorized, pursuant to executive order or other  
43 appropriate action or proceedings, to execute and deliver on behalf of the County the  
44 Indenture, the Issuing and Paying Agency Agreement, one or more Credit Facilities, the  
45 Dealer Agreement, and all and any other documents that he may deem necessary or  
46 appropriate to implement the commercial paper program contemplated by this Ordinance  
47 and, in each case, to cause the seal of the County to be impressed thereon, attested by the  
48 County Executive, the secretary to the County Executive, the Administrative Officer to the

1 County Council or such other officer as may be specified by ordinance of the County  
2 Council.

3  
4 (12) All of such notes shall be in such form as the County Executive, or the Chief  
5 Administrative Officer if authorized by the County Executive, shall deem appropriate shall  
6 be binding on the County when and as any such notes are issued and sold hereunder.

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

26  
27 The County Executive, or the Chief Administrative Officer if authorized by the County  
28 Executive, may determine that bond anticipation notes authorized by Section 6 hereof or  
29 bonds authorized by Section 2 hereof shall be issued as short-term or demand obligations  
30 or commercial paper, defined above as Variable Rate Demand Obligations, including  
31 obligations that are required to be purchased or redeemed prior to stated maturity dates,  
32 and bear interest at variable rates established from time to time by a remarketing agent on  
33 the basis of current market conditions. The County Executive, or the Chief Administrative  
34 Officer if authorized by the County Executive, is hereby authorized to establish procedures  
35 for the determination of the interest rates, the interest payment dates and any mandatory  
36 redemption, tender or purchase dates of bonds or notes described in this Section 7 in order  
37 to implement the financing authorized hereby. If any bonds or notes issued in accordance  
38 with this Section 7 provide for the mandatory redemption, tender or purchase thereof prior  
39 to stated maturity dates, the form of bond or note (as the case may be) may provide, to the  
40 extent permitted by law and deemed advisable by the County Executive, or the Chief  
41 Administrative Officer if authorized by the County Executive, that the full faith and credit  
42 and, subject to the limitations set forth in Section 710(d) of the County Charter, taxing  
43 power of the County are pledged to the payment of the purchase or redemption price on  
44 the due dates for such payments.

45  
46 In connection with the issuance of such obligations, the County Executive is hereby  
47 authorized, by executive order or other appropriate action or proceeding (i) to approve the  
48 form of any indenture necessary or appropriate in connection with the issuance of such  
49 obligations (the “Demand Indenture”) and to appoint a trustee thereunder, (ii) to approve

1 the form of a remarketing agreement relating to such obligations (the “Demand  
2 Remarketing Agreement”) and to select a remarketing agent to act thereunder, (iii) to  
3 approve the form of a credit or liquidity facility, such as a letter of credit, line of credit,  
4 revolving loan agreement or other similar agreement (a “Demand Credit Facility”) and to  
5 enter into a reimbursement agreement or other similar agreement (a “Demand Credit  
6 Facility Agreement”) with one or more financial institutions in connection therewith and  
7 (iv) to approve the form of a registrar and paying agency agreement (the “Demand  
8 Registrar and Paying Agency Agreement”) and to appoint a registrar and paying agent for  
9 the purpose of completing, authenticating and delivering such obligations from time to  
10 time.

11  
12 The County Executive is hereby authorized pursuant to executive order or other  
13 appropriate action or proceeding, to execute and deliver on behalf of the County a Demand  
14 Indenture, a Demand Remarketing Agreement, one or more Demand Credit Facility  
15 Agreements and a Demand Registrar and Paying Agency Agreement and any and all other  
16 documents that he may deem necessary or appropriate in connection with the issuance of  
17 obligations authorized by this Section 7, and, in each case, to cause the seal of the County  
18 to be impressed thereon, attested by the County Executive, the secretary to the County  
19 Executive, the Administrative Officer to the County Council and such other officers as may  
20 be specified by ordinance of the County Council.

