

# ENROLLED

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND  
LEGISLATIVE SESSION, 2023  
BILL NO. 2023-07

Introduced: June 20, 2023

By: The President of the Council at the request of the County Executive

**AN ACT** to authorize and empower Wicomico County, Maryland to borrow on the faith and credit of Wicomico County, Maryland an aggregate principal amount not exceeding Twelve Million Fifty-Two Thousand Five Hundred Dollars (\$12,052,500) and to evidence such borrowing by the issue and sale from time to time of one or more series of general obligation bonds of the County, the proceeds thereof to be used by Wicomico County to finance, refinance or reimburse the costs of certain projects for the Board of Education and the Airport, including costs of planning, design, acquisition, construction, improvement, installation, renovation, rehabilitation, repairing, furnishing and equipping of land, facilities, buildings and structures, together with other costs and financing costs related thereto as further described herein; authorizing the issuance and sale from time to time of one or more series of general obligation refunding bonds in order to currently refund or advance refund any of the bonds issued pursuant to the authority of this Act, provided that the aggregate principal amount of each such series of refunding bonds does not exceed one hundred thirty percent (130%) of the aggregate principal amount of bonds refunded therefrom; exempting all such bonds and refunding bonds from the provisions of Sections 19-205 and 19-206 of the Local Government Article of the Annotated Code of Maryland; authorizing the issuance and sale from time to time of one or more series of general obligation bond anticipation notes in an aggregate principal amount not to exceed Twelve Million Fifty-Two Thousand Five Hundred Dollars (\$12,052,500) prior to and in anticipation of the sale of any of the bonds authorized hereby in order to finance, refinance or reimburse costs of such projects on an interim basis, capitalized interest and financing costs; authorizing the County Council to pass resolutions prior to issuing all or any part of the bonds, refunding bonds or bond anticipation notes in order to fix, prescribe, determine or provide for the details of such obligations and the issuance and sale thereof; providing that all such bonds, refunding bonds and bond anticipation notes shall be general obligations of the County to which the faith and credit of the County are pledged and authorizing annual appropriations to pay the principal of and interest on said obligations and the levying of taxes to meet said appropriations, subject to any lawful limitations on the County's taxing power set forth in the Charter, as that taxing power may relate to such obligations; providing for the disbursement of the proceeds of the bonds, refunding bonds or bond anticipation notes authorized hereby; providing certain rules of construction and that the provisions of this Act shall be liberally construed; providing that the provisions of this Act shall be separable; and generally relating to the issuance and sale of such bonds, refunding bonds or bond anticipation notes authorized hereby.

WHEREAS, Wicomico County, Maryland (the "County") is authorized pursuant to Sections 10-203 and 19-401 of the Local Government Article of the Annotated Code of Maryland

(previously codified as Section 5(P) of Article 25A of the Annotated Code of Maryland), as replaced, supplemented or amended, to borrow money on the faith and credit of the County; and

WHEREAS, the Capital Budget for Wicomico County, Maryland, for the fiscal year beginning July 1, 2023, adopted pursuant to Section 705 of the Charter of Wicomico County, Maryland (as such Charter may be replaced, supplemented or amended from time to time, the “County Charter”), and as such Capital Budget may have been amended to date, provides for funds provided by the County through the issuance of its general obligation bonds (new money) for certain projects and purposes; and

WHEREAS, the County Council of Wicomico County, Maryland (the “County Council”) deems that the projects and purposes identified herein as being funded from general obligation bonds as set forth in the Capital Budget for Wicomico County, Maryland for the fiscal year beginning July 1, 2023, as the same may have been amended to date, are necessary to the welfare of Wicomico County, Maryland and that the financial resources of the County are ample and within the limitations as prescribed by the County Charter to permit the borrowing of the sums required therefor; now, therefore:

**SECTION 1. BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION,** that to provide the funds required to finance, refinance or reimburse the cost of certain projects and purposes for the purposes identified by department generally as Board of Education and Airport, and as Bond Contingency, in the approved Capital Budget of the County for the fiscal year beginning July 1, 2023 adopted pursuant to Section 705 of the County Charter, as the same may have been amended to date, the County is with this Act authorized and empowered by resolution or resolutions of the County Council passed in Legislative Session (except as otherwise provided herein) to borrow from time to time an amount not exceeding Twelve Million Fifty-Two Thousand Five Hundred Dollars (\$12,052,500) and to evidence said borrowing by the issuance and sale of general obligation bonds of the County, in one or more series, in like aggregate par amount. Unless otherwise advised by bond counsel to the County, any resolution adopted in accordance with Section 3 below may provide that any such series of bonds may be issued as a single bond in installment and/or draw-down form.

