

COUNTY COMMISSIONERS OF CAROLINE COUNTY, MARYLAND

LEGISLATIVE BILL #2009-5

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INTRODUCED BY: COMMISSIONERS COLE, LAYTON AND GHRIST  
INTRODUCED ON: JUNE 9, 2009  
ATTEST: \_\_\_\_\_  
JOHN W. COLE, PRESIDENT  
PUBLIC HEARING: JUNE 30, 2009; COURTHOUSE, 109 MARKET STREET,  
RM. 106, DENTON, MARYLAND, BEGINNING AT 7:30 PM  
THIRD READING:  
ENACTED:  
EFFECTIVE:

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A BILL ENTITLED

**AUTHORIZATION OF ADDITIONAL PROJECTS TO BE FUNDED FROM  
PROCEEDS OF PUBLIC IMPROVEMENT BONDS OF 2006**

*FOR THE PURPOSE OF supplementing Legislative Bill #2006-2, passed by the County Commissioners of Caroline County, Maryland on September 12, 2006 and effective on October 28, 2006, in order to authorize and empower the County Commissioners of Caroline County, Maryland to use and apply a portion of the proceeds of the \$12,475,000 County Commissioners of Caroline County Public Improvement Bonds of 2006 (the "2006 Bonds") for the costs of financing, refinancing or reimbursing certain additional projects identified herein as Colonel Richardson High School; Kent Humanities Building, Chesapeake College; Jail Projects; Humane Society Project; Technology Project; Public Works Project; Public Safety Project; and Administration Project; providing that the County Commissioners shall adopt a supplemental resolution before applying 2006 Bonds proceeds to any such additional projects; providing that this title be deemed a fair summary of this public local law for all purposes; and relating generally to the use and application of the proceeds of the 2006 Bonds, in Caroline County, Maryland.*

**RECITALS:**

**WHEREAS**, pursuant to the authority of Sections 14 through 19, inclusive, of Article 25B of the Annotated Code of Maryland (the "Enabling Act"), Legislative Bill #2006-2, a public local law enacted by the County Commissioners of Caroline County, Maryland (the "County Commissioners") on September 12, 2006 and effective on October 28, 2006 (the "2006 Public Local Law") authorized the issuance and sale from time to time in one or more groups or series of general obligation bonds in an aggregate principal amount not to exceed \$12,475,000 in order to finance, refinance or reimburse costs of certain projects in Caroline County, Maryland (the "County") identified in the 2006 Public Local Law; and

**WHEREAS**, Section 2 of the 2006 Public Local Law provided that the proceeds of such bonds could be applied to finance, refinance or reimburse expenditures made for all or a portion of the costs of the following public projects and improvements identified below (including, as applicable, acquisition, construction, expansion, extension, reconstruction, renovation, rehabilitation, replacement, improvement, installation, equipping, furnishing, design, engineering, planning, architectural, fiscal and legal expenses related thereto, the acquisition of necessary property rights and equipment, related site and utility improvements, and capitalized interest during construction and for a reasonable period thereafter, whether or not specifically stated, and which may represent the County's share or contribution to the financing or

refinancing of such projects), together with the costs of issuing the bonds (which costs may include the costs of bond insurance or other credit enhancement):

1. Public Works Projects:
  - A. Bridge Replacement – Anthony Mill Bridge, Blades Bridge, River Bridge and Mason Branch Bridge;
  - B. Baker Road – paving and surface improvements and related drainage and safety improvements;
  - C. Pinetown Road – paving and surface improvements and related drainage and safety improvements;
  - D. Hog Creek Road – paving and surface improvements;
  - E. Collins Road – paving and surface improvements;
  - F. Public Works Yard, Denton – construct addition to existing chemical storage building;
  - G. Public Works Yard, Denton – construct sand/calcium storage building;
  - H. North County Solid Waste Site – acquisition of land;
2. Infrastructure Project:
  - A. North County Water and Sewer – engineering costs for regional system;
3. Schools Projects:
  - A. Colonel Richardson Middle School – renovation, improvement and modernization, with related engineering and planning expenses;
  - B. Colonel Richardson High School – partial roof replacement with related perimeter flashing and drain improvements;
  - C. Caroline Career and Technology Center – roof replacement;
  - D. Relocatable Classrooms – acquisition, improvement and equipping of relocatable classrooms for use initially at Colonel Richardson Middle School and Colonel Richardson High School;
  - E. Parking Lot Replacement – reconstruction and repaving of parking lots at Preston Elementary School, Ridgely Elementary School and North Caroline High School;
  - F. Parking Lot Expansion – Federalsburg Elementary School and Ridgely Elementary School;
  - G. Stadium Light Replacement – North Caroline High School and Colonel Richardson High School;
  - H. North Caroline High School – replacement of stadium bleachers;
  - I. North Caroline High School – resurfacing and renovation of track;
  - J. North Caroline High School – reconstruction of stadium field, installation of irrigation system and seeding work;
  - K. North Caroline High School – construction of additional practice and playing fields;