21  
22 SECTION 8. *And be it further enacted*, That the provisions hereinafter set forth in  
23 Sections 8(1), (2), (3), (4) and (5) shall be applicable with respect to bonds (including  
24 Refunding Bonds) or bond anticipation notes issued and sold hereunder on the basis that  
25 the interest on such bonds or notes will be excludable from gross income for federal income  
26 tax purposes and the provisions hereinafter set forth in Section 8(7) shall be applicable with  
27 respect to any bonds or bond anticipation notes issued and sold hereunder on the basis that  
28 such bonds or notes are allowed a tax credit, that the County is entitled to a subsidy from  
29 the United States of America or any agency or instrumentality thereof with respect to such  
30 bonds or notes or the interest payable thereon, or that any such bond or note or the interest  
31 thereon is entitled to any other available benefits under the Internal Revenue Code of 1986,  
32 as amended (any such bonds or notes being referred to herein as “Tax Advantaged  
33 Obligations”).

34  
35 (1) The County Executive shall be the officer of the County responsible for the issuance  
36 of any bonds or bond anticipation notes hereunder within the meaning of the Arbitrage  
37 Regulations (defined herein). The County Executive shall also be the officer of the County  
38 responsible for the execution and delivery (on the date of issuance of the bonds or bond  
39 anticipation notes) of a certificate of the County (the “Section 148 Certificate”) which  
40 complies with the requirements of Section 148 of the Internal Revenue Code of 1986, as  
41 amended (“Section 148”), and the applicable regulations thereunder (the “Arbitrage  
42 Regulations”), and such official is hereby directed to execute the Section 148 Certificate  
43 and to deliver the same to bond counsel on the date of the issuance of the bonds or bond  
44 anticipation notes.

45  
46 (2) The County shall set forth in the Section 148 Certificate its reasonable expectations  
47 as to relevant facts, estimates and circumstances relating to the use of the proceeds of the  
48 bonds or bond anticipation notes, or of any moneys, securities or other obligations to the  
49 credit of any account of the County which may be deemed to be proceeds of the bonds or



1 bond anticipation notes pursuant to Section 148 or the Arbitrage Regulations (collectively,  
2 “Bond Proceeds”). The County covenants that the facts, estimates and circumstances set  
3 forth in the Section 148 Certificate will be based on the County’s reasonable expectations  
4 on the date of issuance of the bonds or bond anticipation notes and will be, to the best of  
5 the certifying officials’ knowledge, true and correct as of that date.

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

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

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

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

1 (7) With respect to Tax Advantaged Obligations, the County Executive is hereby  
2 authorized to make such covenants or agreements in connection with the issuance thereof  
3 as he shall deem advisable in order to assure (i) the holders of any such Tax Advantaged  
4 Obligations that such Tax Advantaged Obligations will be entitled to federal tax benefits  
5 of such Tax Advantaged Obligations, and (ii) that the County is entitled to any subsidy  
6 available for any such Tax Advantaged Obligations. Such covenants or agreements shall  
7 be binding on the County so long as the observance by the County of any such covenants  
8 or agreements is necessary in connection with the entitlement of such Tax Advantaged  
9 Obligations to applicable federal tax benefits. The foregoing covenants and agreements  
10 may include (without limitation) covenants or agreements on behalf of the County relating  
11 to the investment of proceeds of such Tax Advantaged Obligations, the rebate of certain  
12 earnings resulting from such investment to the United States of America (or the payment  
13 of penalties in lieu of such rebate), limitations on the times within which, and the purposes  
14 for which, such proceeds may be expended or the utilization of specified procedures for  
15 accounting for and segregating such proceeds. Any covenant or agreement made by the  
16 County Executive pursuant to this paragraph may be authorized by an order or certificate  
17 of the County Executive and such covenant or agreement shall be binding on the County.  
18

19 In furtherance of the foregoing, in order to qualify for the benefits inuring with respect  
20 to any tax advantaged obligation, the County Executive shall be authorized to make any  
21 elections or designations permitted or required under the Internal Revenue Code of 1986,  
22 as amended, to apply for an allocation from the State of Maryland or the federal  
23 government in the case of bonds or notes subject to any volume limitation and to apply for  
24 any tax credit, to take such actions as shall be necessary to permit any tax credit to be  
25 stripped and sold separately from the ownership interest in any Tax Advantaged  
26 Obligations and to claim any cash subsidy with respect to any tax advantaged obligation.  
27 It is confirmed that the County Executive is authorized to declare official intent to  
28 reimburse expenditures from proceeds of Tax Advantaged Obligations.  
29