It is hereby recognized and acknowledged that the details of the Capital Budget of the County for the fiscal year beginning July 1, 2023, as the same may have been amended to date, are necessarily subject to change because of corresponding changes in construction and other costs, project time schedules, availability of other funding sources and other circumstances not now known or anticipated. It is the purpose and intent of this Act to authorize the borrowing of money to finance, refinance or reimburse costs of the projects and purposes identified in Section 2 hereof as such projects and purposes are respectively referenced in the Capital Budget for the fiscal year beginning July 1, 2023, as the same may have been amended to date, and as the same may be further amended, and in any amended or subsequent capital budget or capital improvement plan, unless otherwise contrary to applicable law.

SECTION 2. AND BE IT FURTHER ENACTED AND ORDAINED, that with respect to the projects and purposes listed below, the word “cost” as used in Section 1 hereof shall, unless particularly limited in this Section or the applicable Capital Budget or capital improvement plan, as the same may be amended, include costs of land, easement and right-of-way acquisition and development; site and utility improvements, including, without limitation, excavation, clearing, grading, landscaping, paving and repaving, access roads, retaining walls, fencing, utility relocation, transmission lines, sidewalk, curb, gutter, pipes of various natures, power, storm water, water and sewer services, systems and improvements, street lights, amenities, and related or similar activities and expenses; acquisition, construction and improvement of new buildings, facilities or structures and/or renovation of, expansion of, additions to, or improvement of, existing buildings, facilities or structures; demolition, razing and removal; acquisition, assembly and installation of equipment, systems, and furnishings; pedagogical material for any educational projects; capitalized interest during construction and for a reasonable period thereafter, whether or not specifically stated; professional fees and expenses incurred in connection with such projects and the financing thereof (which shall include, without limitation, planning, design, engineering, architectural, testing, surveying, study, document development, bidding, permitting, inspection, construction management, fiscal, administrative and legal expenses related thereto); any other applicable costs and components of the projects listed below; contingencies; costs of issuing the bonds (which costs may include the costs of bond insurance or other credit enhancement); and any of such costs which may represent the County’s share or contribution to the financing, refinancing or reimbursement of costs of such projects. The total par amount of bond funds to be appropriated or paid to pay the costs of such projects and purposes as provided in the Capital Budget of the County for the fiscal year beginning July 1, 2023, as the same may have been amended to date or may be further amended, and in any amended or subsequent capital budget or capital improvement plan, exclusive of any premium available therefor or investment earnings, shall be allocated to such projects and purposes as set forth below, subject to such variations or modifications as are herein provided:

[CONTINUED ON FOLLOWING PAGE]

<u>Department</u>	<u>Amount</u>
1. Board of Education	
A. Mardela High/Middle: Renovation/Addition	\$2,100,000
B. Wicomico High School Roof Renovation	950,000
C. Parkside High School Roof Renovation	1,208,000
2. Airport	
A. Runway Extension	3,044,500
B. Fuel Farm	4,500,000
3. Bond Contingency	<u>250,000</u>
TOTAL	<u>\$12,052,500</u>

Item No. 3 above, being Bond Contingency, in the amount of Two Hundred Fifty Thousand Dollars (\$250,000), shall be used to pay any difference between the actual cost of the projects listed in Items Nos. 1-2 above to be funded from bond or bond anticipation note (provided for in Section 4 hereof) proceeds and the amount allocated thereto. Said Bond Contingency also may be used to pay the expenses of any bonds or bond anticipation notes issued hereunder or capitalized interest. Without notice to or the consent of the holders of the bonds or the bond anticipation notes provided for herein, the County may reallocate proceeds thereof among the projects and purposes listed above in accordance with applicable law. To the extent not prohibited by applicable law, without notice to or the consent of the holders of the bonds or the bond anticipation notes provided for herein, the County may reallocate proceeds thereof to other projects or purposes in accordance with applicable law. Any unspent proceeds of the bonds or the bond anticipation notes provided for herein may be applied in accordance with applicable provisions of the County Charter.

