

1 **..Title**

2 **Resilience Authority of Annapolis and Anne Arundel County** – For the purpose of establishing
3 the Resilience Authority of Annapolis and Anne Arundel County; defining certain terms;
4 providing for articles of incorporation and amendment of articles of incorporation for the
5 Resilience Authority; reserving certain authority of the County and the City with respect to the
6 Resilience Authority; providing for the composition, term, and removal of members, meeting
7 standards, and reimbursement of expenses of members; providing the qualifications, duties,
8 compensation, and appointment of the Resilience Authority Director and Chief Financial Officer;
9 establishing the powers of the Resilience Authority; providing for the issuance of bonds by the
10 Resilience Authority; requiring annual reports by the Resilience Authority; and generally relating
11 to the Resilience Authority of Annapolis and Anne Arundel County.

12 **..Body**

13 **CITY COUNCIL OF THE**
14 **City of Annapolis**

15
16 **Ordinance 14-21**

17
18 **Introduced by: Mayor Buckley**

19 **Co-sponsored by: Alderwoman Tierney, Alderman Schandelmeier,**
20 **Alderwoman Pindell Charles**

21 **Referred to**
22 **Rules and City Government**
23 **Environmental Matter Committee**
24 **Environmental Commission**
25 **90 day Rule: _____**

26
27 **AN ORDINANCE** concerning

28
29 **Resilience Authority of Annapolis and Anne Arundel County**

30
31 **FOR** the purpose of establishing the Resilience Authority of Annapolis and Anne Arundel
32 County; defining certain terms; providing for articles of incorporation and amendment of
33 articles of incorporation for the Resilience Authority; reserving certain authority of the
34 County and the City with respect to the Resilience Authority; providing for the
35 composition, term, and removal of members, meeting standards, and reimbursement of
36 expenses of members; providing the qualifications, duties, compensation, and appointment
37 of the Resilience Authority Director and Chief Financial Officer; establishing the powers
38 of the Resilience Authority; providing for the issuance of bonds by the Resilience
39 Authority; requiring annual reports by the Resilience Authority; and generally relating to
40 the Resilience Authority of Annapolis and Anne Arundel County.

41
42 **BY** adding the following portions to the Code of the City of Annapolis, 2021 Edition
43 2.58.010
44 2.58.020
45 2.58.030
46 2.58.040

1 2.58.050
2 2.58.060
3 2.58.070
4 2.58.080
5 2.58.090
6 2.58.100
7 2.58.110

8
9

10 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
11 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

12

13 **Title 2 – ADMINISTRATION**

14 **CHAPTER 2.58 - RESILIENCE AUTHORITY OF ANNAPOLIS AND ANNE ARUNDEL**
15 **COUNTY**

16

17 **Section 2.58.010 - DEFINITIONS.**

18

19 IN THIS CHAPTER THE FOLLOWING WORDS HAVE THE MEANINGS
20 INDICATED:

21

22 A. (1) “BOND” MEANS AN OBLIGATION FOR THE PAYMENT OF MONEY, BY
23 WHATEVER NAME KNOWN OR SOURCE OF FUNDS SECURED, ISSUED BY
24 THE RESILIENCE AUTHORITY UNDER STATE OR COUNTY LAW.

25

26 (2) “BOND” INCLUDES A REFUNDING BOND, A NOTE, AND ANY OTHER
27 OBLIGATION.

28

29 B. “CAPITAL COSTS” MEAN COSTS INCURRED FOR ACQUISITION, PLANNING,
30 DESIGN, CONSTRUCTION, REPAIR, RENOVATION, RECONSTRUCTION,
31 EXPANSION, SITE IMPROVEMENT, AND CAPITAL EQUIPPING.

32

33 C. “CLIMATE CHANGE” INCLUDES SEA LEVEL RISE, NUISANCE FLOODING,
34 INCREASED RAINFALL EVENTS, EROSION, AND TEMPERATURE RISE.

