

Resolution No.:	20-839
Introduced:	May 22, 2025
Adopted:	June 10, 2025

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President at the Request of the County Executive

SUBJECT: To authorize Montgomery County (the “County”), pursuant to and in accordance with Chapter 20, Sections 20-47 through 20-54 (the “Revenue Bond Act”) and Chapter 48 (the “Solid Waste Act”) of the Montgomery County Code, as amended, and Section 10-203 of the Local Government Article of the Annotated Code of Maryland (2013 Replacement Volume and 2024 Supplement), to issue and sell its revenue bonds at one time or from time to time, in one or more series, and not upon the full faith and credit of the County, in an amount sufficient to finance and refinance in whole or in part certain costs relating to the remediation of low-level environmental contamination at the Gude Landfill and any required improvements to other facilities relating to the Gude Landfill; to provide for the sale of such bonds either at a public competitive sale, or at a negotiated sale; to provide that the County Executive of the County and other County Officials shall take all necessary, proper or expedient action to effect the issuance, sale and delivery of the revenue bonds; and generally providing for and determining various matters in connection with such bonds.

Background

1. Section 10-203 of the Local Government Article of the Annotated Code of Maryland (2013 Replacement Volume and 2024 Supplement) and the Revenue Bond Act, as amended (collectively, the “Act”) authorize the issuance from time to time of revenue bonds or other obligations of the County, payable as to principal, interest and premium, if any, only from the funds or revenues received from or in connection with any project, all or part of which is financed from the proceeds of revenue bonds or other obligations. Such bonds may be sold on a negotiated basis without solicitation of competitive bids if the County determines that the procedure is in the public interest.
2. Pursuant to the Act, the County expects to issue its solid waste system revenue bonds in the aggregate principal amount not to exceed \$43,000,000 (the “Series 2025 Bonds”), the proceeds of which will be applied to (i) finance and refinance in whole or in part certain costs relating to the remediation of low-level environmental contamination at the Gude Landfill and any required improvements to other facilities relating to the Gude Landfill, (ii) fund all or a portion of a debt service reserve fund with respect to the Series 2025

Bonds, and (iii) pay any and all other costs permitted to be paid from the proceeds of such Series 2025 Bonds under the Act and the Solid Waste Act (as the case may be), including (without limitation) the costs of issuance of such Series 2025 Bonds and applicable underwriting fees.

3. In accordance with Section 20-51 of the Montgomery County Code, the County Executive of the County (the “County Executive”) may determine the manner of the sale of the Series 2025 Bonds at either public or private (negotiated) sale, including a direct bank placement.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

Section 1. All capitalized terms used herein shall have the meanings given such terms in the Background section of this Resolution.

Section 2. The County, under the authority of the Act and the Solid Waste Act hereby authorizes the issuance, sale and delivery of its solid waste system revenue bonds, at one time or from time to time, and in one or more series, in the aggregate principal amount not to exceed \$43,000,000 for the purpose of financing or refinancing in whole or in part certain costs relating to the remediation of low-level environmental contamination at the Gude Landfill and any required improvements to other facilities relating to the Gude Landfill (the “Series 2025 Bonds”). The Series 2025 Bonds may also be issued to (i) fund all or a portion of a debt service reserve fund with respect to the Series 2025 Bonds and (ii) to pay any and all other costs permitted to be paid from the proceeds of such Series 2025 Bonds under the Act and the Solid Waste Act (as the case may be), including (without limitation) the costs of issuance of such Series 2025 Bonds and applicable underwriting fees.

Section 3. The Series 2025 Bonds shall not constitute a pledge of the full faith and credit and unlimited taxing power of the County.

Section 4. The County hereby covenants that the timely payment of the principal of and interest on the Series 2025 Bonds shall be secured equally and ratably by the Pledged Revenues as defined in the Trust Agreement to be entered into between the County and a trustee without priority by reason of number or time of sale or delivery; and the Pledged Revenues are hereby irrevocably pledged to the timely payment of both principal, premium (if any) and interest on the Series 2025 Bonds.