SECTION 3. AND BE IT FURTHER ENACTED AND ORDAINED, that the bonds hereby authorized may be issued at one time or in series from time to time in the current or any future fiscal year, separately or in conjunction with other bonds the County may be authorized to issue, all as may be determined by one or more resolutions adopted by the County Council in Legislative Session, except as provided herein. Prior to issuance of any such bonds, the County Council shall obtain a certificate from an appropriate County official that the limitation on indebtedness contained in the County Charter will not be exceeded by the issuance of bonds in the amount contemplated and the County Council shall also obtain a certificate from an appropriate County official that the authority hereby conferred for the contemplated bond issue has not been previously exercised and that such authority has not been repealed, revoked or suspended in

accordance with the County Charter. Each such resolution shall fix, prescribe, determine or provide for the determination of the title, date of issue, and denomination(s) of said bonds; the aggregate principal amount and maturities thereof; the form and tenor thereof, and the manner of executing the same; the places of payment thereof and of the interest to accrue thereon; the agent or agents of the County to make such payment; any registrar and/or paying agent for such bonds; the reserved right, if any, to redeem any such bonds prior to maturity and the premium or premiums, if any, payable upon the exercise of said right; the rate or rates of interest payable on said bonds, or the method of determining the same; the purchaser of such bonds; details relating to the public sale of such bonds (unless such resolution shall provide for the private sale of such bonds in accordance with clause (iii) below, in which event such resolution shall provide for the manner of private sale); the allocation of such bond proceeds to the projects and/or the Bond Contingency identified in Section 2 hereof; how any premium paid to the County in connection with the sale of any such bonds shall be applied, which may include, without limitation, to the costs of the applicable projects and purposes for which such bonds are authorized to be issued, to costs of issuance of such bonds or to the payment of debt service on such bonds; how earnings derived from the investment of the proceeds of any such bonds authorized hereby shall be applied, which may include, without limitation, to the purposes for which such bonds are issued, to pay costs of issuance of such bonds, to pay debt service on such bonds or treated as general revenues of the County and applied to general County purposes; and any other details, terms or conditions relating to the issuance, sale, delivery and payment of such bonds to the extent not contrary to applicable law or this Act; provided, however, that:

(i) if authorized by applicable law, any such series may be sold at a price at, above or less than the par value thereof, as determined by the County Council by resolution;

(ii) the bonds of each such series shall become due and payable in accordance with any limitations provided for in the County Charter;

(iii) each series of said bonds shall be sold by award to the best bidder therefor after solicitation of competitive bids, which competitive bids may be submitted by electronic bid only as provided in such resolution, following at least ten (10) days published notice of the sale, which notice may be published solely in summary form if so determined by the County Council by resolution adopted in Legislative Session unless the County Council in Legislative Session shall adopt a resolution providing that (A) any such notice of sale or summary form thereof shall be disseminated solely by another method permitted by applicable law or (B) any such series shall be sold by private sale;

(iv) no such bonds shall be issued in any fiscal year unless there shall be appropriated by the County Council an amount sufficient to pay debt service due on said bonds in such fiscal year;

(v) any premium paid to the County in connection with the sale of any such series of bonds may be applied to reduce the par amount of such bonds actually issued; and

(vi) in any such resolution the County Council may approve, determine or provide for the payment of a commitment fee, breakage compensation or related costs to the purchaser of any such series of bonds and/or the approval, execution and delivery by or on behalf of the County of any preliminary or final official statement or other disclosure document, any continuing disclosure undertaking or any ongoing representations or certifications.

Notwithstanding the foregoing, as determined or provided for by the County Council by resolution adopted in Legislative Session, the County Council may provide that the actual award or sale of any such series of bonds and the determination of any final details relating thereto may be made by the County Council by a resolution or resolutions adopted in a non-legislative session or by an authorized official of the County by order.