35

36 D. “RESILIENCE AUTHORITY” MEANS THE RESILIENCE AUTHORITY OF
37 ANNAPOLIS AND ANNE ARUNDEL COUNTY.

38

39 E. (1) “RESILIENCE INFRASTRUCTURE” MEANS INFRASTRUCTURE THAT
40 MITIGATES THE EFFECTS OF CLIMATE CHANGE FOR THE GENERAL
41 WELFARE OR SAFETY OF THE PUBLIC.

42

43 (2) “RESILIENCE INFRASTRUCTURE” INCLUDES FLOOD BARRIERS, GREEN
44 SPACES, BUILDING ELEVATION, AND STORMWATER INFRASTRUCTURE.

45

1 F. "RESILIENCE INFRASTRUCTURE PROJECT" MEANS A PROJECT TO FINANCE
2 OR REFINANCE THE CAPITAL COSTS ASSOCIATED WITH RESILIENCE
3 INFRASTRUCTURE.
4

5 **Section 2.58.020 – ESTABLISHED.**
6

7 A. **Purpose.** PURSUANT TO TITLE 22 OF THE LOCAL GOVERNMENT ARTICLE OF THE
8 MARYLAND STATE CODE, THERE IS A RESILIENCE AUTHORITY OF ANNAPOLIS
9 AND ANNE ARUNDEL COUNTY, THE PURPOSE OF WHICH IS TO UNDERTAKE
10 AND SUPPORT RESILIENCE INFRASTRUCTURE PROJECTS IN ANNE ARUNDEL
11 COUNTY AND THE CITY OF ANNAPOLIS.
12

13 B. **Articles of Incorporation.** UPON THE ACCEPTANCE BY THE STATE DEPARTMENT
14 OF ASSESSMENTS AND TAXATION OF THE ARTICLES OF INCORPORATION
15 REQUIRED BY STATE LAW, THE RESILIENCE AUTHORITY OF ANNAPOLIS AND
16 ANNE ARUNDEL COUNTY SHALL BE A BODY CORPORATE AND POLITIC OF THE
17 COUNTY AND THE CITY OF ANNAPOLIS. ACCEPTANCE OF THE ARTICLES OF
18 INCORPORATION FOR RECORD BY THE STATE DEPARTMENT OF ASSESSMENTS
19 AND TAXATION IS CONCLUSIVE EVIDENCE OF THE FORMATION OF THE
20 RESILIENCE AUTHORITY.
21

22 C. **Amendments to Articles.** THE COUNTY, WITH THE CONCURRENCE OF THE CITY
23 OF ANNAPOLIS, MAY ADOPT AMENDMENTS TO THE ARTICLES OF
24 INCORPORATION OF THE RESILIENCE AUTHORITY.
25

26 1. THE AMENDMENTS SHALL BE PROPOSED BY THE COUNTY EXECUTIVE
27 AND APPROVED BY RESOLUTION OF THE COUNTY COUNCIL.
28

29 2. THE AMENDMENTS MAY CONTAIN ANY PROVISION THAT LAWFULLY
30 COULD BE CONTAINED IN THE ARTICLES OF INCORPORATION AT THE TIME
31 OF THE AMENDMENT.
32

33 3. THE AMENDMENTS SHALL BE FILED FOR RECORD WITH THE STATE
34 DEPARTMENT OF ASSESSMENTS AND TAXATION.
35

36 4. THE AMENDMENTS ARE EFFECTIVE AS OF THE DATE AND TIME THAT THE
37 STATE DEPARTMENT OF ASSESSMENTS AND TAXATION ACCEPTS THE
38 AMENDMENTS FOR RECORD.
39

40 5. ACCEPTANCE OF THE AMENDMENTS FOR RECORD BY THE STATE
41 DEPARTMENT OF ASSESSMENTS AND TAXATION IS CONCLUSIVE
42 EVIDENCE THAT THE AMENDMENTS HAVE BEEN LAWFULLY AND
43 PROPERLY ADOPTED.
44