30 For purposes of establishing compliance with Section 148 regarding the expenditure of  
31 proceeds Tax Advantaged Obligations, the source of general fund monies for capital  
32 expenditures may be specifically attributed to funds deposited to the general fund as a  
33 reimbursement from the proceeds of County debt issuances in accordance with a certificate  
34 executed by the County Executive.  
35

36 Notwithstanding anything in this Ordinance to the contrary, Tax Advantaged  
37 Obligations may be issued pursuant to Section 19-208 of the Local Government Article of  
38 the Annotated Code of Maryland (2013 Replacement Volume and 2017 Supplement) or  
39 any other laws of the State of Maryland authorizing the issuance thereof and may be sold  
40 for a price at, above or below par, plus accrued interest to the date of delivery. Authority  
41 is hereby conferred on the county executive to sell any such Tax Advantaged Obligations  
42 through a public sale or through a private (negotiated) sale, without solicitation of  
43 competitive bids, as the County Executive, upon consultation with the Controller and the  
44 County's financial advisor, shall determine to be in the best interests of the County. Any  
45 sale of Tax Advantaged Obligations hereunder by private negotiation is hereby determined  
46 to be in the County's best interest. Tax Advantaged Obligations issued hereunder are  
47 hereby specifically exempted from the provisions of Sections 19-205 and 19-206 of the  
48 Local Government Article of the Annotated Code of Maryland (2013 Replacement Volume  
49 and 2017 Supplement).

1 It is recognized that the market for Tax Advantaged Obligations is evolving and that  
2 the issuance and sale from time to time of Tax Advantaged Obligations with one stated  
3 maturity may be the most practicable method for successfully accomplishing the sale of  
4 Tax Advantaged Obligations by the County. Accordingly, the County is hereby authorized  
5 to issue Tax Advantaged Obligations with a single stated maturity and to provide for an  
6 annual installment plan (the "Installment Plan") with respect to the payment of Tax  
7 Advantaged Obligations, such Installment Plan to be approved by an order of the County  
8 Executive. The Installment Plan shall provide for annual payments to a sinking fund  
9 account (the "Escrow Account") to be pledged or otherwise applied to the payment of the  
10 Tax Advantaged Obligations and to be held by a trust company or other banking institution,  
11 as trustee or escrow agent, such annual payments to commence not later than two years  
12 from the date of issuance of the Tax Advantaged Obligations. Amounts so deposited to  
13 the Escrow Account shall be invested and reinvested in direct obligations of, or obligations  
14 the principal of, and the interest on which, are guaranteed by, the United States of America,  
15 or in certificates of deposit or time deposits secured by direct obligations or obligations the  
16 principal of, and the interest on which, are guaranteed by, the United States of America.  
17 Each annual payment deposited to the Escrow Account under the Installment Plan shall be  
18 invested and reinvested in a manner determined by the County so as to provide for the  
19 payment of a portion of the stated principal amount of such Tax Advantaged Obligations  
20 and related interest, if any. The issuance and sale of Tax Advantaged Obligations as a  
21 single bond with one stated maturity and the establishment of an Installment Plan as herein  
22 described are hereby authorized notwithstanding the requirement in Section 2 of this  
23 Ordinance that bonds be issued as serial maturity bonds or term bonds having mandatory  
24 sinking fund requirements, beginning not later than the second anniversary of such series,  
25 or of the first series of a group.

26  
27 (8) Notwithstanding anything in this Ordinance to the contrary, it is confirmed that  
28 bond premium, consisting of net bond proceeds from the sale of bonds sold at a price above  
29 par, may be allocated for expenditure purposes permitted under provisions of federal  
30 income tax law pertaining to excludability of interest on the bonds from gross income or  
31 the tax status of Tax Advantaged Obligations, as applicable.

32  
33 SECTION 9. *And be it further enacted*, That, the County Council hereby affirmatively  
34 approves the exercise of eminent domain in the acquisition of any land parcels acquired for  
35 the projects hereinbefore described in this Ordinance.