Acting pursuant to the authority of Section 19-207 of the Local Government Article of the Annotated Code of Maryland (previously codified as Section 24 of Article 31 of the Annotated Code of Maryland), as replaced, supplemented or amended, the County is hereby authorized and empowered to issue and sell from time to time, in the current or any future fiscal year, separately or in conjunction with other bonds the County may be authorized to issue, one or more series of general obligation bonds for the purpose of currently refunding or advance refunding any of the bonds authorized hereby then outstanding, including paying any principal, any redemption premium and any interest accrued or to accrue to the date of redemption, purchase or maturity of bonds to be refunded, funded interest and/or costs and expenses of issuance of such refunding bonds, for the public purpose of realizing savings to the County in the total cost of debt service on a direct comparison or present value basis or to achieve a debt restructuring or any other purpose permitted by applicable law; provided that, the aggregate principal amount of each such series of refunding bonds shall not exceed one hundred thirty percent (130%) of the aggregate principal amount of bonds refunded therefrom. Prior to the issuance, sale and delivery of any such series of refunding bonds, the County Council in Legislative Session shall adopt a resolution or resolutions authorizing such series of refunding bonds and specifying, describing, determining, providing for and approving such matters, details, forms, documents or procedures as may be authorized or required by applicable law, including the method of sale of such series of the refunding bonds, which may be at a private sale, without soliciting bids, and including the types of matters specified to be determined or provided for by resolution in this Section 3 with respect to any series of bonds authorized hereby, to the extent such matters are applicable with respect to such series of refunding bonds, and such other matters as may be applicable with respect to such series of refunding bonds, including, without limitation, the identification of any escrow deposit agent, verification consultant or bidding agent. Unless otherwise advised by bond counsel to the County, any such resolution may provide that any such series of refunding bonds may be issued as a single bond in installment and/or draw-down form. Notwithstanding the foregoing, as determined or provided for by the County Council by resolution adopted in Legislative Session, the County Council may provide that the actual award or sale of any such refunding bonds and the determination of any final details relating thereto may be made by the County Council by a resolution or resolutions adopted in a non-legislative session or by an authorized official of the County by order.

Any of the bonds described in this Section 3, when duly issued, executed and delivered in the manner above-described, shall constitute general obligations of the County, to the payment of which, when due, the faith and credit of the County are pledged, and any said resolution of the County Council in Legislative Session shall constitute an irrevocable covenant of the County annually to appropriate the amount necessary to pay the principal of and interest on said bonds when due and, subject to any lawful limitations on the County's taxing power set forth in the County Charter, as that taxing power may relate to the bonds, to levy ad valorem taxes upon all property in the County subject to County taxation in rate and amount, in each year, sufficient to meet said annual appropriations, provided that, funds available from other sources may be applied to pay debt service on such bonds and taxes that might otherwise be levied hereunder may be reduced or not levied to the extent of such funds being received or receivable.

The bonds authorized by this Act are hereby expressly exempted from the application or the provisions of Sections 19-205 and 19-206 of the Local Government Article of the Annotated Code of Maryland (previously codified as Sections 10 and 11 of Article 31 of the Annotated Code of Maryland), as replaced, supplemented or amended.

References in Sections 3 and 5 of this Act to "the bonds" or "bonds" shall be construed to include references to the refunding bonds authorized hereby, unless otherwise expressly provided or unless the context requires otherwise.

SECTION 4. AND BE IT FURTHER ENACTED AND ORDAINED, that:

(a) Pursuant to the authority of Sections 19-211 through 19-223 of the Local Government Article of the Annotated Code of Maryland (previously codified as Section 12 of Article 31 of the Annotated Code of Maryland), as replaced, supplemented or amended (the "Bond Anticipation Note Act"), the County is hereby authorized to issue and sell its general obligation bond anticipation notes from time to time in one or more series in an aggregate principal amount not to exceed Twelve Million Fifty-Two Thousand Five Hundred Dollars (\$12,052,500) prior to and in anticipation of the sale of any of the bonds authorized hereby in order to finance, refinance or reimburse costs of the projects and purposes identified in Section 2 hereof on an interim basis, capitalized interest and costs and expenses in connection with the issuance, sale and delivery of such bond anticipation notes. Prior to the issuance, sale and delivery of any such series of bond anticipation notes, the County Council in Legislative Session shall adopt a resolution or resolutions authorizing such series of bond anticipation notes and specifying, describing, determining, providing for and approving such matters, details, forms, documents or procedures as may be authorized or required by applicable law, including the method of sale of such series of bond anticipation notes, which may be by private negotiation, and including the types of matters specified to be determined or provided for by resolution in Section 3 hereof with respect to any series of bonds authorized hereby, to the extent such matters are applicable with respect to such series of bond anticipation notes. Notwithstanding the foregoing, as determined or provided for by the County Council by resolution adopted in Legislative Session, the County Council may provide that