45 **Section 2.58.030 - MODIFICATION OR TERMINATION.**
46

1 A. SUBJECT TO THE PROVISIONS OF THIS CHAPTER AND ANY LIMITATIONS
2 IMPOSED BY LAW ON THE IMPAIRMENT OF CONTRACTS, THE COUNTY, WITH
3 THE CONCURRENCE OF THE CITY OF ANNAPOLIS, MAY:

4
5 (I) SET OR CHANGE THE POWERS, STRUCTURE, ORGANIZATION,
6 PROCEDURES, PROGRAMS, OR ACTIVITIES OF THE RESILIENCE
7 AUTHORITY;

8
9 (II) DETERMINE THE REVENUE SOURCES OF THE RESILIENCE
10 AUTHORITY, INCLUDING ANY USE OF GENERAL FUND REVENUE
11 AND GENERAL OBLIGATION BONDS;

12
13 (III) ESTABLISH THE BUDGETARY AND FINANCIAL PROCEDURES OF THE
14 RESILIENCE AUTHORITY; AND

15
16 (IV) TERMINATE THE RESILIENCE AUTHORITY.
17

18 B. ON TERMINATION OF THE RESILIENCE AUTHORITY:

19
20 (I) TITLE TO ALL PROPERTY OF THE RESILIENCE AUTHORITY SHALL BE
21 TRANSFERRED TO AND VEST IN THE COUNTY AND THE CITY OF
22 ANNAPOLIS; AND

23
24 (II) ALL OBLIGATIONS OF THE RESILIENCE AUTHORITY SHALL BE
25 TRANSFERRED TO AND ASSUMED BY THE COUNTY AND THE CITY
26 OF ANNAPOLIS.
27

28 **Section 2.58.040 - MEMBERSHIP.**

29
30 A. **Composition.**

31
32 1. THE RESILIENCE AUTHORITY CONSISTS OF TWELVE MEMBERS APPOINTED
33 AS FOLLOWS:

34
35 (I) NINE MEMBERS SHALL BE RESIDENTS OF THE COUNTY APPOINTED BY
36 THE COUNTY EXECUTIVE; AND

37
38 (II) THREE MEMBERS SHALL BE RESIDENTS OF THE CITY OF ANNAPOLIS
39 APPOINTED BY THE MAYOR.
40

41 2. EACH OF THE MEMBERS SHALL BE AN INDIVIDUAL OF INTEGRITY WHO
42 HAS DEMONSTRATED ABILITIES IN BUSINESS AND PUBLIC AFFAIRS BASED
43 ON EDUCATION OR RELEVANT EXPERIENCE AND SHALL BE SELECTED
44 WITHOUT REGARD TO THE MEMBER'S REPRESENTATION OF OR SUPPORT
45 FOR ANY SPECIAL INTEREST.
46

1 3. NEITHER THE MEMBER NOR THE MEMBER'S GRANDPARENT, PARENT,
2 CHILD, STEP-PARENT, STEP-CHILD, SIBLING, STEP-SIBLING, UNCLE, AUNT,
3 NIECE, OR NEPHEW, OR THE SPOUSE OF ANY OF THEM, MAY HAVE A
4 FINANCIAL INTEREST IN ANY PROJECT WITH RESPECT TO WHICH THE
5 RESILIENCE AUTHORITY HAS JURISDICTION OR ANY POWER OR
6 AUTHORIZATION TO ACT.

7
8 4. A MEMBER MAY NOT BE A COUNTY OR CITY ELECTED OFFICIAL,
9 APPOINTED OFFICIAL, OR EMPLOYEE.

10
11 5. THE COUNTY DIRECTOR OF PUBLIC WORKS, THE COUNTY DIRECTOR OF
12 EMERGENCY MANAGEMENT, THE COUNTY PLANNING AND ZONING
13 OFFICER, THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS FOR
14 THE CITY OF ANNAPOLIS, THE DIRECTOR OF EMERGENCY MANAGEMENT
15 FOR THE CITY OF ANNAPOLIS, AND THE DIRECTOR OF PLANNING AND
16 ZONING FOR THE CITY OF ANNAPOLIS, OR ANY OF THEIR DESIGNEES,
17 SHALL SERVE AS NON-VOTING ADVISORS TO THE RESILIENCE
18 AUTHORITY.