36  
37 SECTION 10. *And be it further enacted*, That, notwithstanding any other provisions of  
38 this Ordinance, in order (i) to comply with the bond registration requirements of, and to  
39 conform with, developing practices in the municipal bond market, including practices of  
40 bond registrars and paying agents, (ii) to facilitate generally the issuance and sale of general  
41 obligation bonds and bond anticipation notes by the County, including compliance with  
42 disclosure and similar requirements and (iii) insofar as possible, to simplify issuance  
43 procedures, the County Executive, or the Chief Administrative Officer if authorized by the  
44 County Executive, as the case may be, is hereby authorized (a) to apply the provisions of  
45 this Ordinance, (b) to make determinations and decisions required by this Ordinance, (c)  
46 to make such insertions, modifications and corrections to the form of bonds, the form of  
47 notes, form of notice of sale authorized hereby, including modifications to the method of  
48 publication in connection with the redemption of any bonds, (d) to enter into agreements

1 on behalf of the County and (e) to take all and any other actions under this Ordinance in  
2 the manner and to the extent that the County Executive or the Chief Administrative Officer,  
3 as the case may be, may deem necessary or appropriate to accomplish the stated purposes,  
4 taking into account the recommendations of bond counsel and financial advisor to the  
5 County, including the making of agreements to facilitate the foregoing.

6  
7 SECTION 11. *And be it further enacted*, That, the Budget Officer and the Controller  
8 are hereby designated as the authorized deputies of the Chief Administrative Officer for  
9 the purpose of authenticating any bonds or bond anticipation notes issued hereunder. In  
10 addition, the County Executive may deliver a written certificate at or prior to the time of  
11 the issuance of any bonds or bond anticipation notes issued hereunder designating such  
12 other person or persons as he shall deem appropriate as an authorized deputy or deputies  
13 of the Chief Administrative Officer for the purpose of authenticating any bonds or bond  
14 anticipation note issued hereunder.

15  
16 SECTION 12. *And be it further enacted*, That the County is hereby authorized to  
17 borrow money and incur indebtedness otherwise authorized to be borrowed and incurred  
18 hereunder in the form of bonds or bond anticipation notes by obtaining a loan (a “Water  
19 Quality Loan”) from the Maryland Water Quality Financing Administration (the  
20 “Administration”) pursuant to and in accordance with Sections 9-1601 through 9-1622,  
21 inclusive, of the Environment Article of the Annotated Code of Maryland (2014  
22 Replacement Volume and 2017 Supplement) (the “Act”). Such Water Quality Loans may  
23 be obtained by the County hereunder from time to time. Any such Water Quality Loan  
24 shall be evidenced by a loan agreement (a “Water Quality Loan Agreement”) between the  
25 County and the Administration and a bond issued by the County (a “Water Quality Bond”).

26  
27 It is acknowledged that the proceeds of any Water Quality Loan will be used for the  
28 public purposes of financing a portion of the costs of acquiring, constructing and equipping  
29 certain wastewater facilities or water supply systems, each as defined in the Act  
30 (collectively, the “Water Quality Facilities”), including the development of property, the  
31 acquisition and installation of equipment and furnishings and any architectural, financial,  
32 legal, planning and engineering expenses. It is intended that the proceeds of any Water  
33 Quality Loan undertaken by the County pursuant to this Section 12 may be expended on  
34 the applicable Water Quality Facility and any related costs, including costs of the  
35 Administration and the funding of reserves, to the extent permitted by the Act and to the  
36 extent provided in the applicable Water Quality Loan Agreement or Water Quality Bond.  
37 It is acknowledged that Water Quality Facilities as defined above may include projects that  
38 the County classifies as wastewater projects, water projects or under some other  
39 classification.

40  
41 Unless otherwise provided in this Section 12, limitations, procedures or requirements  
42 set forth in this Ordinance for the issuance, sale and delivery of bonds or bond anticipation  
43 notes, as applicable, to the extent practicable, shall apply to obtaining any Water Quality  
44 Loan and to the execution and delivery of any Water Quality Loan Agreement or Water  
45 Quality Bond.

