

INTRODUCED \_\_\_\_\_  
PUBLIC HEARING \_\_\_\_\_  
COUNCIL ACTION \_\_\_\_\_  
EXECUTIVE ACTION \_\_\_\_\_  
EFFECTIVE DATE \_\_\_\_\_

**County Council Of Howard County, Maryland**

2016 Legislative Session

Legislative Day No. 17

**Bill No. 73 -2016**

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 an additional aggregate principal amount of up to \$1,700,000 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of various capital projects, more particularly described in the County's 2017 Capital Budget, and to pay costs of issuance of such bonds; authorizing 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 other available funds, to pay the debt service on such obligations; and providing for and determining various matters in connection therewith.

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Introduced and read first time \_\_\_\_\_, 2016. 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 \_\_\_\_\_, 2016.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

This Bill was read the third time on \_\_\_\_\_, 2016 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 \_\_\_\_\_, 2016 at \_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

Approved by the County Executive \_\_\_\_\_, 2016.

\_\_\_\_\_  
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 The County Council of Howard County, Maryland (the “County Council”) has adopted a Capital  
3 Budget for Howard County, Maryland (the “County”) for the fiscal year ending June 30, 2017 (the  
4 “Capital Budget”), and included therein certain appropriations to pay the costs of a County capital project,  
5 as more particularly described in Appendix A attached hereto (the “Project”). Pursuant to Transfer of  
6 Appropriation Ordinance No. 2 Fiscal Year 2017, which has been adopted by the County Council prior to  
7 the passage of this Act, the County has modified the funding sources for the Project by transferring from  
8 various other capital projects to the Project an additional aggregate appropriation of \$1,700,000 in bond  
9 funding to finance and refinance the Project, including payment of the costs of issuance of any obligation  
10 issued to evidence such borrowing.

11 **Now therefore, in accordance with the provisions of Article VI of the Charter of Howard**  
12 **County:**

13 **Section 1. Be it enacted by the County Council of Howard County, Maryland,** That the  
14 County finds it necessary to borrow and is hereby authorized and empowered to borrow on its full faith  
15 and credit, and issue and sell its bonds therefor, at one time or from time to time, an additional aggregate  
16 principal amount not exceeding \$1,700,000 the proceeds thereof to be used to finance and refinance the  
17 Project more particularly described in Appendix A attached hereto and in the Capital Budget, including  
18 without limitation, the cost of planning, design, construction, reconstruction, furnishing, equipping,  
19 improvements, renovations, remodeling, enlargements, engineering services, architects services, surveys,  
20 landscaping, site development, evaluation studies, land acquisition and related items, appurtenances and  
21 incidental activities. Proceeds of any bonds authorized by this Act may also be used to pay costs of  
22 issuance of such bonds.

23 **Section 2. And be it further enacted by the County Council of Howard County, Maryland,**  
24 That, pursuant to and in accordance with Section 19-212 of the Local Government Article of the  
25 Annotated Code of Maryland, as amended, the County is also authorized to issue bond anticipation notes  
26 in anticipation of the issuance of the bonds authorized by this Act and described in Section 1 hereof, and

1 all references to “bonds” or “obligations” in this Act shall include such bond anticipation notes, unless the  
2 context clearly requires a contrary meaning. It is intended that the aggregate principal amount of issued  
3 and outstanding bond anticipation notes when added to the aggregate principal amount of issued and  
4 outstanding bonds in anticipation of which such notes were issued, shall not exceed the aggregate  
5 principal amount set forth in Section 1 of this Act at any time. The County will agree in each ordinance  
6 described in Section 4 of this Act relating to any notes issued pursuant to this Act to pay such notes and  
7 the interest and premium, if any, thereon from the proceeds of the bonds in anticipation of the sale of  
8 which such notes are issued and other available funds, and the County will agree to issue such bonds  
9 when, and as soon as, the reason for deferring their issuance no longer exists.

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

11 That, in connection with the acquisition of real property as part of the Project, the County may incur all or  
12 any portion of the indebtedness authorized by this Act for such acquisition by entering into an installment  
13 purchase agreement pursuant to and in accordance with Section 4.201A of the Howard County Code  
14 (“Section 4.201A”) or any successor provisions of law in lieu of issuing bonds for such acquisition. The  
15 principal amount of any such installment purchase agreement shall not exceed the lesser of (a) the  
16 maximum principal amount permitted by Section 4.201A or (b) the portion of the amount to be borrowed  
17 for the Project (as set forth in Section 1 hereof) which relates to such acquisition. All references to  
18 “bonds” or “obligations” in this Act shall include such installment purchase agreements, unless the  
19 context clearly requires a contrary meaning.

20 **Section 4. And be it further enacted by the County Council of Howard County, Maryland,**

21 That the County Council of the County, by an ordinance or ordinances adopted from time to time in  
22 accordance with Article VI of the Charter and other applicable provisions of law and policies of the  
23 County, shall provide for (a) the issuance and sale of, (b) the maximum principal amount, designation,  
24 form, tenor and denomination or denominations of, (c) the dates of the first maturity and the last maturity  
25 (not more than 30 years after the date of issue) of, and (d) the interest rate or rates per annum (or the  
26 method of determining such rate or rates) payable on, any bonds or other obligations issued from time to

1 time under this Act; and may by any such ordinance, or by separate resolution, provide that the issue of  
2 bonds or other obligations hereby authorized be consolidated with one or more other issues.

3 **Section 5. And be it further enacted by the County Council of Howard County, Maryland,**  
4 That for the purpose of paying the principal of and interest on such bonds or other obligations as the same  
5 shall become payable, the County Council shall levy annually ad valorem taxes upon the assessable  
6 property in the County sufficient, together with other available funds, to pay the principal of and interest  
7 on such bonds or other obligations until all of such bonds or other obligations shall mature and be  
8 redeemed.

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

13 **Section 7. And be it further enacted by the County Council of Howard County, Maryland,**  
14 That all bonds or other obligations authorized hereby shall be issued within four years from the date this  
15 Act becomes effective. Notwithstanding the foregoing, if bond anticipation notes are issued within such  
16 period in accordance with Section 2 hereof, the bonds authorized hereby may be issued until the final  
17 maturity date of such notes.

18 **Section 8. And be it further enacted by the County Council of Howard County, Maryland,**  
19 That the County anticipates that a portion of the costs of the Project may be paid prior to the issuance of  
20 the bonds or other obligations authorized hereby. The amount of such costs so paid will depend on  
21 various factors, including, without limitation, the timing and speed of progress on the Project, the  
22 availability of other funds to pay such costs on an interim basis, bond and money market conditions and  
23 compliance with federal and State laws and regulations.

24 Accordingly, the County reasonably expects to reimburse costs of the Project (as described  
25 herein) with proceeds of the bonds or other obligations authorized hereby, such bonds or other obligations  
26 to be issued by the County in the maximum principal amount of \$1,700,000.

1           **Section 9. And be it further enacted by the County Council of Howard County, Maryland,**  
2    That this Act shall take effect sixty-one (61) days after its enactment.

Project Description	Amount to be Borrowed
<b>E-0973 Waverly Elementary School Renovation/Addition Phase II</b>	<b>\$1,700,000</b>
<b>TOTAL AMOUNT TO BE BORROWED:</b>	<b><u>\$1,700,000</u></b>