19
20 B. **Oath.** BEFORE UNDERTAKING THE DUTIES OF A MEMBER, EACH MEMBER OF
21 THE RESILIENCE AUTHORITY SHALL TAKE A CONSTITUTIONAL OATH OF
22 OFFICE BEFORE THE CLERK OF THE CIRCUIT COURT FOR ANNE ARUNDEL
23 COUNTY.

24
25 C. **Term.** THE TERM OF A MEMBER IS FOUR YEARS. AT THE END OF A TERM, A
26 MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND
27 QUALIFIES. A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN
28 SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR
29 IS APPOINTED AND QUALIFIES. A MEMBER MAY BE REAPPOINTED.

30
31 D. **Removal.**

32
33 1. THE APPOINTING AUTHORITY OF A MEMBER OF THE RESILIENCE
34 AUTHORITY MAY REMOVE THE MEMBER FOR CAUSE, INCLUDING
35 ABSENCE FROM 25% OR MORE OF THE SCHEDULED MEETINGS AND
36 HEARINGS OF THE RESILIENCE AUTHORITY DURING ANY 12-MONTH
37 PERIOD.

38
39 2. THE CHAIR OF THE RESILIENCE AUTHORITY SHALL:

40
41 (I) NOTIFY THE APPOINTING AUTHORITY OF ANY MEMBER WHO IS
42 ABSENT FROM 25% OR MORE OF THE SCHEDULED MEETINGS AND
43 HEARINGS DURING ANY 12-MONTH PERIOD;

44
45 (II) INCLUDE IN THE NOTIFICATION ANY KNOWN EXTENUATING
46 CIRCUMSTANCES; AND

1
2 (III) SEND A COPY OF THE NOTIFICATION TO EACH MEMBER OF THE
3 RESILIENCE AUTHORITY.
4

5 3. THE APPOINTING AUTHORITY MAY EXCUSE THE ABSENCES FOR GOOD
6 CAUSE SUCH AS ILLNESS, EMERGENCY SITUATIONS, OR OTHER
7 EXTENUATING CIRCUMSTANCES.
8

9 E. **Personnel matters.** EXCEPT AS OTHERWISE PROVIDED BY STATE LAW OR IN
10 THIS CHAPTER, THE PROCEDURES OF THE COUNTY CONTROL ANY
11 PERSONNEL MATTER RELATING TO THE INTERNAL ADMINISTRATION OF THE
12 RESILIENCE AUTHORITY.
13

14 F. **Chair.** THE COUNTY EXECUTIVE ANNUALLY SHALL DESIGNATE A CHAIR
15 FROM THE MEMBERSHIP OF THE RESILIENCE AUTHORITY.
16

17 G. **Quorum; meetings.** SEVEN MEMBERS OF THE RESILIENCE AUTHORITY IS A
18 QUORUM FOR THE TRANSACTION OF ANY BUSINESS, THE EXERCISE OF ANY
19 POWER, OR THE PERFORMANCE OF ANY DUTY AUTHORIZED OR IMPOSED BY LAW.
20 AN AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS OF THE RESILIENCE
21 AUTHORITY IS REQUIRED FOR THE TAKING OF ANY ACTION.
22

23 H. **Expenses.** EACH MEMBER OF THE RESILIENCE AUTHORITY IS ENTITLED TO
24 REIMBURSEMENT FOR REASONABLE AND NECESSARY EXPENSES.
25 REIMBURSEMENT SHALL BE MADE SOLELY FROM FUNDS RECEIVED BY THE
26 RESILIENCE AUTHORITY UNDER THE PROVISIONS OF THIS CHAPTER.
27

28 **Section 2.58.050 - RESILIENCE AUTHORITY DIRECTOR.**
29

30 A. **Appointment.**
31

32 1. THE COUNTY EXECUTIVE, WITH THE CONCURRENCE OF THE MAYOR OF
33 THE CITY OF ANNAPOLIS, SHALL APPOINT THE FIRST RESILIENCE
34 AUTHORITY DIRECTOR.
35