the actual award or sale of any such bond anticipation notes and the determination of any final details relating thereto may be made by the County Council by a resolution or resolutions adopted in a non-legislative session or by an authorized official of the County by order. Unless otherwise advised by bond counsel to the County, any resolution adopted in accordance with this Section 4 may provide that any such series of bond anticipation notes may be issued as a single bond anticipation note in installment and/or draw-down form.

(b) The County covenants (i) to issue the bonds in anticipation of the sale of which any such bond anticipation notes are issued as soon as there is no longer a reason for deferring the issuance of such bonds, and (ii) to pay from the proceeds of the bonds in anticipation of the sale of which any such bond anticipation notes are issued the principal of such bond anticipation notes and, to the extent that the interest thereon is not paid from the proceeds of such bond anticipation notes, the interest on such bond anticipation notes. Notwithstanding the foregoing sentence, any of the bond anticipation notes described in this Section 4, when duly issued, executed and delivered in the manner above-described, shall also constitute general obligations of the County, to the payment of which, when due, the faith and credit of the County are pledged, and any said resolution of the County Council adopted in Legislative Session shall constitute an irrevocable covenant of the County annually to appropriate the amount necessary to pay the principal of and interest on said bond anticipation notes when due and, subject to any lawful limitations on the County's taxing power set forth in the County Charter, as that taxing power may relate to the bond anticipation notes, to levy ad valorem taxes upon all property in the County subject to County taxation in rate and amount, in each year, sufficient to meet said annual appropriations; provided that, funds available from other sources may be applied to pay debt service on such bond anticipation notes and taxes that might otherwise be levied hereunder may be reduced or not levied to the extent of such funds being received or receivable.

(c) As authorized by the Bond Anticipation Note Act, by resolution adopted in Legislative Session, the County Council may provide for (i) the renewal of any series of the bond anticipation notes at maturity with or without resale, and (ii) any amendments of or modifications to such series of the bond anticipation notes and any related documentation or replacement bond anticipation notes or related documentation.

SECTION 5. AND BE IT FURTHER ENACTED AND ORDAINED, that the proceeds from the sale of any of the bonds or bond anticipation notes herein authorized shall be paid to or at the direction of the appropriate County official, and there shall first be deducted any amount received on account of accrued interest, if any, and the remaining balance shall be disbursed for or on account of financing, reimbursing or refinancing the costs of the projects and purposes authorized in Section 2 hereof to be financed, refinanced or reimbursed therefrom, and, to the extent applicable, expenses of bond or note issuance or other allowable expenses. Each such project shall be deemed a capital project for the purpose of this Act and any subsequent debt issue.

SECTION 6. AND BE IT FURTHER ENACTED AND ORDAINED, that:



(a) The Recitals to this Act are deemed a substantive part of this Act and are incorporated by reference herein. Capitalized terms used in this Act shall have the meanings given to such terms in the Recitals to this Act or the Sections of this Act, as applicable.

(b) References in this Act to the aggregate principal amount, the principal amount or the amount of the bonds, the refunding bonds or the bond anticipation notes authorized hereby shall be construed to mean the par amount of such obligations, without giving effect to any premium paid with respect thereto.

(c) The provisions of this Act shall be liberally construed in order to effectuate the transactions contemplated by this Act.

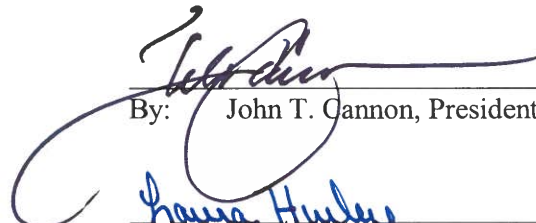
SECTION 7. AND BE IT FURTHER ENACTED AND ORDAINED, that the various provisions of this Act shall be regarded as separate and severable; and should any section, sentence, clause or provision thereof be held invalid or unconstitutional for any reason, the validity of the remaining parts hereof shall not be affected thereby.