46  
47 The County Executive, or the Chief Administrative Officer, if authorized by the County  
48 Executive, is hereby authorized to approve the form of any Water Quality Loan Agreement  
49 or Water Quality Bond, the terms thereof, including the interest rate, maturity schedule,



1 redemption provisions and covenants to be set forth therein, and the manner of executing  
2 and authenticating the same. The form of Water Quality Bond need not conform to the  
3 forms otherwise provided in this Ordinance.

4  
5 Notwithstanding any other provision to the contrary in this Ordinance:

6  
7 (a) Any Water Quality Loan (including any Water Quality Loan Agreement and Water  
8 Quality Bond) need not be in denominations of \$5,000 or any integral multiple thereof, nor  
9 in a serial maturity format, provided, however, borrowings and evidences thereof shall be  
10 on an installment basis with annual principal payments beginning not more than two years  
11 from the date of issue;

12  
13 (b) Any Water Quality Loan (including any Water Quality Loan Agreement and Water  
14 Quality Bond) may be sold at less than par and without regard to any limitation set forth in  
15 Section 2(1) hereof or Section 6(7) hereof, as applicable;

16  
17 (c) Any Water Quality Loan (including any Water Quality Loan Agreement and Water  
18 Quality Bond) may provide for interest payments on other than a semiannual basis;

19  
20 (d) Paying agents and registrars may be provided for in the discretion of the County  
21 Executive, or the Chief Administrative Officer, if authorized by the County Executive;

22  
23 (e) The County is hereby authorized to sell any Water Quality Loan (including any  
24 Water Quality Loan Agreement and Water Quality Bond) at private (negotiated) sale to the  
25 Administration, public advertisement and sale of the same not being required by the terms  
26 of the Act and the best interests of the County being hereby declared to be served by such  
27 private sale;

28  
29 (f) Provisions for the redemption of any Water Quality Loan (including any Water  
30 Quality Loan Agreement and Water Quality Bond) may be provided for in the discretion  
31 of the County Executive, or the Chief Administrative Officer, if authorized by the County  
32 Executive; and

33  
34 (g) Any signature required in connection with the issuance and sale of any Water  
35 Quality Loan (including any Water Quality Loan Agreement and Water Quality Bond) may  
36 be manual and any affixing of the County Seal may be accomplished by impressing the  
37 same on the applicable document.

38  
39 The County Executive, or the Chief Administrative Officer, if authorized by the County  
40 Executive, is hereby authorized to take any and all actions in the manner and to the extent  
41 that the County Executive or the Chief Administrative Officer, as the case may be, may  
42 deem necessary or appropriate to accomplish the purposes of this Section.

43  
44 Any Water Quality Loan (including any Water Quality Loan Agreement and Water  
45 Quality Bond) shall be secured as provided in Section 2(6) of this Ordinance.

46  
47 With respect to any Water Quality Loan authorized by this Section or by similar  
48 authority contained in a prior ordinance of the County, the County Executive, or the Chief  
49 Administrative Officer if authorized by the County Executive, may, in accordance with

1 Paragraph 4 of Section II of the Findings of Fact, apply to any project authorized to be  
2 financed with a Water Quality Loan the balance remaining to any completed or abandoned  
3 project previously financed with the proceeds of a Water Quality Loan. In exercising such  
4 authority, the County Executive, or the Chief Administrative Officer if authorized by the  
5 County Executive, may enter into such amendments of Water Quality Loan Agreements  
6 and related documents as he deems necessary or appropriate in the exercise of the authority  
7 granted hereby. In lieu of applying the balance of any completed or abandoned project  
8 financed with a Water Quality Loan to new or additional projects, the County Executive,  
9 or the Chief Administrative Officer if authorized by the County Executive, may determine  
10 to prepay or otherwise effect a reduction in the stated principal amount or permitted  
11 maximum principal amount any such Water Quality Loan as permitted in the Water Quality  
12 Loan Agreement and the Water Quality Bond or as otherwise permitted and, in connection  
13 therewith, may take such action and make such amendments to the Water Quality Loan  
14 Agreement and Water Quality Bond as he deems necessary or appropriate to permit the  
15 reamortization of the principal amount outstanding and to effect such prepayment or  
16 reduction in stated principal amount.