36 2. ANY SUBSEQUENT RESILIENCE AUTHORITY DIRECTOR SHALL BE
37 APPOINTED BY THE COUNTY EXECUTIVE, AFTER ADVICE AND
38 RECOMMENDATION BY MEMBERS OF THE RESILIENCE AUTHORITY AND
39 WITH THE CONCURRENCE OF THE MAYOR OF THE CITY OF ANNAPOLIS.
40

41 3. THE RESILIENCE AUTHORITY DIRECTOR SHALL SERVE AT THE PLEASURE
42 OF THE COUNTY EXECUTIVE.
43

44 B. **Qualifications.** THE RESILIENCE AUTHORITY DIRECTOR SHALL BE OF GOOD
45 CHARACTER, INTEGRITY, AND BUSINESS EXPERIENCE, AND SHALL MEET ALL
46 REQUIREMENTS OF A JOB DESCRIPTION DEVELOPED BY THE COUNTY

1 EXECUTIVE WITH THE CONCURRENCE OF THE MAYOR OF THE CITY OF
2 ANNAPOLIS.

- 3
- 4 C. **Financial interest prohibited.** NEITHER THE RESILIENCE AUTHORITY DIRECTOR
5 NOR THE RESILIENCE AUTHORITY DIRECTOR'S GRANDPARENT, PARENT,
6 CHILD, STEP-PARENT, STEP-CHILD, SIBLING, STEP-SIBLING, UNCLE, AUNT,
7 NIECE, OR NEPHEW, OR THE SPOUSE OF ANY OF THEM, MAY HAVE A
8 FINANCIAL INTEREST IN ANY PROJECT WITH RESPECT TO WHICH THE
9 RESILIENCE AUTHORITY HAS JURISDICTION OR ANY POWER OR
10 AUTHORIZATION TO ACT.
- 11
- 12 D. **Compensation.** THE RESILIENCE AUTHORITY DIRECTOR SHALL RECEIVE
13 COMPENSATION AS MAY BE FIXED BY THE RESILIENCE AUTHORITY FROM
14 TIME TO TIME.
- 15
- 16 E. **Additional duties.** IN ADDITION TO OTHER DUTIES AS MAY BE IMPOSED BY THE
17 RESILIENCE AUTHORITY, AND CONSISTENT WITH THE JOB DESCRIPTION
18 DEVELOPED UNDER SUBSECTION B, THE RESILIENCE AUTHORITY DIRECTOR
19 IS RESPONSIBLE FOR DAILY OPERATIONS OF THE RESILIENCE AUTHORITY,
20 SUPERVISION OF ANY ACTIVITIES OR TASKS PERFORMED BY EMPLOYEES,
21 AND APPOINTMENT OF ALL EMPLOYEES, DETERMINATION OF THEIR DUTIES
22 AND CONDITIONS OF EMPLOYMENT, AND FIXING THEIR COMPENSATION,
23 CONSISTENT WITH THE BYLAWS, POLICIES, AND PROCEDURES ADOPTED BY
24 THE RESILIENCE AUTHORITY.

25

26 **Section 2.58.060 - CHIEF FINANCIAL OFFICER.**

- 27
- 28 A. **Appointment.** THE MEMBERS OF THE RESILIENCE AUTHORITY SHALL APPOINT
29 A CHIEF FINANCIAL OFFICER. THE CHIEF FINANCIAL OFFICER MAY NOT BE A
30 MEMBER OF THE RESILIENCE AUTHORITY.
- 31
- 32 B. **Compensation.** THE CHIEF FINANCIAL OFFICER SHALL RECEIVE
33 COMPENSATION AS MAY BE FIXED BY THE RESILIENCE AUTHORITY FROM
34 TIME TO TIME.
- 35
- 36 C. **Financial interest prohibited.** NEITHER THE CHIEF FINANCIAL OFFICER NOR THE
37 CHIEF FINANCIAL OFFICER'S GRANDPARENT, PARENT, CHILD, STEP-PARENT,
38 STEP-CHILD, SIBLING, STEP-SIBLING, UNCLE, AUNT, NIECE, OR NEPHEW, OR
39 THE SPOUSE OF ANY OF THEM, MAY HAVE A FINANCIAL INTEREST IN ANY
40 PROJECT WITH RESPECT TO WHICH THE RESILIENCE AUTHORITY HAS
41 JURISDICTION OR ANY POWER OR AUTHORIZATION TO ACT.
- 42
- 43 D. **Surety bond.** BEFORE THE ISSUANCE OF ANY BONDS UNDER THE PROVISIONS
44 OF THIS CHAPTER, THE CHIEF FINANCIAL OFFICER SHALL EXECUTE A SURETY
45 BOND IN A PENAL SUM TO BE FIXED BY THE RESILIENCE AUTHORITY. THE
46 SURETY BOND SHALL BE CONDITIONED ON THE FAITHFUL PERFORMANCE OF

