

Bill No. 34-10
Concerning: Finance – Public Facilities – Private Projects
Revised: 11/23/2010 Draft No. 3
Introduced: May 18, 2010
Enacted: November 23, 2010
Executive: December 6, 2010
Effective: March 7, 2011
Sunset Date: None
Ch. 48, Laws of Mont. Co. 2010

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Leventhal, Knapp, and Elrich

AN ACT to:

- (1) amend the definition of public facilities to specifically exclude the construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, repair, or modernization of any ~~[[privately owned building or facility]]~~ nonpublic school building;
- (2) amend the definition of public facilities to include the purchase of façade easements;
- (3) prohibit the use of general obligation serial maturity bonds for projects ~~[[that do not meet the definition of public facilities]]~~ under certain circumstances; and
- (4) generally amend the county finance law.

By amending

Montgomery County Code
Chapter 20, Finance
~~[[Section]]~~ Sections 20-14 and 20-15

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

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

55 in ~~[[the preceding section]]~~ Section 20-14 at any time, within the
 56 limitations provided by law. ~~[[Bonds]]~~ Except as provided in
 57 subsection (c), bonds must not be used to fund any project that is not a
 58 public facility as defined in Section 20-14.

59 ~~[[c]]~~ (c) General obligation serial maturity bonds may be used to fund a project
 60 that is not a public facility as defined in Section 20-14 if the Council
 61 finds that:

62 ~~[[1]]~~ (1) the facility for which the bonds would be used is an integral part
 63 of a facility that would qualify for bonds under this Article;

64 ~~[[2]]~~ (2) the facility is necessary to serve a public purpose; and

65 ~~[[3]]~~ (3) the recipient of bond funds agrees:

66 ~~[[A]]~~ (A) not to sell, lease, exchange, give away, or otherwise
 67 transfer or dispose of any interest in the property that was
 68 acquired, constructed, extended, improved, enlarged,
 69 altered, repaired, or modernized with bond funds without
 70 County approval for 20 years; and

71 ~~[[B]]~~ (B) if the County permits the transfer or disposition of the
 72 property, to repay the County the percentage of the
 73 proceeds allocable to the bond funds used to acquire,
 74 construct, extend, improve, enlarge, alter, repair, or
 75 modernize the property.

76 ~~[[c]]~~ ~~[[d]]~~ ~~[[All]]~~ Any action taken ~~[[pursuant to]]~~ under this Article must be
 77 ~~[[taken]]~~ by order of the County Executive. The County Executive
 78 must ~~[[cause]]~~ send a correct copy of every such order to ~~[[be filed~~
 79 ~~with]]~~ the Clerk of the County Council, who must keep a permanent
 80 record of ~~[[all of such orders; and certification]]~~ each order.