- L. North Carolina High School – replacement and installation of perimeter fencing;
  - M. Lockerman Middle School – renovation and resurfacing of gym floor and replacement of bleachers;
4. Recreation and Parks Projects:
- A. South County Regional Park – development of regional facility for sports recreational pursuits, including drainage and storm water management work, landscaping and forest conservation planting, perimeter trails, and development of athletic fields and playgrounds; and
  - B. Denton Armory Recreation Facility – acquisition, renovation and improvement of Armory Community Center for public recreation use and administrative headquarters for Recreation and Parks Department; and

**WHEREAS**, pursuant to the authority of the Enabling Act, the 2006 Public Local Law and Resolution #2006-034, adopted by the County Commissioners on October 31, 2006 and effective on October 31, 2006 (the “2006 Resolution”), the County Commissioners on November 30, 2006 issued its \$12,475,000 County Commissioners of Caroline County Public Improvement Bonds of 2006 (the “2006 Bonds”); and

**WHEREAS**, Section 2 of the 2006 Resolution provides that the proceeds of the 2006 Bonds are allocated or appropriated to finance or reimburse expenditures made for all or a portion of the costs of the following public projects and improvements identified below (which shall include, as applicable, acquisition, construction, expansion, extension, reconstruction, renovation, rehabilitation, replacement, improvement, installation, equipping, furnishing, design, engineering, planning, architectural, fiscal and legal expenses related thereto, the acquisition of necessary property rights and equipment, related site and utility improvements, and capitalized interest during construction and for a reasonable period thereafter, whether or not specifically stated, and which may represent the County’s share or contribution to the financing or refinancing of such projects), together with costs of issuance (which costs may include the costs of bond insurance or other credit enhancement) (collectively, the “Original Projects”), and that the total 2006 Bonds funds allocated or appropriated to each of the Original Projects is as indicated in the parentheses set forth below; provided that, without notice to or the consent of the holders of the 2006 Bonds or any other party, the County may re-allocate or re-appropriate the proceeds of the 2006 Bonds among the costs of the Original Projects described below in accordance with applicable law:

1. Public Works Projects:
- A. Bridge Replacement – Anthony Mill Bridge, Blades Bridge, River Bridge and Mason Branch Bridge (\$1,190,000);
  - B. Baker Road – paving and surface improvements and related drainage and safety improvements (\$250,000);
  - C. Pinetown Road - paving and surface improvements and related drainage and safety improvements (together with items 1.D and 1.E below, an aggregate of \$640,000);
  - D. Hog Creek Road – paving and surface improvements (together with items 1.C above and 1.E below, an aggregate of \$640,000);
  - E. Collins Road – paving and surface improvements (together with items 1.C and 1.D above, an aggregate of \$640,000);
  - F. Public Works Yard, Denton – construct addition to existing chemical storage building (together with item 1.G. below, an aggregate of \$140,000);