1 THE DUTIES OF OFFICE AND EXECUTED BY A SURETY COMPANY AUTHORIZED
2 TO TRANSACT BUSINESS IN THIS STATE AS SURETY. THE RESILIENCE
3 AUTHORITY SHALL PAY THE PREMIUM ON THE BOND.
4

5 **Section 2.58.070 - NET EARNINGS.**
6

7 EXCEPT AS NECESSARY TO PAY DEBT SERVICE OR IMPLEMENT THE PUBLIC
8 PURPOSES OR PROGRAMS OF THE COUNTY OR THE CITY OF ANNAPOLIS, THE NET
9 EARNINGS OF THE RESILIENCE AUTHORITY MAY BENEFIT ONLY THE COUNTY OR
10 THE CITY OF ANNAPOLIS, AND MAY NOT BENEFIT ANY PERSON.
11

12 **2.58.080 - POWERS.**
13

14 A. **Generally.** EXCEPT AS LIMITED BY ITS ARTICLES OF INCORPORATION, THE
15 RESILIENCE AUTHORITY HAS ALL THE POWERS UNDER THIS CHAPTER.
16

17 B. **Enumerated.** THE RESILIENCE AUTHORITY HAS AND MAY EXERCISE ALL
18 POWERS NECESSARY OR CONVENIENT TO UNDERTAKE, FINANCE, MANAGE,
19 ACQUIRE, OWN, CONVEY, OR SUPPORT RESILIENCE INFRASTRUCTURE PROJECTS,
20 INCLUDING, BUT NOT LIMITED TO, THE POWER TO:
21

- 22 (1) ACQUIRE BY PURCHASE, LEASE, OR OTHER LEGAL MEANS, BUT NOT
23 BY EMINENT DOMAIN, PROPERTY FOR RESILIENCE
24 INFRASTRUCTURE;
25
- 26 (2) ESTABLISH, CONSTRUCT, ALTER, IMPROVE, EQUIP, REPAIR,
27 MAINTAIN, OPERATE, AND REGULATE RESILIENCE
28 INFRASTRUCTURE OWNED BY THE COUNTY, THE CITY OF
29 ANNAPOLIS, OR THE RESILIENCE AUTHORITY;
30
- 31 (3) RECEIVE MONEY FROM THE COUNTY, THE CITY OF ANNAPOLIS, THE
32 STATE, OTHER GOVERNMENTAL UNITS, OR PRIVATE
33 ORGANIZATIONS;
34
- 35 (4) CHARGE AND COLLECT FEES FOR ITS SERVICES;
36
- 37 (5) SUBJECT TO THE APPROVAL OF THE COUNTY AND THE CITY OF
38 ANNAPOLIS, CHARGE AND COLLECT FEES TO SUPPORT ITS BOND
39 ISSUANCES;
40
- 41 (6) HAVE EMPLOYEES AND CONSULTANTS AS IT CONSIDERS
42 NECESSARY;
43
- 44 (7) ENGAGE THE SERVICES OF OTHER GOVERNMENTAL UNITS;
45