17  
18 Following the execution and delivery of any written commitment specifying the  
19 material terms of any Water Quality Loan, or if no such written commitment is entered  
20 into, following the execution and delivery of any Water Quality Loan (including any Water  
21 Quality Loan Agreement and Water Quality Bond), the County Executive, or the  
22 Comptroller, if authorized by the County Executive, shall report the terms thereof in  
23 writing at the next meeting of the County Council.

24  
25 SECTION 13. *And be it further enacted*, That the County is hereby authorized to  
26 borrow money and incur indebtedness for shore erosion control projects hereinafter  
27 specified by obtaining a loan (a "Shore Erosion Control Construction Loan") from the  
28 Shore Erosion Control Construction Loan Fund pursuant to and in accordance with  
29 Sections 8-1001 through 8-1008, inclusive, of the Natural Resources Article of the  
30 Annotated Code of Maryland (2012 Replacement Volume and 2017 Supplement) (the "Soil  
31 Erosion Control Act"). Each Shore Erosion Control Construction Loan shall be evidenced  
32 by a loan agreement (a "Shore Erosion Control Construction Loan Agreement") between  
33 the County and the Department of Natural Resources ("DNR") in a form determined by  
34 order of the County Executive as hereinafter provided. The authorization to borrow money  
35 and incur indebtedness pursuant to this Section 13 shall not be exercised unless and until  
36 appropriation is made for the expenditure of the proceeds of any such loan for the project  
37 to be financed thereby.

38  
39 Shore Erosion Control Construction Loans may be repaid from benefit charges levied  
40 on benefited property and may be further secured by a pledge of the full faith and credit of  
41 the County, as determined by order of the County Executive as hereinafter provided. It is  
42 acknowledged and declared that the levy of any ad valorem taxes by the County to provide  
43 for repayment of the Shore Erosion Control Construction Loans shall be subject to the  
44 limitation on the tax levy set out in Section 710(d) of the County Charter.

45  
46 Pursuant to and in accordance with requirements of this Ordinance and the Shore  
47 Erosion Control Act, the County Executive by order is hereby authorized to approve the  
48 form of any Shore Erosion Control Construction Loan Agreement, the terms thereof,  
49 including the source or sources and security for repayment, the repayment schedule and

1 covenants to be set forth therein, and the manner of executing and authenticating the same.  
2 Pursuant to Section 8-1005(f) of the Shore Erosion Control Act, the County may borrow  
3 interest-free funds and repay the funds at a uniform rate over a period not exceeding 25  
4 years.

5  
6 The County Executive, or the Chief Administrative Officer, if authorized by the County  
7 Executive, is hereby authorized to take any and all actions in the manner and to the extent  
8 that the County Executive or the Chief Administrative Officer, as the case may be, may  
9 deem necessary or appropriate to accomplish the purposes of this Section.

10  
11 A Shore Erosion Control Construction Loan Agreement by and between the County  
12 and DNR in connection with a loan for Venice Beach SECD, Capital Project No. Q573800  
13 in the amount of \$228,700 is hereby authorized without further action.

14  
15 Without limitation, Shore Erosion Control Construction Loan Agreements by and  
16 between the County and DNR heretofore approved, are hereby approved and ratified,  
17 subject to reductions in loan amounts made in accordance with the respective loan  
18 agreements, as obligations of the County without further action.

19  
20 SECTION 14. *And be it further enacted*, That pursuant to the authority granted by  
21 Section 19-103 of the Local Government Article of the Annotated Code of Maryland (2013  
22 Replacement Volume and 2017 Supplement), the County Executive, or the Chief  
23 Administrative Officer if authorized by the County Executive, is hereby authorized in  
24 connection with the issuance of any bonds or notes hereunder to (i) provide, covenant or  
25 agree that, in the event that sufficient funds for the timely payment when due of principal  
26 of or interest on bonds or notes issued pursuant to the authority of this Ordinance are not  
27 available or in the event of a default in the payment of the principal of or interest on such  
28 bonds or notes, the first general fund revenues of the County received thereafter shall be  
29 applied to the payment when due of such principal or interest or to cure such default, as the  
30 case may be, and (ii) pledge any of the County's revenues to the payment of the principal  
31 of and interest on the bonds and notes issued pursuant to the authority of this Ordinance.  
32 In the event that the County Executive, or the Chief Administrative Officer if authorized  
33 by the County Executive, determines to exercise all or any part of the authority granted  
34 under this Section, the County Executive, or the Chief Administrative Officer if authorized  
35 by the County Executive, shall determine the form, terms and provisions of any order,  
36 certificate, agreement or related documents as he shall deem necessary or appropriate to  
37 evidence any agreement or pledge authorized hereby, including (without limitation) terms  
38 and provisions regarding the application of such pledge or agreement to borrowings of the  
39 County other than bonds or notes issued pursuant to the authority of this Ordinance. Any  
40 such order, certificate, agreement or related document shall be executed by the County  
41 Executive and the seal of the County shall be impressed thereon, attested by the County  
42 Executive, the secretary to the County Executive, the Administrative Officer to the County  
43 Council or such other officer as may be specified by ordinance of the County Council.