Section 5. The Series 2025 Bonds may be sold for a price at, above or below par, plus accrued interest to the date of delivery. Authority is hereby conferred on the County Executive to sell the Series 2025 Bonds through a public sale or through a private (negotiated) sale, including a direct bank placement, without solicitation of competitive bids, as the County Executive by executive order, upon consultation with the Director of Finance of the County (the “Director of Finance”) and the County’s financial advisor, shall determine to be in the best interests of the County.

Section 6. The County Executive is hereby authorized to cause to be prepared and distributed a preliminary official statement and a final official statement, or a placement memorandum, respecting the Series 2025 Bonds, if he determines that it is appropriate to issue such statements or memorandum. The County Executive may determine, by executive order or otherwise, in his sole and absolute discretion, to issue the Series 2025 Bonds in one or more series from time to time in an aggregate principal amount not to exceed the amount authorized by this Resolution.

Section 7. The Series 2025 Bonds will be designated, dated, bear interest, be in such denominations, be payable at such times and at such places, mature in such amounts and on such dates, be subject to redemption prior to maturity, have such other provisions, be in such forms and be executed and sealed as the County Executive determines, in his sole and absolute discretion, by executive order or otherwise. The execution and delivery of the Series 2025 Bonds shall be conclusive evidence of the approval of the form of such Series 2025 Bonds on behalf of the County.

Section 8. The County Executive must, by executive order or otherwise approve the form and provisions of, execute and deliver the Series 2025 Bonds, and specify, prescribe, determine, provide for, approve, execute and deliver (where applicable) such other matters, details, forms, documents, or procedures, including (without limitation), bond purchase agreements, notices of sale, forms of proposal, escrow agreements, continuing disclosure agreements, and trust agreements and any supplements thereto as are necessary, proper or expedient to consummate the authorization, sale, security, issuance, delivery or payment of or for the Series 2025 Bonds, including (without limitation) prescription of covenants relating to the operation of the solid waste facilities financed with proceeds of the Series 2025 Bonds.

Section 9. The County hereby covenants that it will take, or refrain from taking, any and all actions necessary to comply with the provisions of Section 103 and Sections 141 through 150, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"), applicable to the Series 2025 Bonds in order to preserve the excludability of the interest on the Series 2025 Bonds from gross income for Federal income tax purposes. Without limiting the generality of the preceding sentence, the County will (a) not use or permit the use of any of the proceeds of the Series 2025 Bonds in such manner as would cause the interest on the Series 2025 Bonds to be includable in gross income for Federal income tax purposes, (b) make periodic determinations of the rebate amount (if any) and timely pay any rebate amount, or installment thereof, to the United States of America, and (c) prepare and timely file Internal Revenue Service Form 8038-G, Information Return for Tax-Exempt Governmental Obligations, or any successor or additional form required by the Internal Revenue Service. The County Executive is hereby authorized to certify to the covenants set forth herein and related covenants to evidence the County's compliance with the Code.

Section 10. In accordance with the provisions of Section 211 of the Charter of the County, the County Executive is hereby authorized to delegate to the Chief Administrative Officer of the County (the "Chief Administrative Officer") the power and authority to take any and all actions required or permitted to be taken by the County Executive pursuant to this Resolution.

Section 11. The members of the County Council, the County Executive, the Chief Administrative Officer, the County Attorney, the Director of Finance and the Clerk of the County

Council and their respective designees, for and on behalf of the County, are hereby authorized and empowered to do all things, execute all instruments, and otherwise take all such action as may be necessary, proper or expedient to carry out the authority conferred by this Resolution, including (without limitation) the execution of certificates of the County, including (without limitation) documents, elections, statements and reports pursuant to application provisions of the Code and the Treasury Regulations prescribed thereunder, subject to the limitations set forth in the Act, the Solid Waste Act and this Resolution.

Section 12. This Resolution shall take effect upon its adoption.

This is a correct copy of Council action.

A handwritten signature in black ink, appearing to read 'Sara', is written over a horizontal line.

Sara R. Tenenbaum
Clerk of the Council