- 1 (8) ACT AS NECESSARY OR CONVENIENT TO CARRY OUT THE POWERS
2 GRANTED BY LAW;
- 3
- 4 (9) SUE AND BE SUED, IMPEAD AND BE IMPEADED, COMPLAIN AND
5 DEFEND IN ALL COURTS OF COMPETENT JURISDICTION; AND
6
- 7 (10) DRAFT AND APPROVE BY-LAWS FOR THE MANAGEMENT AND
8 REGULATION OF ITS AFFAIRS, WHICH WILL BE PROVIDED UPON
9 APPROVAL OR REVISION TO EACH APPOINTING AUTHORITY.
10

11 **Section 2.58.090 - BONDS.**

12
13 A. **Authority.** NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
14 RESILIENCE AUTHORITY MAY ISSUE AND SELL BONDS PERIODICALLY:

- 15 (1) FOR RESILIENCE INFRASTRUCTURE PROJECTS;
- 16
- 17 (2) TO REFUND OUTSTANDING BONDS;
- 18
- 19 (3) TO PAY THE COSTS OF PREPARING, PRINTING, SELLING, AND
20 ISSUING THE BONDS;
- 21
- 22 (4) TO FUND RESERVES; AND
23
- 24 (5) TO PAY THE INTEREST ON THE BONDS IN THE AMOUNT AND FOR
25 THE PERIOD THE RESILIENCE AUTHORITY CONSIDERS
26 REASONABLE.
27

28
29 B. **Limitation.** BONDS ISSUED BY THE RESILIENCE AUTHORITY ARE LIMITED
30 OBLIGATIONS AND ARE NOT A PLEDGE OF THE FAITH AND CREDIT OR TAXING
31 POWER OF THE COUNTY OR THE CITY OF ANNAPOLIS.
32

33 **Section 2.58.100 - BOND TRANSACTIONS.**

34
35 A. **Resolution required.** FOR EACH ISSUE OF ITS BONDS, THE RESILIENCE
36 AUTHORITY SHALL ADOPT A RESOLUTION THAT:

- 37 (1) SPECIFIES AND DESCRIBES THE RESILIENCE INFRASTRUCTURE
38 BEING FINANCED;
- 39
- 40 (2) GENERALLY DESCRIBES THE PUBLIC PURPOSE TO BE SERVED;
- 41
- 42 (3) DESCRIBES THE FINANCING TRANSACTION;
- 43
- 44 (4) SPECIFIES THE MAXIMUM PRINCIPAL AMOUNT OF THE BONDS THAT
45 MAY BE ISSUED; AND
46

1
2 (5) IMPOSES TERMS OR CONDITIONS ON THE ISSUANCE AND SALE OF
3 BONDS IT CONSIDERS APPROPRIATE.
4

5 B. **Resolution permitted.** THE RESILIENCE AUTHORITY, BY CORPORATE
6 RESOLUTION, MAY:
7

8 (1) SPECIFY, DETERMINE, PRESCRIBE, AND APPROVE MATTERS,
9 DOCUMENTS, AND PROCEDURES THAT RELATE TO THE
10 AUTHORIZATION, SALE, SECURITY, ISSUANCE, DELIVERY, AND
11 PAYMENT OF AND FOR THE BONDS;
12

13 (2) CREATE SECURITY FOR THE BONDS;
14

15 (3) PROVIDE FOR THE ADMINISTRATION OF BOND ISSUES THROUGH
16 TRUST OR OTHER AGREEMENTS WITH A BANK OR TRUST COMPANY
17 THAT COVER A COUNTERSIGNATURE ON A BOND, THE DELIVERY OF
18 A BOND, OR THE SECURITY FOR A BOND; AND
19

20 (4) TAKE OTHER ACTION IT CONSIDERS APPROPRIATE CONCERNING
21 THE BONDS.
22

23 C. **Contracts.** A CONTRACT FOR A RESILIENCE INFRASTRUCTURE PROJECT MAY
24 INCLUDE THE REQUIREMENT FOR SURETY AND LABOR AND MATERIAL
25 BONDS.
26