- G. Public Works Yard, Denton – construct sand/calcium storage building (together with item 1.F. above, an aggregate of \$140,000);
  - H. North County Solid Waste Site – acquisition of land (\$191,000);
2. Infrastructure Project:
- A. North County Water and Sewer – engineering costs for regional system (\$600,000);
3. Schools Projects:
- A. Colonel Richardson Middle School – renovation, improvement and modernization, with related engineering and planning expenses (\$4,043,000);
  - B. Colonel Richardson High School – partial roof replacement with related perimeter flashing and drain improvements (\$93,000);
  - C. Caroline Career and Technology Center – roof replacement (\$151,000);
  - D. Relocatable Classrooms – acquisition, improvement and equipping of relocatable classrooms for use initially at Colonel Richardson Middle School and Colonel Richardson High School (\$26,000);
  - E. Parking Lot Replacement – reconstruction and repaving of parking lots at Preston Elementary School, Ridgely Elementary School and North Caroline High School (\$300,000);
  - F. Parking Lot Expansion – Federalsburg Elementary School and Ridgely Elementary School (\$600,000);
  - G. Stadium Light Replacement – North Caroline High School and Colonel Richardson High School (\$394,000);
  - H. North Caroline High School – replacement of stadium bleachers (\$135,000);
  - I. North Caroline High School – resurfacing and renovation of track (\$125,000);
  - J. North Caroline High School – reconstruction of stadium field, installation of irrigation system and seeding work (\$49,500);
  - K. North Caroline High School – construction of additional practice and playing fields (\$40,000);
  - L. North Caroline High School – replacement and installation of perimeter Fencing (\$61,500);
  - M. Lockerman Middle School – renovation and resurfacing of gym floor and replacement of bleachers (\$55,000);
4. Recreation and Parks Projects:
- A. South County Regional Park – development of regional facility for sports recreational pursuits, including drainage and storm water management work, landscaping and forest conservation planting, perimeter trails, and development of athletic fields and playgrounds (\$160,000);

- B. Denton Armory Recreation Facility – acquisition, renovation and improvement of Armory Community Center for public recreation use and administrative headquarters for Parks and Recreation Department (\$3,100,000); and

5. Contingency/Costs of Issuance (\$131,000); and

**WHEREAS**, the Original Projects are referred to as the “Projects” in the 2006 Resolution; and

**WHEREAS**, Section 9 of the 2006 Resolution provides that proceeds of the 2006 Bonds will be applied as described in the 2006 Public Local Law, as supplemented by the 2006 Resolution; and

**WHEREAS**, the County has achieved cost savings or determined not to pursue the full scope of certain of the Original Projects, and wishes to re-allocate proceeds of the 2006 Bonds originally allocated to costs of the Original Projects to certain additional projects that were not authorized by the 2006 Public Local Law; and

**WHEREAS**, in order to provide for such re-allocation, the County must supplement the 2006 Public Local Law to authorize the use of 2006 Bonds proceeds for such additional projects; and

**WHEREAS**, prior to spending any of the 2006 Bonds proceeds on such additional projects, the County will need to supplement the 2006 Resolution to provide for application of the proceeds of the 2006 Bonds for such purposes.

**NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COMMISSIONERS OF CAROLINE COUNTY, MARYLAND THAT:**

**SECTION 1.** (a) Pursuant to the authority of the Enabling Act and the 2006 Public Local Law, the County hereby supplements the 2006 Public Local Law by deleting in its entirety Section 2(a) thereof and inserting in place thereof the following:

**“SECTION 2.** (a) The public purposes for which the proceeds of the bonds authorized to be issued hereunder are to be expended include financing, refinancing or reimbursing expenditures made for all or a portion of the costs of the following public projects and improvements identified below (which shall include, as applicable, acquisition, construction, expansion, extension, reconstruction, renovation, rehabilitation, replacement, improvement, installation, equipping, furnishing, design, engineering, planning, architectural, fiscal and legal expenses related thereto, the acquisition of necessary property rights and equipment, related site and utility improvements, and capitalized interest during construction and for a reasonable period thereafter, whether or not specifically stated, and which may represent the County’s share or contribution to the financing or refinancing of such projects), together with the costs of issuing the bonds (which costs may include the costs of bond insurance or other credit enhancement):

- 1. Public Works Projects:
  - A. Bridge Replacement – Anthony Mill Bridge, Blades Bridge, River Bridge and Mason Branch Bridge;
  - B. Baker Road – paving and surface improvements and related drainage and safety improvements;
  - C. Pinetown Road – paving and surface improvements and related drainage and safety improvements;
  - D. Hog Creek Road – paving and surface improvements;