[CONTINUED ON FOLLOWING PAGE]

SECTION 8. AND BE IT FURTHER ENACTED, that this Act, having been passed by the County Council of Wicomico County, at its Legislative Session on the 18th day of July, 2023, shall take effect sixty (60) days after approval by the County Executive or failure of the County Executive to return this Act in accordance with County Charter Section 411.C., subject to the provisions of County Charter Section 411.D., unless a proper petition for referendum thereof shall be filed in accordance with County Charter Section 312, in which event this Act shall not take effect until the expiration of thirty (30) days following the approval of this Act by a majority of the qualified voters of the County voting in any such referendum.

Certified correct as passed and adopted by the County Council of Wicomico County, Maryland, this 18th day of July, 2023.

WICOMICO COUNTY, MARYLAND

 (SEAL)  
By: John T. Cannon, President

 (SEAL)  
By: Laura Hurley, Secretary

I HEREBY CERTIFY that copies of the above Bill are available to the public, the press and other news media at the time of its introduction.

 (SEAL)  
Laura Hurley, Secretary

Explanation:

~~CAPITAL STRIKE OUT~~ indicates matter stricken from Bill by Amendment.  
Underlining indicates Amendments to Bill.

COUNTY COUNCIL  
OF  
WICOMICO COUNTY, MARYLAND

2023 Legislative Session

Legislative Day No. 14

**LEGISLATIVE BILL NO. 2023-07**

**INTRODUCED BY:** The President of the Council at the request of the County Executive

**Legislative Bill No. 2023-07:** AN ACT to authorize and empower Wicomico County, Maryland to borrow on the faith and credit of Wicomico County, Maryland an aggregate principal amount not exceeding Twelve Million Fifty-Two Thousand Five Hundred Dollars (\$12,052,500) and to evidence such borrowing by the issue and sale from time to time of one or more series of general obligation bonds of the County, the proceeds thereof to be used by Wicomico County to finance, refinance or reimburse the costs of certain projects for the Board of Education and the Airport, including costs of planning, design, acquisition, construction, improvement, installation, renovation, rehabilitation, repairing, furnishing and equipping of land, facilities, buildings and structures, together with other costs and financing costs related thereto as further described herein;

Introduced and read first time on June 20, 2023. Ordered posted and public hearing scheduled for July 18, 2023 at 10:00 a.m.



\_\_\_\_\_  
Laura Hurley, Council Administrator

**PUBLIC HEARING:** Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, the Bill was read for a second time at a public hearing held on July 18, 2023.



\_\_\_\_\_  
Laura Hurley, Council Administrator

**CERTIFICATION:** The undersigned hereby certifies that this Bill was Approved and Adopted by the County Council of Wicomico County, Maryland, on the 18<sup>th</sup> day of July, 2023.



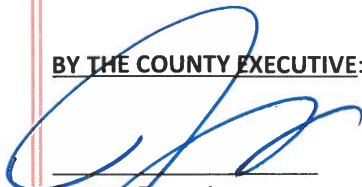
\_\_\_\_\_  
Laura Hurley, Council Administrator

Presented to the County Executive for approval this 18<sup>th</sup> day of July at 10:22 a.m. (5 days §411)



\_\_\_\_\_  
Laura Hurley, Council Administrator

**BY THE COUNTY EXECUTIVE:**



\_\_\_\_\_  
County Executive

APPROVED

Date: 7/18/23  
(21 days §411)

VETOED

Date: \_\_\_\_\_

**BY THE COUNCIL:**

Option One: This Bill, having been approved by the County Executive and returned to the Council, becomes law on July 18, 2023 and effective on: September 16, 2023.  
(60 days §311)

Option Two: This Bill, having received neither the approval nor the disapproval of the County Executive with 21 days of its presentation, stands enacted on \_\_\_\_\_ and becomes effective on \_\_\_\_\_.  
(60 days §311)

Option Three: This Bill, being exempt from the Executive Veto stands enacted on \_\_\_\_\_ and becomes effective on \_\_\_\_\_. (Charter Section 305)

**ENROLLMENT:** Legislative Bill No. 2023-07 is herewith submitted to the County Council of Wicomico County for enrollment as being the text as finally passed.

  
\_\_\_\_\_  
Laura Hurley, Council Administrator