27 D. **Conclusiveness.** A FINDING BY THE COUNTY COUNCIL, THE CITY COUNCIL, OR
28 THE BOARD OF DIRECTORS OF THE RESILIENCE AUTHORITY AS TO THE
29 PUBLIC PURPOSE OF AN ACTION TAKEN UNDER THIS CHAPTER, AND THE
30 APPROPRIATENESS OF THAT ACTION TO SERVE THE PUBLIC PURPOSE, IS
31 CONCLUSIVE IN A PROCEEDING INVOLVING THE VALIDITY OR
32 ENFORCEABILITY OF A BOND OR SECURITY FOR A BOND ISSUED UNDER THIS
33 CHAPTER.
34

35 **Section 2.58.110 - REPORTING.**
36

37 A. **Annual report.** BY JANUARY 1 OF EACH YEAR, THE RESILIENCE AUTHORITY
38 SHALL PROVIDE A WRITTEN REPORT AND AUDITED FINANCIALS, IN
39 ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES, TO
40 THE COUNTY EXECUTIVE, THE COUNTY COUNCIL, THE MAYOR OF THE CITY
41 OF ANNAPOLIS, AND THE ANNAPOLIS CITY COUNCIL ON THE ACTIVITIES AND
42 FINANCIAL POSITION OF THE RESILIENCE AUTHORITY DURING THE PRIOR
43 CALENDAR YEAR.
44

45 B. **Examination of books, accounts, and records.** THE COUNTY ATTORNEY,
46 CONTROLLER, OR COUNTY AUDITOR AND THE CITY MANAGER OF THE CITY

1 OF ANNAPOLIS, OR DESIGNEE, MAY EXAMINE THE BOOKS, ACCOUNTS, AND
2 RECORDS OF THE AUTHORITY.

3
4 **C. Report to State.**

5
6 1. SUBJECT TO PARAGRAPH 2 OF THIS SUBSECTION, BY JANUARY 1 OF EACH
7 YEAR, THE RESILIENCE AUTHORITY SHALL SUBMIT A REPORT IN
8 ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE OF
9 THE STATE CODE TO:

10
11 (I) THE SENATE BUDGET AND TAXATION, AND EDUCATION, HEALTH,
12 AND ENVIRONMENTAL AFFAIRS COMMITTEES; AND

13
14 (II) THE HOUSE APPROPRIATIONS, AND ENVIRONMENT AND
15 TRANSPORTATION COMMITTEES.

16
17 2. THE REPORT REQUIRED UNDER PARAGRAPH 1 OF THIS SUBSECTION
18 SHALL INCLUDE, AT A MINIMUM:

19
20 (I) A COPY OF THE REPORT REQUIRED UNDER SUBSECTION A OF THIS
21 SECTION;

22
23 (II) A DESCRIPTION OF THE RESILIENCE INFRASTRUCTURE PROJECTS
24 FUNDED BY THE RESILIENCE AUTHORITY; AND

25
26 (III) THE SOURCES OF REVENUE FOR THE RESILIENCE INFRASTRUCTURE
27 PROJECTS UNDERTAKEN BY THE RESILIENCE AUTHORITY.

28
29
30 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
31 **ANNAPOLIS CITY COUNCIL** that the proposed Articles of Incorporation for the Resilience
32 Authority of Annapolis and Anne Arundel County, a copy of which is attached hereto as Exhibit
33 A and is made a part hereof, satisfy the requirements of § 22-112 of the Local Government Article
34 of the State Code, and are approved to be executed and filed for record with the State Department
35 of Assessments and Taxation by the County Executive.

36
37 **SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
38 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect immediately upon passage,
39 except that it is contingent upon Anne Arundel County enacting enabling legislation of its own
40 establishing the Authority within 120 days of this Ordinance becoming law, and, if Anne Arundel
41 County does not enact legislation substantially similar to this Ordinance within 120 days of this
42 Ordinance becoming law, this Ordinance shall be null and void and of no further force or effect
43 without further action of the City Council.

44
45
46 **Explanation:**

1
2
3

UPPERCASE indicates matter added to existing law.
~~Strikethrough~~ indicates matter stricken from existing law.
Underlining indicates amendments.