44  
45 SECTION 15. *And be it further enacted*, That, as determined and specified in a  
46 certificate of the County Executive, or of the Chief Administrative Officer if authorized by  
47 the County Executive, executed and delivered prior to the issuance of bonds, notes or  
48 Variable Rate Demand Obligations, such bonds, notes or Variable Rate Demand  
49 Obligations may be issued to provide for the financing of one or more projects included

1 within a specified class of projects set forth in ~~Exhibit I~~ Exhibit I-A. In addition, the  
2 amount of proceeds allocated to projects included within a specified class of projects  
3 financed by any issuance of bonds, notes or Variable Rate Demand Obligations may be  
4 amended after the issuance of such bonds, notes or Variable Rate Demand Obligations, as  
5 determined and specified in a certificate of the County Executive, or of the Chief  
6 Administrative Officer if authorized by the County Executive.

7  
8 In connection with the foregoing, the County Executive, or the Chief Administrative  
9 Officer if authorized by the County Executive, shall execute a certificate demonstrating  
10 or determining, as applicable:

11  
12 (a) That all bonds, notes or Variable Rate Demand Obligations are payable within  
13 the probable useful life of the improvement or undertaking being financed or, if the bonds,  
14 notes or Variable Rate Demand Obligations are to be issued for several improvements or  
15 undertakings, then within the average probable useful life of all such improvements or  
16 undertakings being financed;

17  
18 (b) That the amount of bonds, notes or Variable Rate Demand Obligations to be  
19 applied to any project to be financed shall not exceed the maximum amount set forth in  
20 ~~Exhibit I~~ Exhibit I-A authorized for such project; and

21  
22 (c) Such other matters as the County Executive or the Chief Administrative Officer  
23 (as the case may be) deems appropriate to establish compliance with the provisions of the  
24 County Charter and this Ordinance in connection with the issuance of bonds, notes and  
25 Variable Rate Demand Obligations to provide for the financing of one or more projects  
26 included within a specified class or to provide for the amendment of the list of projects  
27 from the specified class of projects financed by an issuance of bonds, note and Variable  
28 Rate Demand Obligations, as described above.

29  
30 SECTION 16. *And be it further enacted*, That, subject to the following paragraphs of  
31 this Section 16, the authority to issue bonds under Bill No. 60-17, as amended, effective  
32 September 7, 2017 (“Bill No. 60-17”) is hereby canceled, rescinded and repealed, but only  
33 to the extent that such authority has not been exercised prior to the effective date of this  
34 Ordinance.

35  
36 Appropriate reductions shall be recognized in the amounts of bonds authorized for  
37 issuance under this Ordinance for bonds issued after April 30, 2018, under the authority of  
38 Bill No. 60-17, for projects authorized to be financed by Bill No. 60-17 and also authorized  
39 to be financed under this Ordinance.

