

INTRODUCED _____
PUBLIC HEARING _____
COUNCIL ACTION _____
EXEC. ACTION _____
EFFECTIVE DATE _____

County Council Of Howard County, Maryland

2015 Legislative Session

Legislative Day No. 5

Bill No. 26-2015

Introduced by: The Chairperson at the request of the County Executive

AN ACT for the purpose of authorizing and empowering Howard County, Maryland to borrow money in a principal amount of up to \$16,943,124 on its full faith and credit, and issue and sell its bonds or other obligations therefor, to be used to pay costs of certain County road construction projects which are specified and described in the County's 2016 Capital Budget (including, without limitation, borrowings for certain of such capital projects previously authorized), and to pay costs of issuance of such bonds or other obligations; authorizing and empowering the County to issue bond anticipation notes or to enter into installment purchase agreements for payment of portions of such costs; and to levy taxes upon the assessable property within the County sufficient, together with building excise taxes and other available funds, to pay the debt service on such obligations; and providing for and determining various matters in connection therewith.

Introduced and read first time _____, 2015. Ordered posted and hearing scheduled.

By order _____
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2015.

By order _____
Jessica Feldmark, Administrator

This Bill was read the third time on _____, 2015 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this __day of _____, 2015 at __ a.m./p.m.

By order _____
Jessica Feldmark, Administrator

Approved by the County Executive _____, 2015.

Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment

1 **Recitals**

2 In accordance with the provisions of Section 603 of the Charter of Howard County, Maryland
3 (the “Charter”), the County Executive has submitted a proposed Capital Budget for fiscal year 2016 to the
4 County Council, and, prior to the passage of this Act, the County Council of Howard County, Maryland
5 has adopted a Capital Budget for the fiscal year ending June 30, 2016 (the “Capital Budget”).

6 As a part of the Capital Budget, it is necessary that Howard County, Maryland borrow a sum not
7 exceeding \$16,943,124 to be used for road construction projects , specified and described in the Capital
8 Budget (each a “Project”, collectively, the “Projects”), which Projects are more particularly described in
9 Appendix A attached hereto and incorporated herein, for payment of costs of issuance of any obligations
10 issued to evidence such borrowing. Of such amount, \$13,863,124 appropriated for certain of such
11 Projects, as indicated in Appendix A hereto in the column captioned “Amount to be Borrowed
12 (Reauthorizations)”, was previously authorized to be borrowed by the County during prior calendar years,
13 but such authorized borrowing is expected to expire prior to the completion of such Projects and/or the
14 sale of general obligation bonds to provide permanent financing therefor. Accordingly, it is necessary
15 that such borrowing be reauthorized (“Reauthorizations”).

16 **Now therefore, in accordance with the provisions of Article VI of the Charter of Howard**
17 **County, Maryland:**

18 **Section 1. Be it enacted by the County Council of Howard County, Maryland,** That Howard
19 County, Maryland (the “County”), is hereby authorized and empowered to borrow on its full faith and
20 credit, and issue and sell its bonds or other obligations therefor, at one time or from time to time, an
21 amount not exceeding \$16,943,124, the proceeds thereof to be used to finance and refinance the Projects
22 more particularly specified and described in Appendix A attached hereto and in the Capital Budget;
23 including for each Project, without limitation, the cost of planning, design, construction, reconstruction,
24 furnishing, equipping, improvements, renovations, remodeling, enlargements, engineering services,
25 architects services, surveys, landscaping, site development, evaluation studies, land acquisition and
26 related items, appurtenances and incidental activities. The Projects and the amounts to be borrowed for

1 each (including, without limitation, any Reauthorizations), are more specifically identified and described
2 in Appendix A attached hereto.

3 Proceeds of any bonds or other obligations authorized by this Act may also be used to pay costs
4 of issuance of such bonds or other obligations.