- E. Collins Road – paving and surface improvements;
  - F. Public Works Yard, Denton – construct addition to existing chemical storage building;
  - G. Public Works Yard, Denton – construct sand/calcium storage building;
  - H. North County Solid Waste Site – acquisition of land;
2. Infrastructure Project:
- A. North County Water and Sewer – engineering costs for regional system;
3. Schools Projects:
- A. Colonel Richardson Middle School – renovation, improvement and modernization, with related engineering and planning expenses;
  - B. Colonel Richardson High School – partial roof replacement with related perimeter flashing and drain improvements;
  - C. Caroline Career and Technology Center – roof replacement;
  - D. Relocatable Classrooms – acquisition, improvement and equipping of relocatable classrooms for use initially at Colonel Richardson Middle School and Colonel Richardson High School;
  - E. Parking Lot Replacement – reconstruction and repaving of parking lots at Preston Elementary School, Ridgely Elementary School and North Caroline High School;
  - F. Parking Lot Expansion – Federalsburg Elementary School and Ridgely Elementary School;
  - G. Stadium Light Replacement – North Caroline High School and Colonel Richardson High School;
  - H. North Caroline High School – replacement of stadium bleachers;
  - I. North Caroline High School – resurfacing and renovation of track;
  - J. North Caroline High School – reconstruction of stadium field, installation of irrigation system and seeding work;
  - K. North Caroline High School – construction of additional practice and playing fields;
  - L. North Caroline High School – replacement and installation of perimeter fencing;
  - M. Lockerman Middle School – renovation and resurfacing of gym floor and replacement of bleachers;
4. Recreation and Parks Projects:
- A. South County Regional Park – development of regional facility for sports recreational pursuits, including drainage and storm water management work, landscaping and forest conservation planting, perimeter trails, and development of athletic fields and playgrounds;

- B. Denton Armory Recreation Facility – acquisition, renovation and improvement of Armory Community Center for public recreation use and administrative headquarters for Recreation and Parks Department;
5. Additonal Projects:
- A. Colonel Richardson High School – renovation, improvement and modernization with related engineering and planning expenses;
  - B. Kent Humanities Building, Chesapeake College – renovation, improvement and modernization with related engineering and planning expenses;
  - C. Jail Projects – roof, sewage, gutter and console repairs, replacement and modernization with related engineering and planning expenses;
  - D. Humane Society Project – construction or purchase of small storage building with furniture and equipment for washer and dryer operation;
  - E. Technology Project – data storage computers and programs;
  - F. Public Works Project – building at Preston dump site to be constructed and furnished as needed to house attendant;
  - G. Public Safety Project – initial planning and engineering for Public Safety building; and
  - H. Administration Project – feasibility study on Administration building – initial planning, acquisition costs and engineering.”

(b) The projects identified in items 1 through 5 of subsection (a) above are collectively referred to herein as the “Revised Projects”. From and after the effective date of this public local law, all references to the projects contained in the 2006 Public Local Law shall be deemed to be references to the Revised Projects identified in this public local law. From and after the effective date of this public local law, the provisions of this Section 1 shall supersede the provisions of Section 2(a) of the 2006 Public Local Law with respect to the application of proceeds of the 2006 Bonds.

(c) Notwithstanding the foregoing provisions of this Section 1, proceeds of the 2006 Bonds may not be applied to costs of the Revised Projects unless and until the County Commissioners adopt a resolution making corresponding amendments to the provisions of Section 2 of the 2006 Resolution to allow proceeds of the 2006 Bonds to be applied to costs of the Revised Projects.

**SECTION 2.** From and after the effective date of this public local law, the 2006 Public Local Law shall be deemed supplemented as provided herein and all other terms and provisions of the 2006 Public Local Law shall remain in full force and effect.

**SECTION 3.** The title of this Bill, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Bill for publication and all other purposes.

**SECTION 4.** This public local law shall take effect forty-five days after enactment by the County Commissioners of Caroline County, Maryland; provided, however, in the event the County Commissioners fail to adopt a resolution making corresponding amendments to the provisions of Section 2 of the 2006 Resolution to allow proceeds of the 2006 Bonds to be applied to costs of the Revised Projects, the City may not apply proceeds of the 2006 Bonds for such purpose, notwithstanding the effective date of this public local law.

ENACTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

ATTEST:

**COUNTY COMMISSIONERS OF  
CAROLINE COUNTY, MARYLAND**

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SARA B. VISINTAINER  
EXECUTIVE ASSISTANT

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JOHN W. COLE, PRESIDENT

(SEAL)

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ROGER L. LAYTON, VICE PRESIDENT

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JEFFERSON L. GHRIST, COMMISSIONER