40  
41 Nothing contained in this Ordinance shall be construed as impairing the validity of any  
42 proceedings or action taken, or the validity of any bonds or bond anticipation notes issued,  
43 or Shore Erosion Control Construction Loan Agreements, executed, prior to the effective  
44 date of this Ordinance, under the provisions of Bill No. 60-17, or under prior bond  
45 authorization ordinances, and the authorization, sale and issuance of all bonds and bond  
46 anticipation notes issued prior to the effective date of this Ordinance pursuant to the  
47 authority of such ordinances, including (without limitation) the various series of general  
48 obligation bonds and bond anticipation notes of Anne Arundel County, Maryland, set forth  
49 in Section 10 of Bill No. 57-08, Exhibit V of Bill No. 51-09, Exhibit V of Bill No. 53-10,



1 Exhibit V of Bill No. 52-11, Exhibit V of Bill No. 60-12, Exhibit V of Bill No. 63-13,  
2 Exhibit V of Bill No. 55-14, Exhibit V of Bill No. 80-15, Exhibit V of Bill No. 46-16,  
3 Exhibit V of Bill No. 60-17 and, in addition, the indebtedness set forth in Exhibit V  
4 attached hereto and incorporated herein (the "Prior Obligations"), and all such Prior  
5 Obligations be and they are hereby ratified and confirmed, together with all and several of  
6 the terms thereof and the action taken in connection with the issuance, sale and delivery  
7 thereof, are hereby validated as being validly authorized, sold, issued and executed, as  
8 applicable, and delivered by Anne Arundel County, Maryland. The ratification of the Prior  
9 Obligations as set forth above shall be effective notwithstanding noncompliance with any  
10 provisions of the aforementioned ordinances that provide general fiscal or budgetary  
11 guidelines, such as provisions directing that specified portions of the Prior Obligations be  
12 issued during certain fiscal years.

13  
14 The validity of the revolving loan notes authorized to be issued pursuant to the Master  
15 Note Order adopted by the County Executive on December 18, 2014 (as amended or  
16 supplement from time to time, the "Note Order") and designated as the County's "Master  
17 General Obligation Bond Anticipation Note, Series A (Consolidated General  
18 Improvements Series)," "Master General Obligation Bond Anticipation Note, Series B  
19 (Consolidated Water and Sewer Series)," and "Master General Obligation Bond  
20 Anticipation Note, Series C (Consolidated Solid Waste Projects Series - AMT)"  
21 (collectively, the "Master Notes"), and all related documents, such as a revolving credit  
22 agreement (the "Revolving Loan Documents") executed and delivered prior to the effective  
23 date of this Ordinance shall not be impaired in any manner by the passage of this  
24 Ordinance, and such Master Notes and Revolving Loan Documents executed and delivered  
25 in connection with the Master Notes are hereby ratified and confirmed. Bond anticipation  
26 notes authorized by this Ordinance may be evidenced by advances under the Revolving  
27 Loan Documents in the amount and in the manner set forth in the Note Order, as  
28 supplemented.

29  
30 Bonds and bond anticipation notes may be issued under this Ordinance to pay bond  
31 anticipation notes issued pursuant to and in accordance with a note order or credit  
32 agreement provided that such bonds or bond anticipation notes are authorized to be issued  
33 hereunder for projects financed by such bond anticipation notes issued pursuant to and in  
34 accordance with the note order or credit agreement.

35  
36 SECTION 17. *And be it further enacted*, That, if any one or more of the provisions of  
37 this Ordinance, including any covenants or agreements provided herein on the part of the  
38 County to be performed, should be contrary to law, then such provision or provisions shall  
39 be null and void and shall in no way affect the validity of the other provisions of this  
40 Ordinance or of the bonds or the bond anticipation notes.

41  
42 SECTION 18. *And be it further enacted*, That, this Ordinance shall take effect 45 days  
43 from the date it becomes law.

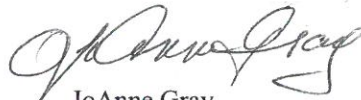
READ AND PASSED this 16<sup>th</sup> day of July, 2018

By Order:



JoAnne Gray  
Administrative Officer

PRESENTED to the County Executive for his approval this 17<sup>th</sup> day of July, 2018



JoAnne Gray  
Administrative Officer

APPROVED AND ENACTED this 20<sup>th</sup> day of July, 2018



Steven R. Schuh  
County Executive

EFFECTIVE DATE:

**SEP 3 2018**

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.  
62-18 . THE ORIGINAL OF WHICH IS RETAINED IN THE FILES  
OF THE COUNTY COUNCIL.



JoAnne Gray  
Administrative Officer