5 **Section 2. And be it further enacted by the County Council of Howard County, Maryland,**

6 That, pursuant to and in accordance with Section 19-212 of the Local Government Article of the
7 Annotated Code of Maryland, as amended, the County is also authorized to issue bond anticipation notes
8 in anticipation of the issuance of the bonds or other obligations authorized by this Act and described in
9 Section 1 hereof, and all references to “bonds” or “obligations” shall include such bond anticipation
10 notes, unless the context clearly requires a contrary meaning. It is intended that the aggregate principal
11 amount of issued and outstanding bond anticipation notes when added to the aggregate principal amount
12 of issued and outstanding bonds in anticipation of which such notes were issued, shall not exceed the
13 aggregate principal amount set forth in Section 1 of this Act at any time. The County will agree in each
14 ordinance described in Section 4 of this Act relating to any notes issued pursuant to this Act to pay such
15 notes and the interest and premium, if any, thereon from the proceeds of the bonds in anticipation of the
16 sale of which such notes are issued, and the County will agree to issue such bonds when, and as soon as,
17 the reason for deferring their issuance no longer exists.

18 **Section 3. And be it further enacted by the County Council of Howard County, Maryland,**

19 That, in connection with the acquisition of real property as part of a Project, the County may incur all or
20 any portion of the indebtedness authorized by this Act for such acquisition by entering into an installment
21 purchase agreement pursuant to and in accordance with Section 4.201A of the Howard County Code
22 (“Section 4.201A”) or any successor provisions of law in lieu of issuing bonds or other obligations for
23 such acquisition. The principal amount of any such installment purchase agreement shall not exceed the
24 lesser of (a) the maximum principal amount permitted by Section 4.201A or (b) the portion of the amount
25 to be borrowed for such Project (as set forth in Section 1 hereof) which relates to such acquisition. All

1 references to “bonds” or “obligations” in this Act shall include such installment purchase agreements,
2 unless the context clearly requires a contrary meaning.

3 **Section 4. And be it further enacted by the County Council of Howard County, Maryland,**
4 That the County Council of the County, by an ordinance or ordinances adopted from time to time in
5 accordance with Article VI of the Charter and other applicable provisions of law and policies of the
6 County, shall provide for (a) the issuance and sale of, (b) the maximum principal amount, designation,
7 form, tenor and denomination or denominations of, (c) the dates of the first maturity and the last maturity
8 (not more than 30 years after the date of issue) of, and (d) the interest rate or rates per annum (or the
9 method of determining such rate or rates) payable on, any bonds or other obligations issued from time to
10 time under this Act; and may by any such ordinance, or by separate resolution, provide that the issue of
11 bonds or other obligations hereby authorized be consolidated with one or more other issues.

12 **Section 5. And be it further enacted by the County Council of Howard County, Maryland,**
13 That for the purpose of paying the principal of and interest on such bonds or other obligations as the same
14 shall become payable, the County Council of Howard County shall levy annually ad valorem taxes upon
15 the assessable property in the County sufficient, together with building excise taxes and other available
16 funds, to pay the principal of and interest on such bonds or other obligations until all of such bonds or
17 other obligations shall mature and be redeemed. The full faith and credit and unlimited taxing power of
18 the County are hereby irrevocably pledged to the payment of the principal of and interest on such bonds
19 or other obligations.

20 **Section 6. And be it further enacted by the County Council of Howard County, Maryland,**
21 That any bonds or other obligations issued from time to time under this Act are specifically exempt from
22 the provisions of Sections 19-205 and 19-206 of the Local Government Article of the Annotated Code of
23 Maryland, as amended, and any successor provision of law.

24 **Section 7. And be it further enacted by the County Council of Howard County, Maryland,**
25 That all bonds or other obligations authorized hereby shall be issued within four years from the date this
26 Act becomes effective. Notwithstanding the foregoing, if bond anticipation notes are issued within such

1 period in accordance with Section 2 hereof, the bonds or other obligations authorized hereby may be
2 issued until the final maturity date of such notes.

