Bill No.	<u>34-10</u>				
Concerning: F	inance - Pu	ublic Faciliti	<u>es –</u>		
Private Projects					
Revised:11/	23/2010	_Draft No.	_3_		
Introduced:	May 18, 20	110			
Enacted:	November	23, 2010			
Executive:	December	6, 2010			
Effective:	March 7, 2	011			
Sunset Date:	None				
Ch 48 la	ws of Mont	Co 201	<u> </u>		

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) <u>prohibit the use of general obligation serial maturity bonds for projects</u> [[that do not meet the definition of public facilities]] <u>under certain circumstances</u>; and
- (4) generally amend the county finance law.

By amending

Montgomery County Code Chapter 20, Finance [[Section]] <u>Sections</u> 20-14 <u>and 20-15</u>

Boldface Heading or defined term.

Underlining
Added to existing law by original bill.

[Single boldface brackets]

Deleted from existing law by original bill.

<u>Double underlining</u>

Added by amendment.

[[Double boldface brackets]] Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

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

Sec. 1. [[Section]] 20-14 [[is]] and 20-15 are amended as follows:

20-14. Definition of "public [[facilities]] facility."

As used in this Chapter, *public* [[facilities]] <u>facility</u> means:

(a) The construction, reconstruction, improvement, extension, alteration, repair, purchase, conversion, and modernization of any public school [[buildings]] building or any [[buildings]] building used for public school purposes, [[including any such County-owned building leased to a private entity,]] including the [[sites]] site therefor, the cost of acquiring any such [[buildings]] building or [[sites]] site, any architectural and engineering services, including preparation of any [[plans, drawings and specifications]] plan, drawing, or specification for such [[schools]] school or the conversion or modernization thereof and the development of the grounds, and all customary permanent appurtenances and recreational and pedagogical equipment for such [[schools]] school;

* *

(c) The construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, repair and modernization of any [[structures]] building or structure that is or will be owned by the County or any building or structure used to house any [[of the functions]] function of [[or for the use of the county]] County government [[or administration]], especially any health [[clinics]] clinic, rescue [[squads]] squad, fire engine [[houses and]] house or police [[stations]] station, [[airports and]] airport or landing [[fields]] field, [[parks and]] park or recreational [[facilities]] facility, or any combination of the foregoing, including the acquisition and development of [[sites therefor]] any site, [[the]] any architectural and engineering services

28		[[incident thereto]], and the acquisition and installation of any necessary			
29		[[furnishings]] furnishing, fire fighting and rescue squad equipment, and			
30		fixed permanent equipment [[therefor]];			
31		* * *			
32	(g)	The planning, acquisition, construction, improvement, repair, and			
33		extension of any water [[systems and facilities]] system or facility and			
34		sewerage [[systems and facilities]] system or facility; [[and]]			
35	(h)	The purchase of agricultural easements as defined in Article 3 of			
36		Chapter 2B[[.]]; and			
37	<u>(i)</u>	The purchase of façade easements necessary to implement a community			
38		revitalization project.			
39	[[<u>Ho</u> v	owever, public facilities does not include the construction, reconstruction,			
40	extension,	acquisition, improvement, enlargement, alteration, repair, or			
41	modernizati	on of any building or facility owned by a private for-profit or non-profit			
42	entity, exclu	uding any fire, rescue, and emergency medical service facility subject to			
43	Chapter 21.]]			
44	44 20-15. Borrowing money and issuing bonds-Authority.				
45	<u>(a)</u>	[[With regard to]] For any County borrowing authorized by law on the			
46		full faith and credit of the County to finance the public facilities defined			
47		in [[the preceding section]] Section 20-14, the County must evidence			
48		that borrowing or indebtedness by [[the issuance of its]] issuing general			
49		obligation serial maturity bonds. Subject to the terms and conditions in			
50		this Section, the County Executive must determine the terms and			
51		conditions of any such bonds, the interest payable thereon, and the			
52		advertising for their sale.			
53	<u>(b)</u>	[[Any such]] General obligation serial maturity bonds may be issued			
54		[[under the authority of this division and]] for the purposes enumerated			

55		in [[the pro	eceding s	ection]] Sec	tion 20-1	4 at any	time,	within 1	the
56		limita	ations	provided	by l	aw.	[[Bonds]	Except	as p	provided	<u>i</u> n
57		subsection (c), bonds must not be used to fund any project that is not a									
58		publi	public facility as defined in Section 20-14.								
59	<u>(c)</u>	Gene	ra <u>l</u> obl	igation se	rial ma	aturity	bonds ma	y be used	to fu	nd a proj	ect
60		that is not a public facility as defined in Section 20-14 if the Council									
61		finds	finds that:								
62		<u>(1)</u>	the fa	cility for	which	the bo	nds would	d be used i	s an i	integral p	art
63			of a f	acility tha	<u>ıt woulc</u>	d quali	fy for bon	ds under th	nis Ar	rticle;	
64		<u>(2)</u>	the fa	e facility is necessary to serve a public purpose; and							
65		<u>(3)</u>	the re	cipient of	bond f	funds a	igrees:				
66			<u>(A)</u>	not to	<u>sell, le</u>	ease, e	exchange,	give awa	y, o	r otherw	ise
67				transfer	or disp	ose of	any inter	est in the p	rope	rty that w	<u>vas</u>
68				acquired	l, cons	structe	d, exten	ded, impr	oved	, enlarge	ed,
69				altered,	repaire	<u>d, or 1</u>	<u>nodernize</u>	d with bor	ıd fu	nds witho	<u>out</u>
70				County a	approva	al for 2	20 years; a	nd			
71			<u>(B)</u>	if the C	ounty	permi	ts the tra	nsfer or di	spos	ition of t	he
72				property	, to r	epay	the Coun	ty the pe	rcent	age of t	:he
73				proceeds	<u>alloca</u>	able t	o the bor	nd funds i	used	to acqui	re,
74				construc	t, exte	end, i	mprove,	enlarge, a	ılter,	repair,	or
7 5				moderni	ze the r	oroper	ty.				
7 6	[(c)]] <u>(d)</u> [[All]] 4	Any actio	n taker	ı [[pur	suant to]]	under this	Arti	cle must	be
77		[[take	n]] by	order of	f the C	County	Executiv	e. The C	ounty	y Executi	ve
78		must	[[caus	e]] <u>send</u>	a corre	ect cor	by of ever	ry such or	der te	o [[be fil	ed
79		with]	the C	Clerk of the	he Cou	ınty C	ouncil, w	ho must ko	еер а	permane	ent
80		record	d of	[[all of	such	order	s; and o	certification	1]] <u>e</u>	ach ord	<u>er.</u>

81	<u>Certification</u> by the Clerk is evidence of	the authenticity of [[any such]]
82	each order.	
83	Approved:	
84	Mancy Floreer	1/23/10
	Nancy Floreen, Council President	Date '
85	Approved:	
86	Isiah Leggett, County Executive	/2/6//d Date
87	This is a correct copy of Council action.	
88	Sinda M. Laurer	12/7/10
	Linda M. Lauer, Clerk of the Council	Date