3 **Section 8. And be it further enacted by the County Council of Howard County, Maryland,**

4 That the County anticipates that a portion of the costs of some or all of the Projects may be paid prior to
5 the issuance of the bonds or other obligations authorized hereby. The amount of such costs so paid will
6 depend on various factors, including, without limitation, the timing and speed of progress on the Projects,
7 the availability of other funds to pay such costs on an interim basis, bond and money market conditions
8 and compliance with federal and State laws and regulations.

9 Accordingly, the County reasonably expects to reimburse costs of the Projects (as described
10 herein) with proceeds of the bonds or other obligations authorized hereby, such bonds or other obligations
11 to be issued by the County in the maximum principal amount of \$16,943,124.

12 **Section 9. And be it further enacted by the County Council of Howard County, Maryland,**

13 That this Act shall take effect sixty-one (61) days after its enactment.

Excise Tax Projects

Project Description	Amount to be Borrowed (Reauthorizations)	Amount to be Borrowed (New Authorizations)
J 4099 90 CATEGORY CONT FUND The fund is designed for use as a revenue source for Transfers of Appropriation during a fiscal year.	250,000	-
J 4110 91 DORSEY RUN RD SOUTH LK A project for design and construction of approximately 5,000 feet of Dorsey Run Road from Guilford Road north to the CSX railroad spur crossing.	1,457,000	-
J 4164 97 ROADWAY CAPACITY IMPRV A project to provide increased capacity and safety of various County roads and intersections.	156,000	-
J 4167 10 SNOWDEN RIVER/BROKEN LAND A project for design and reconstruction of the Snowden River Parkway/Broken Land Parkway/Patuxent Woods Drive intersection including westbound MD32 ramp to northbound Broken Land Parkway.	14,000	-
J 4170 04 ROGER'S AVE IMROVEMENTS A project for design and construction of approximately 1,500 LF of Rogers Avenue from existing improvements near US40 to Court House Drive.	145,000	140,000
J 4173 00 HANOVER RD IMPROVEMENTS A project for the study, design and reconstruction of the Hanover Road at High Tech Road intersection.	150,000	-
J 4181 03 GUILFORD RD (US1 TO DORSEY) This project is to study, design, and reconstruct Guilford Road to three lanes from US1 to Old Dorsey Run Road; a distance of 5,800 LF.	695,000	-
J 4202 04 STEPHENS RD IMPROVEMENTS A project for the design and reconstruction of Stephens Road from Whiskey Bottom Road to Gorman Road.	408,000	-
	Amount to be Borrowed	Amount to be Borrowed

Project Description	(Reauthorizations)	(New Authorizations)
J 4206 07 MONTEVIDEO RD IMPROVEMENTS A project to improve Montevideo Road as detailed in the Montevideo Road Study.	3,667,000	-
J 4207 09 OAKLAND MILLS RD IMPROVS A project to improve Oakland Mills Road from Guilford Road northward to Carters Lane.	379,000	-
J 4211 07 ROADWAY CAPACITY IMPROVS project to provide increased capacity and safety on various County roads and intersections.	720,882	-
J 4215 07 MARRIOTTSVILLE RD 40 TO 144 Realignment and shoulder improvements to Marriottsville Road from US40 to MD144.	850,000	1,940,000
J 4225 08 ELLICOTT CENTER DR/ROGERS AVE A project to design and construct a road to connect Ellicott Center Drive to Rogers Avenue.	102,242	-
J 4237 10 MD 175/OAKLAND MILLS INTERCHG A project to design and construct a new MD175/Oakland Mills Road interchange and the realignment of Oakland Mills Road through the proposed Blandair Park.	4,496,000	1,000,000
T 7101 08 INTERSECTION IMPROV PGM A project for the design, review and construction funding of geometric and traffic control modifications at various intersections of State and / or County roads.	373,000	-
Road Construction Projects – Reauthorizations/New Authorizations	<u>\$ 13,863,124</u>	<u>\$ 3,080,000</u>
TOTAL AMOUNT TO BE BORROWED:		<u>\$ 16,943,124</u>